

World Heritage Scanned Nomination

File Name: 430bis.pdf

UNESCO Region: EUROPE AND NORTH AMERICA

SITE NAME: **Frontiers of the Roman Empire**

DATE OF INSCRIPTION: 1987 / 15th July 2005

STATE PARTY: GERMANY, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CRITERIA: C (ii)(iii)(iv)

DECISION OF THE WORLD HERITAGE COMMITTEE:

Excerpt from the Decisions of the 29th Session of the World Heritage Committee

Approves the extension of **Hadrian's Wall** (United Kingdom) to include the Frontiers of the Roman Empire – Upper German-Raetian Limes (Germany) on the World Heritage List on the basis of the cultural criteria (ii), (iii), and (iv), excluding:

reconstructions carried out since 1965; and
urban development above Roman remains;

Recommends that the reconstructed elements excluded from the nomination, together with development above the Roman remains, be considered as a buffer zone for the inscribed property;

Also recommends that the nomination be seen as the second phase of a possible wider, phased, serial transboundary nomination to encompass remains of the Roman frontiers around the Mediterranean Region;

Agrees that the combined Hadrian's Wall and Upper German-Raetian Limes sites together be known as the "**Frontiers of the Roman Empire**";

Also agrees that the Hadrian's Wall site be known as **Frontiers of the Roman Empire: Hadrian's Wall** and that the Upper German-Raetian Limes site should be known as the **Frontiers of the Roman Empire: Upper German-Raetian Limes**.

BRIEF DESCRIPTIONS

The site consists of sections of the border line of the Roman Empire at its greatest extent in the 2nd century A.D., part of what is known as the "Roman Limes". All together, the Limes stretched over 5,000kms from the Atlantic coast of northern Britain, through Europe to the Black Sea, and from there to the Red Sea and across North Africa to the Atlantic coast. Vestiges in this site include remains of the ramparts, walls and ditches, watchtowers, forts, and civilian settlements, which accommodated tradesmen, craftsmen and others who serviced the military.

1.b State, Province or Region:

1.d Exact location: N50 30 21 E7 19 04

WHC Nomination Documentation

File name: 430.pdf UNESCO Region EUROPE

SITE NAME ("TITLE") Hadrian's Wall

DATE OF INSCRIPTION ("SUBJECT") 11/12/1987

STATE PARTY ("AUTHOR") UNITED KINGDOM

CRITERIA ("KEY WORDS") C (ii)(iii)(iv)

DECISION OF THE WORLD HERITAGE COMMITTEE:

The Committee made no statement

BRIEF DESCRIPTION:

Built under the orders of Emperor Hadrian in about 122 A.D. on the border between England and Scotland, the 118-kilometre long wall is a striking example of the organisation of a military zone, which illustrates the techniques and strategic and geopolitical views of the Romans.

1.b. State, province or region: Counties of Cumbria, Northumbria and Tyne and Wear

1.d Exact location: The zone lies east to west across England from area
Newcastle upon Tyne OS Map Sheet 88, Scale 1:50000
Nat Grid Ref NZ 240640 54°59' N - 1°35' W
to area Carlisle OS Map Sheet 85, Scale 1:50000
Nat Grid Ref NY 400560 54°54' N - 2°55' W

WORLD HERITAGE CONVENTION

HADRIAN'S WALL

Cultural Properties: U.K.Nomination

430
23-12-1986

WORLD HERITAGE CONVENTION
CULTURAL PROPERTIES: UK NOMINATION
HADRIAN'S WALL MILITARY ZONE

Prepared by the Historic Buildings
and Monuments Commission for England on
behalf of the Department of the Environment

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Maps, plans and diagrams	
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SUMMARY

The Hadrian's Wall area comprises a complex of Roman frontier works built at various periods, but first planned and implemented in the early second century AD. The Wall itself was constructed on the orders of the Emperor Hadrian in the years following AD 122, and formed the basis for Roman military control of this zone for much of the following three centuries. During that period, there were many alterations and modifications to the original scheme. Thus the Wall and its structures can be expected to contain evidence for about 300 years of occupation.

The surviving remains in the Wall area comprise earthworks, buried sites and standing structures. The earliest elements are military posts established in and soon after the 80s AD along the Roman military road network, based on the main centres at Carlisle and Corbridge. When the Wall was completed, it stretched 80 Roman miles (117 km) from Wallsend in the east to Bowness in the west. It was the main element in a controlled military zone across northern Britain from coast to coast, but was also supplemented by other surveillance posts not on its immediate line: these included the series of towers and fortlets which extended Roman control for at least 26 miles (42 km) down the western coastline of Britain though there are supporting forts, marching camps and other traces of Roman military influence in a wide area both north and south of the Wall itself.

Even though planned and constructed within a relatively short timespan, the sequence of construction of the Wall and its constituent elements is of some complexity. The stretch from Newcastle to the crossing of the River Irthing was planned and built in stone, while the portion from the Irthing crossing to Bowness was constructed of turf. Before these proposals were completed, the Wall was extended eastwards from Newcastle to Wallsend. As at first planned, the Wall was built to incorporate small

fortlets, or "milecastles", spaced almost exactly one Roman mile apart. In those portions of the Wall west of the River Irthing, these were built of turf, but elsewhere they were of stone. Between each milecastle there lay two towers or turrets, equally spaced. All of these, on both turf and stone walls, were built in stone.

Further significant alterations to the plan followed: the parts of the Wall built in turf were (apart from one short stretch) rebuilt in stone on the same line. This involved rebuilding milecastles in stone, but the work incorporated the existing turrets. Relatively soon, too, a change of plan resulted in the addition of forts as permanent troop bases to the Wall curtain and in associated positions along its line. After these had been added, an earthwork, the "Vallum", was constructed south of the Wall, and a road was built later to provide communication between all the wall-forts.

Piecemeal rebuilding of the Wall took place from time to time followed by overall reconstruction, possibly due to decay rather than hostile action, at the end of the third century. In the fourth century historical references to the Wall are rare, but a document of 367 records a barbarian conspiracy which may have affected it. Thereafter it was drained of its garrison by successive withdrawals and finally abandoned.

The first important modern account of the Wall was a survey made by William Camden, the Elizabethan antiquary, in 1599. The first accurate survey was made by Henry Maclauchlan for the third Duke of Northumberland in 1852-4. Since the passage of the first Ancient Monuments Act in 1882 the State has been increasingly involved in the protection, care and presentation of the sites and monuments in the area and there are now 27 monuments in State care and over 100 protected by scheduling in the

designated area including the Wall itself and associated monuments. In addition to sites still in individual private ownership, an outstandingly well preserved length of Wall belongs to the National Trust, while the Vindolanda Trust owns the fort of that name and Local Authorities own the forts at Birdoswald, Rudchester, South Shields and Walls End. There are museums at a number of sites, and outstanding collections of Roman antiquities from the area are housed in the Museum of Antiquities at Newcastle upon Tyne and in the Tullie House Museum at Carlisle.

Taken as a whole the Hadrian's Wall military zone, with its multiplicity of structures, forts and earthworks, is not only the best-preserved and most complete example of a Roman limes, but indeed one of the most significant complexes of archaeological remains of any period in the world.

UNESCO Criteria a(ii), (iv) and (vi).

1. Specific location

- a. Country England
- b. State, Province or Region Counties of Cumbria, Northumbria and Tyne and Wear.
- c. Name of property Hadrian's Wall Military Zone.

The nomination includes the entire length of the Wall which extends from Wallsend in the east to Downess on Solway in the west except where overlain by the towns of Newcastle on Tyne and Carlisle. It also includes the South Shields fort at the mouth of the Tyne to the east, sites along the Stanegate to the south and the Cumbrian coastal defences to the south-west.

- d. Exact location of map and indication of geographical co-ordinates
- The zone lies east to west across England from area
- Newcastle upon Tyne OS Map Sheet 88, Scale 1:50,000
- Nat Grid Ref NZ 240640

54° 59' N 1° 35' W

to area

Carlisle OS Map Sheet 85, Scale 1:50,000

Nat Grid Ref NY 400560

54° 54' N 2° 55' W

With extensions SW into Cumbria.

2. Juridical data.

a. Owner

Multiple ownership, but with principal sites in the care of:-

Historic Buildings and Monuments Commission for
England

Fortress House

23 Savile Row

London W1X 2HE

The National Trust for England

36 Queen Anne's Gate

London SW1H 9AS

The Rudchester, Vindolanda, Walls End, South Shields
and Birdoswald sites are owned respectively by:-

Northumberland County Council

Council Offices

Morpeth

Northumberland

The Vindolanda Trust

Chesterholm Museum, Vindolanda

Bardon Mill

Hexham

Northumberland NE47 7JN

North Tyneside Metropolitan Borough Council

14 Northumberland Square

North Shields

Newcastle

South Tyneside Metropolitan Borough Council

Town Hall

South Shields

Tyne and Wear

Cumbria County Council

County Office

Kendal

Cumbria LA9 4RQ

b. Legal status

Principal sites either owned by or in the care of the State, or scheduled as Ancient Monuments under the Ancient Monuments and Archaeological Areas Act of 1979.

c. Responsible
administration

For monuments in State care:-

Historic Buildings and Monuments Commission

Arnhem Block

Carlisle Castle

Carlisle

Cumbria CA3 8UR

For the National Trust:-

The National Trust

Scots Gap

Morpeth

Northumberland

For the Vindolanda Trust:-

Address as above.

For Birdoswald:-

Cumbria County Council

County Office

Kendal

Cumbria LA9 4RQ

For the Wallsend site:-

North Tyneside Metropolitan Council

Address as above

For the South Shields site:-

Tyne and Wear County Council

Sandyford House

Archbold Terrace

Newcastle upon Tyne

Tyne and Wear NE9 7QS

3. Identification

a. Description and inventory

The Wall was originally planned to be about 10 ft (3m) broad, though narrower widths are known in some parts. Its original height was about 15 ft (4.6m), with a parapet on its north side giving an overall height of 20 ft (6m) or more. On the north side lay

a ditch, except where natural features made this unnecessary. The turf wall was built of stacked turves, 20 ft (6m) wide at the base and probably about 12 ft (3.6m) high with a timber parapet.

The milecastles are spaced one Roman mile apart and are numbered today for convenience 0-80 from east to west. These were small walled enclosures tacked on to the south side of Hadrian's Wall. Each had a road running up the centre, linking the south gate to the north gate through the Wall itself. Barracks and other buildings, for use by about 20 troops garrisoning each milecastle, flanked the road.

The turrets, spaced every third of a mile (two between each milecastle), were small watch-towers comprising living quarters below and access to an upper storey by ladder. Along the turf wall the turrets were built of stone, and later incorporated as they stood into the stone wall.

Forts were added to the wall at roughly 7 mile (11km) intervals. Some of these replaced turrets (and on one site a milecastle) which were already built and then dismantled.

South of the Wall lay a further earthwork, now known as the Vallum. This is a flat-bottomed ditch flanked by two ramparts. The Vallum runs roughly parallel to the Wall throughout its entire length (except from Newcastle to Wallsend) its line deviating round most of the wall-forts, thus showing it was added last to

the system, about AD 130. Originally each of the roads leading to the forts across the Vallum was provided with a causeway defended by a stout gate. Soon, however, the Vallum ramparts were levelled and the ditches in some stretches filled to provide causeways at regular intervals. Whether it was ever put back fully into commission is unknown, but it seems unlikely.

South of both Wall and Vallum was the road known as the Stanegate, which afforded a direct line of communication between east and west and which with its fortifications survived from an earlier defence system which preceded the building of Hadrian's Wall. To the west the defence line was extended by a series of forts along the Cumbrian coast.

FORTS AND PERMANENT INSTALLATIONS IN THE MILITARY
ZONE LISTING FROM EAST TO WEST: SUMMARY

I. Sites east of the Wall

South Shields

II. Sites on the line of the Wall

Wallsend

Newcastle

Benwell

Rudchester

Haltonchesters

Chesters*

Carrawburgh
Housesteads*
Greatchesters
Carvoran
Birdoswald*
Castlesteads
Stanwix
Burgh-by-Sands
Drumburgh
Bowness

III. Sites west of the Wall: the defences of the
Cumbrian coast

Beckfoot
Maryport
Burrow Walls
Moresby
Ravenglass

IV. Sites on the Stanegate

Corbridge*
Newbrough
Chesterholm (Vindolanda)*
Haltwhistle Burn
Carvoran**
Nether Denton
Kirkbride

* Monuments in State care

** Monuments on the Stanegate which are also on the
line of the Wall.

FORTS AND PERMANENT INSTALLATIONS IN THE MILITARY
ZONE LISTED FROM EAST TO WEST

Note: Names in brackets are from the early 5th century 'Notitia Dignitatum et Administrationum' or, in a few cases, from the Rudge Cup or Ravenna List (see Bibl, Daniels C M, 'The Roman Wall', pp 10-11). OS Map References relate to OS 1:50,000 Landranger Series. Monuments in State care are marked *.
Conversion table: 1km/.63 mile, 1 ha/2.5 acres.

I. Sites east of the Wall

South Shields (Arbeia). OS Map 98: ref NZ
365679

A 2ha fort for 500 cavalrymen, converted into a major supply base. Excavated remains include the headquarters building, barracks, granaries, NW angle-tower and N gate, with small finds and illustrative material housed in a site museum.

II. Sites on the line of the Wall

Wallsend (Segedunum). OS Map 88: ref NZ
300660

A 1.6ha fort which formed the installation at the east end of the Wall. Although lying in

one of the suburbs of Newcastle it has been fully excavated in recent years, enabling its complete ground plan to be established. The site is now laid out as a public open space, and some elements of its internal buildings can be visited and inspected.

Newcastle (Pons Aelius). OS Map 88: ref NZ

250639

A fort is known to have been sited to cover the river crossing. This may not have been founded in the time of Hadrian, but may be an addition under the Antonine emperors. Portions of some of the internal buildings of the fort have been found buried deep beneath the late 11th century castle, but its outline and extent are at present undetermined.

Benwell (Condercum). OS Map 88: ref NZ 217648

Hill-top site of a 2.2ha fort for cavalrymen, later occupied by infantry. Reservoir construction has destroyed the northern third of the site, but excavation to the south has revealed remains of the commanding officer's house, the headquarters building, twin granaries and a forge. Excavation of the

associated vicus has also recorded a bath-house, a rest-house for official travellers, a temple and the defended gateway across the vallum south of the fort. (See list of monuments in State care - Benwell Roman Temple and Vallum crossing).

Rudchester (Vindovala). OS Map 88: ref NZ

111676

A 1.8ha fort for a cohort of 500 men, part mounted. To the north the site is marked only by a platform and slight traces of a ditch, but to the south the west and south ramparts are better preserved. Excavation has recorded details of gateways, headquarters buildings, a barrack block and a granary.

Haltonchesters (Onnum). OS Map 87: ref NY

998685

1.6ha fort enlarged to 2ha, originally garrisoned by a cohort of 500 men, part-mounted, and later by a regiment of cavalry. The L-shaped plan resulting from the extension is unique. Remains recorded by excavation include the monumental forehall in front of the headquarters building, a courtyard

house, barracks, a granary and an elaborate late 4th century bath-house.

*Chesters (Cilurnum). OS Map 87: ref NY 913701

A 2.4ha fort for 500 cavalrymen. Remains include gateways, commandant's house, headquarters building and a fine example of a bath-house. The museum houses a collection of sculptures and Roman inscriptions.

*Carrowburgh (Brocolitia). OS Map 87: ref NY 859712

1.4ha fort for 500 men, possibly part-mounted, which stands out boldly from surrounding turf as a platform outlined by ramparts and ditch. The defensive wall, if cleared, would stand several feet high in places. The positions of east, south and west gateways are clearly visible. Limited excavation has identified barrack blocks and much of the headquarters building, while the west wall of the granary has been exposed south of the main cross street. A bath-house has been recorded in the associated vicus, while south-west of the fort lies the Mithraeum (see list of monuments in State care - Carrawburgh: Temple of Mithras).

*Housesteads (Vercovicium). OS Map 87: ref NY

790687

A 2ha fort for 1000 infantry, with extensive civil settlement to the south. Walls, gateways, headquarters, granaries and other buildings including the latrine can be seen. The small museum contains altars, inscriptions and models. There are striking views of the surrounding landscape.

Greatchesters (Aesica). OS Map 87: ref NY

704668

Site of 1.2ha fort. Today only rampart and ditch system are clearly defined, with four ditches on the west (weakest) side. The west gate preserves blocking walls which reduced it to one portal and then closed it altogether, a process known to have taken place (albeit not preserved) elsewhere. Fragmentary knowledge of internal buildings relates to headquarters building, a granary and the commandant's house. Traces of the vicus, which included a bath-house, lie south and east of the fort.

Carvoran (Magna). OS Map 87: ref NY 666657

A 1.4ha fort for 500 men. The north gate has been located by excavation and its portal shown to contain secondary blocking. The north-west angle-tower is visible, but little is known of the internal buildings apart from a bath-house recorded in the 19th century.

*Birdoswald (Banna). OS Map 87: ref NY 615663

A 2ha fort for a cohort of 1000 men on the site of a 'Turf Wall' turret. East and south gateways are well-preserved; angle and interval turrets are visible.

Castlesteads (Camboglanna?). OS Map 86: ref NY 512635

Site of fort drastically levelled in the 18th century, but believed to have extended originally to some 1.5ha. Excavation has revealed east, west and south walls defended by a single ditch, with east and west double gates and south-west angle-tower. No internal buildings have been located, but an external bath-house was recorded in the 18th century.

Stanwix (Petriana, originally Uxellodunum?).

OS Map 85: ref NY 402571

Site of fort, now partly over-built, originally of some 3.8ha, probably intended for a cavalry regiment of 1000 men and thus the most important position on the Wall. Little is known of the fort or its internal arrangement, but parts of the rampart and south ditch have been identified, while the site of a large granary is marked out on the pavement of the school yard.

Burgh-by-Sands (Aballava). OS Map 85: ref NY

329591

Only the eastern wall of this fort is known for certain, but it is believed to have occupied some 1.8 to 2ha. Traces of a barrack block, vicus buildings and the fort bath-house have been noted.

Drumburgh (Congavata). OS Map 85: ref NY

265599

Site of a stone fort of unknown size lying within a slightly larger fort of some .8ha with a single ditch and levelled clay rampart. A

buttressed granary has been recorded in the north-west angle of the stone fort, but no other details are known.

Bowness-on-Solway (Maia). OS Map 85: ref NY 223627

The west terminal fort of the Wall, believed to have been of some 2.8ha and thus the second largest on the Wall. The north rampart has been destroyed by erosion, but the south rampart, west gate and west rampart have been located by excavation. Some evidence of turf ramparts and timber buildings has been identified beneath later masonry.

III. Sites west of the Wall: the defences of the Cumbrian coast

Although the Wall proper terminated at Bowness, the line of defence continued with a series of regularly spaced milefortlets and towers, with a series of forts interjected amongst them.

Beckfoot (Bibra). OS Map 85: ref NY 090488

Fort of 1.5ha. Excavation in the 19th century located rampart wall, towers and gates. Air

photographs have identified a number of buildings in the interior, including the headquarters, commanding officer's house and barracks.

Maryport (Alauna). OS Map 85: ref NY 040376

Fort of 2.6ha with an original garrison of 1000 men, part mounted. The fort was defended by a stone-faced rampart and triple ditch system. The sites of all four gates are known. Today nothing is visible except the fort platform, but earlier discoveries included the vaulted strongroom of the principia, the north gate, a bath and barrack buildings of three or four periods. Outside the fort the early parade ground became the vicus and excavation has revealed buildings lining the road north from the fort, including possibly a bath-house, as well as mausolea and temples.

Burrow Walls. OS Map 89: ref NY 003301

Fort of c.1.2ha of which a third has been lost by erosion. Excavation has revealed two ditches outside a rampart of which only the clay and cobble foundation survives. Nothing is known of the interior.

The irregular siting of this fort suggests that it may not have been part of the original system.

Moresby (Gabrosentum?). OS Map 89: NX 983210

1.4ha fort for a 500 strong cohort, part mounted. Nothing is now visible except the fort platform, but excavation has located masonry underground. Evidence for the vicus has been recorded south of the fort.

This is the most southerly fort known to have formed part of the Hadrianic system, but the series of forts continued.

Ravenglass (Glannoventa). OS Map 96: ref SD
088960

Fort originally, perhaps, of 1.6ha. Although the western part of the site has been eroded, there is evidence of a rectangular fort with stone-faced ramparts and a single V-shaped ditch overlying an earlier fort. The bath-house, which is in State care, has been excavated within the vicus area.

IV. Sites on the Stanegate, from east to west

*Corbridge (Corstopitum?). OS Map 87: ref NY
983469

Site on the main road from York to Scotland,
occupied in succession by a series of forts, a
military depot and a town. The museum records
this history and displays finds from the site.

Newbrough. OS Map 87: ref NY 868680

Fortlet of about .3ha, defended by a single
wall and ditch. Traces of Roman buildings have
been uncovered by grave diggers, but no details
are known.

*Chesterholm (Vindolanda). OS Map 87: ref NY
771664

1.4ha fort south of the wall in which
third-century buildings and walls replace
earlier structures of wood and stone. A
milestone stands by the road which passes the
north gate.

Haltwhistle Burn. OS Map 87: ref NY 715662

Fortlet of .3ha defended by ramparts of earth
with stone facing and with gates in east, south

and west walls, the last a postern subsequently blocked. Within the fortlet identified buildings include a barrack with centurion's quarters, another centurion's or officer's quarters, a possible storehouse and armoury and a small administrative building. These buildings suggest that the garrison was a vexillation detached from its parent unit.

Carvoran (Magna). OS Map 87: ref NY 666657

Little is known in detail of this site, now occupied by a church, farm and rectory, but air photographs show that there was a cohort fort of some 1.2ha lying within a considerably larger fort of about 2.4ha. Limited excavation confirms this with evidence of timber buildings later replaced by stone.

Kirkbride. OS Map 85: ref NY 230568

A fort, perhaps of 2ha, which is likely to have been the western terminal of the Stanegate system. Excavations have traced north and east ramparts at the NE corner, but heavy ploughing has left little of the interior, although some evidence for timber buildings has been found.

ALPHABETICAL LIST OF STATE-OWNED OR STATE-CONTROLLED
MONUMENTS IN THE MILITARY ZONE

Banks East Turret (26)
Benwell Roman Temple (1)
Benwell Vallum Crossing (2)
Birdoswald Fort Walls, Wall and Turret (22)
Black Carts Turret (10)
Brunton Turret (7)
Carrawburgh: Temple of Mithras (11)
Cawfields Roman Wall and Milecastle (16)
Chesterholm (Vindolanda) Fort and Roman Milestone
(14)
Chesters Bridge Abutment (8)
Chesters Fort and Museum (Cilurnum) (9)
Corbridge Roman Site (5)
Denton Hall Turret and West Denton (3)
Gilsland Vicarage Roman Wall (19)
Hare Hill (27)
Harrow's Scar Milecastle (21)
Heddon-on-the-Wall (4)
Housesteads Roman Fort (13)
Leahill Turret (24)
Pike Hill Signal Tower (25)
Piper Sike Turret (23)
Planetrees Roman Wall (6)
Poltross Burn Milecastle (18)
Sewingshields Wall, Turrets and Milecastle (12)

Walltown Crags Wall and Turret (17)

Willowford Bridge Abutment (20)

Winshields Wall and Milecastle (15)

SITES IN STATE CARE IN THE MILITARY ZONE LISTED FROM
EAST TO WEST, WITH MILECASTLES AND TURRETS NUMBERED
AS OS MAP OF HADRIAN'S WALL

1. Benwell Roman Temple

Immediately S of A69 at Benwell in Broomridge
Avenue. OS Map 88: ref NZ 217646

Small temple dedicated to the local god
Antenociticus with the apse at its south end,
containing a statue base and flanked by altars.

Admission: Any reasonable time.

2. Benwell Vallum Crossing

Immediately S of A69 at Benwell in Denhill Park
Avenue. OS Map 88: ref NZ 215646

An original causeway across the Vallum ditch
giving access to Condercum fort to the north.

Admission: Any reasonable time.

3. Denton Hall Turret (7b) and West Denton

4m (6.4 km) W of Newcastle city centre of A69.

OS Map 88: ref NZ 195656

Turret and section of wall 70 yd (63.9m) to the west. The turret retains the base of the platform on which rested the ladder to the upper floor.

Admission: Any reasonable time.

4. Heddon-on-the-Wall

Immediately E of Heddon village, S of A69. OS

Map 88: ref NZ 136669

Fine stretch of 290 yd (164.5m) of wall. The circular chamber near the west end is a medieval kiln.

Admission: Any reasonable time.

5. Corbridge Roman Site

¼ mile (0.8 km) NW of Corbridge on minor road.

OS Map 87: ref NY 983649

See lists of forts on the Stanegate above.

6. Planetrees Roman Wall

1 mile (1.6 km) SE of Chollerford on B6318. OS
Map 87: ref NY 928696

50 ft (15.2 m) length of narrow wall on broad
foundations, showing extensive rebuilding in
Roman times.

7. Brunton Turret (26b)

$\frac{1}{4}$ mile (0.4 km) S of Low Brunton on A6079. OS
Map 87: ref NY 922698

One of the best-preserved turrets on the line
of the wall, with a 70 yd (64 m) stretch of
wall.

Admission: Any reasonable time.

8. Chesters Bridge Abutment

On E bank of North Tyne opposite Chesters Fort,
on footpath from B6318 ($\frac{1}{4}$ mile - 800 m). OS
Map 87: ref NY 914700

Remains of the Roman bridge which carried
Hadrian's Wall across the North Tyne river,

east of the fort at Chesters. Parts of at least two successive Roman bridges can be seen.

Admission: Any reasonable time.

9. Chesters Fort and Museum

$\frac{1}{2}$ mile (0.4 km) W of Chollerford on B6318. OS

Map 87: ref NY 913701

See list of forts on the line of the wall.

10. Black Carts Turret (29a)

2 miles (3.2 km) W of Chollerford on B6318. OS

Map 87: ref NY 884712

Turret with a 500 yd length of wall and ditch.

Admission: Any reasonable time.

11. Carrawburgh: Temple of Mithras

$\frac{1}{4}$ mile (1.2 km) W of Chollerford on B6318. OS

Map 87: ref NY 869713

The worship of Mithras, a sun-god, was popular with the Roman army. The 3rd century

'mithraeum' outside the fort was the latest and largest of such buildings to occupy the site.

Admission: Any reasonable time.

12. Sewingshields Wall, Turrets and Milecastle (35)

In the vicinity of Turret 34a, N of minor road, 1½ miles (2.4 km) E of Housesteads fort. OS Map 87: ref NY 813702

Two Roman miles of wall, largely unexcavated but preserving traces of a milecastle and turrets. Vallum, Military Way and ditch are well-preserved for the eastern 700 yd (640 m) next to the road.

Admission: Any reasonable time.

13. Housesteads Roman Fort

2¼ miles (4.4 km) NE of Bardon Mill on B6318. OS Map 87: ref NY 79068

See list of forts on the line of the wall.

14. Chesterholm (Vindolanda) Fort and Roman
Milestone

1½ miles (2 km) SE of Twice Brewed, on minor road off B6318. OS Map 87: ref NY 771664.

See list of forts on the Stanegate.

15. Winshields Wall and Milecastle (40)

W of Steel Rigg car park, on minor road off B6318. OS Map 87: ref NY 745676

350 yd (220 m) of wall, with unexcavated milecastle at its eastern end. This fine stretch of wall, 7 ft 6 in (2.25 m) thick as elsewhere on the crags, includes the highest point on the wall.

Admission: Any reasonable time.

16. Cawfields Roman Wall and Milecastle (42)

1½ miles (2 km) N of Haltwhistle off B6318. OS Map 87: ref NY 716667

Well-preserved milecastle at the west end of almost ¾ mile (1.2 km) of wall.

Admission: Any reasonable time.

17. Walltown Crags Wall and Turret (45a)

1 mile (1.6 km) NE of Greenhead off B6318. OS
Map 87: ref NY 674664

400 yd (366 m) of wall and a turret predating
the wall about 100 yd (91.4 m) short of the
normal turret position, possibly because it
formed part of some long-distance signalling
system.

Admission: Any reasonable time.

18. Poltross Burn Milecastle (48)

Immediately S of Gilsland village, by railway
bridge. OS Map 86: ref NY 634662

One of the best-preserved milecastles on the
wall, with remains of north and south gates,
enclosing walls and a pair of small barrack
blocks.

Admission: Any reasonable time.

19. Gilsland Vicarage Roman Wall

In former vicarage garden, Gilsland village.

OS Map 86: ref NY 632662

220 yd (201 m) of wall, showing narrow wall on broad foundation.

Admission: Any reasonable time.

20. Willowford Bridge Abutment

W of minor road, $\frac{1}{4}$ mile W of Gilsland. OS Map 86: ref NY 629664

1000 yd (914 m) of wall, including two turrets, ending at the ridge abutment, much altered in Roman times owing to changes in the course of the river and the introduction of a water mill.

Admission: Any reasonable time (access controlled by Willowford Farm).

21. Harrow's Scar Milecastle (49)

$\frac{1}{4}$ mile (0.4 km) E of Birdoswald Fort, $2\frac{1}{4}$ miles (4.4 km) W of Greenhead, on minor road off B6318. OS Map 86: ref NY 621664

Remains of stone milecastle, preceded by one of turf, linked to Birdoswald Fort by an impressive length of wall.

Admission: Any reasonable time.

22. Birdoswald Fort, Wall and Turret

2½ miles (4.4 km) W of Greenhead, on minor road off B6318. OS Map 86: ref NY 615663

See lists of forts on the line of the wall.

Note the interior of the fort is not in State care; but in the ownership of Cumbria County Council.

23. Piper Sike Turret (51a)

On minor road 2 miles (3.2 km) W of Birdoswald Fort. OS Map 86: ref NY 588654

'Turf Wall' turret, built before the stone wall which abuts against the turret's east and west walls.

Admission: Any reasonable time.

24. Leahill Turret (51b)

On minor road 2 miles (3.2 km) W of Birdoswald Fort. OS Map 86: ref 585653.

'Turf Wall' turret. The space between turret and ditch is typical of 'Turf Wall' structures.

Admission: Any reasonable time.

25. Pike Hill Signal Tower

S of minor road E of Banks village. OS Map 86: ref NY 577648

The remains of a Roman signal tower 20 ft (6.1 m) square, placed at angle of 45° to the wall.

Admission: Any reasonable time.

26. Banks East Turret (52a)

S of minor road E of Banks village, 3½ miles (5.2 km) NE of Brampton. OS Map 86: ref NY 575647

Well-preserved 'Turf Wall' turret, with characteristic plinth at front and back.

Admission: Any reasonable time.

27. Hare Hill

¼ mile (1.2 km) NE of Lanercost, off minor road. OS Map 86: ref NY 562646

Short length of wall standing 9 ft (2.7 m) high.

Admission: Any reasonable time.

WHERE TO SEE THE WALL AND ASSOCIATED MONUMENTS

<u>Wall</u>	Heddon, Sewingshields - Steel Rigg, Cawfields, Walltown Crags, Gilsland - Birdoswald
<u>Vallum</u>	Sewingshields
<u>Vallum crossing</u>	Benwell
<u>Turrets</u>	7b (Denton), 26b (Brunton), 29a (Black Carts), 33b, 34a, 35a (Sewingshields-Housesteads), 41a (Shield-on-the-Wall at Cawfields), 44b (Mucklebank), 45a (Walltown), 48a and b (Willowford), 49b, 51a, 51b, 52a (Turf Wall)
<u>Milecastles</u>	35 (Sewingshields), 37 (Housesteads), 39 (Castle Nick), 42 (Cawfields), 48 (Poltross Burn in Gilsland), 49 (Harrow's Scar)

Forts South Shields, Wallsend, Chesters,
Housesteads, Chesterholm (Vindolanda),
Birdoswald

Bath-houses Chesters, Chesterholm (Vindolanda)

Civil settlements Housesteads, Chesterholm
(Vindolanda)

Temples Benwell, Carrawburgh, Corbridge

Bridges Chesters, Willowford

Supply base South Shields

Military base Corbridge

Stanegate forts Corbridge, Chesterholm (Vindolanda)

Pre-Wall towers Walltown (45a), Pike Hill

MUSEUMS

There are site museums at Chesterholm (Vindolanda), Chesters, Corbridge, Housesteads and South Shields. The other two principal museums for the Wall are in Carlisle (Tullie House Museum) and Newcastle upon Tyne (Museum of Antiquities).

The Roman Army Museum at Carvoran is devoted to reconstructions of Hadrian's Wall and the soldiers who manned it.

b. Maps and/or plans

See Appendix A: List of maps and plans.

OS map of Hadrian's Wall.

c. Photographic and/or
cinematographic
documentation

See Appendix B: List of photographs
Appendix C: List of slides.

d. History

After invading Britain in AD 43, the Romans quite quickly established control of southern England. The conquest of the north followed more slowly, in the wake of military campaigns. In the 70s and 80s the Roman general Agricola led a major assault on the tribes of north England and lowland Scotland, basing his operations on a new road from the Tyne to the Solway, the Stanegate. Despite a successful campaign, the Romans were unable in the long term to retain their gains in Scotland. Forts were built in the lowland areas, and the Stanegate road was strengthened by new posts and signal-towers.

These northern forts came under hostile pressure in the early years of the second century, and a visit from the Emperor Hadrian in AD 122 led to the adoption of a new, more radical solution to the border problem. This was the building of a wall between the new bridge over the Tyne at Newcastle and the Solway estuary. The eastern part was to be of stone, and the portion west of the River Irthing (because lime was not immediately available) of turf. The wall was to be provided with a small fort every Roman mile (a milecastle) and, evenly spaced

between them, two look-out towers (turrets). A series of watch-towers and small fortlets continued the system, but not the actual wall, down the Cumbrian coastline.

Building began almost immediately in 122. By 124-5 much had been completed, when the decision was made to build new forts spaced roughly at 7 mile (11 km) intervals on the line of the wall itself. These would replace the Stanegate line of forts and fortlets. The wall was also extended eastwards from Newcastle to the Tyne at Wallsend where a further fort was built. Some of the forts which were added to the wall at this time occupied the sites of turrets (or in one place a milecastle) already built but then dismantled. Later still, probably in the 130s, further forts were added to plug specific gaps, and part of the wall originally built of turf was rebuilt in stone.

By 138-9, preparations were being made for a new campaign in Scotland, and, with the rapid establishment of a new frontier between the Forth and the Clyde, Hadrian's Wall was promptly abandoned. Once again, however, the Roman hold on Scotland proved tenuous and by about 160 Hadrian's Wall was again reoccupied. The remaining stretch of turf wall was then rebuilt in stone. Disturbances in 180 and in the following years, particularly 205-8, were met with sharp campaigns by the Emperor Severus in

209-11, and much local rebuilding took place on the Wall in the ensuing peace which lasted a considerable time. Not until the end of the third century was there any overall reconstruction and even this may have been due not to hostile action, but to natural decay.

In the fourth century, events in Britain figure rarely in Roman history, though several barbarian raids from northern tribes are attested. Their effect on Hadrian's Wall is largely unknown, and even the invasion of 367 - the so-called Barbarian Conspiracy when hostile tribes from all over Britain attacked together - has left little trace on the ground. Drained of their garrison troops by successive withdrawals, Hadrian's Wall and its forts were finally abandoned, a monument to the splendour of the Roman Empire's past.

e. Bibliography

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A complete account of research on the Wall, with detailed discussion and references for each part of the frontier system and for individual sites.

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- Daniels, C.M. (ed) Handbook to the Roman Wall,
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- Embleton, R. and Hadrian's Wall in the days of the
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reconstruction drawings.
- Ordnance Survey Map of Hadrian's Wall, 2 inches to
the mile, 2nd edition, 1972.
- Stevens, C.E. The Building of Hadrian's Wall,
1966. Investigates the order in
which the various portions of the
system were built, and the

military units responsible for
particular sectors.

Excavations on Wall-sites are generally published in Archaeologia Aeliana, Newcastle upon Tyne, and in the Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society, both of which appear annually.

All the main sites in State care have their own guidebooks. A wide range of introductory pamphlets and guidebooks is also available at many places along the Wall.

4. State of preservation/
conservation

a. Diagnosis

The designated area includes a range of different types of land use and ownership, but principal sites and monuments are in the care of the State, the National Trust or the Vindolanda Trust and the remainder subject to carefully monitored land use.

b. Agent responsible
for preservation/
conservation

Historic Buildings and Monuments Commission for England. Address as in 2a above.

c. History of preservation/conservation

The importance of the Hadrian's Wall military zone has long been recognised and since the passage of the first Ancient Monuments legislation a century ago a consistent policy of developing protection has been pursued, all appropriate sites and monuments either being taken into State care, or scheduled for protection under the Ancient Monuments Acts.

d. Means for preservation/conservation

Monuments in State care are financed and maintained by Central government through the Historic Buildings and Monuments Commission. The National Trust for England and the Vindolanda Trust also have responsibilities for financing and maintaining their properties within the area.

e. Management plans

The Historic Buildings and Monuments Commission for England assumed the responsibilities formerly exercised by the Ministry of Works and thereafter the Department of the Environment in 1985. Exercising its responsibilities on behalf of the Department of the Environment for the maintenance and preservation of monuments in care under the popular title English Heritage, it is strenuously endeavouring to stimulate public interest and enjoyment in the national heritage by improving presentation and educational facilities while maintaining previous standards of care and maintenance.

5. Justification for
inclusion in the World
Heritage List

a. Cultural property

Taken as a whole, with all its complex of structures, forts and earthworks of the Roman period, the Hadrian's Wall zone is one of the most significant complexes of archaeological remains of the period in the world. Its importance rests on a combination of several factors.

Diversity

The remains in the Roman military zone are of many different types. As well as the structure of the curtain wall, its milecastles and turrets, and all the associated earthworks, there are 17 forts either on the Wall or closely linked to it, each of which has an individual history of occupation, as well as having attracted to itself a settlement of civilians or camp-followers. In addition, there are further forts or smaller posts in the controlled territories both north and south of the Wall, linked by military roads. These, together with their associated signalling- or watch-towers, marching camps, quarries, aqueducts and settlements emphasise Roman control over their landscape.

Complexity and archaeological potential

The remains are of great complexity. Many of the fort and settlement sites were occupied for a

considerable timespan, and can be shown to have undergone many changes in layout and planning during their period of use. Examination of these in detail can pave the way to substantial advances in understanding of the nature and character of Roman occupation of specific sites.

Group value

The value of the Hadrian's Wall complex as an inter-related group of sites cannot be over-estimated. Data from individual sites can be readily assessed against other immediately comparable sites, and the study of the frontier as a whole can lead, in a way not easily paralleled by other archaeological material, to conclusions which may have a direct bearing on military and hence Roman political history.

Preservation and condition

Although the Wall is overlain by the modern conurbations of Newcastle and Carlisle, about four-fifths of its line runs through more open country. Within the central 28 miles (45 km) of its course (Wall miles 33-62), the remains are in an exceptionally good state of preservation, surviving as part of a landscape which still contains significant traces of the Roman military presence. Even outside this central zone, however, many

individual sites are well-preserved: of the 17 forts on the wall or in close association with it, there are now 10 which are virtually free from development or encroachment, and the sites of only four of the remainder are completely overlain by modern urban or village settings. Research on the Wall, which has reached its peak in the last 60 years or so, has shown that there is a large store of information about the Wall and its structures still buried intact. All elements of the surviving remains have potential for containing significant information.

Documentation

The Wall is mentioned in Roman historical accounts, and there are many surviving inscriptions from Wall sites. From such material the framework of the history of the frontier can be plotted, but much of the detail has to be added as a result of archaeological work. The fact that the Roman frontier works and the Wall itself are mentioned in contemporary source material gives the remains an enhanced importance and a secure context for their study and evaluation.

Scale

The overall scale of the Wall and its associated frontier works gives it particular prominence. The strategic prowess of the Romans, shown by the way the

planning and siting of the Wall makes full use of the landscape, commands respect. It is a significant factor in understanding Roman military skills and practices to be able to see these remains within their overall setting.

Rarity

Although large in itself, and extending over a wide area, the combination and complexity of this associated series of Roman frontier works is unparalleled in Britain. Any assessment of the rarity or uniqueness of the monument must be set on a European, if not world, scale. There are other Roman frontier works in parts of what was once the Roman world, but few are so concentrated, so well-preserved or so immediately dependent on one another as those in the Hadrian's Wall area. There can be no hesitation therefore in claiming that the Wall and the Roman military zone surrounding it are of the highest national archaeological importance and form one of the nation's monuments which ranks high on a world or European scale of importance.

Overall assessment

In terms of its documentation, diversity, complexity, group value and state of survival, the combination of Roman remains and landscapes in the military zone in the north is of major national importance. Its scale

and rarity as a group of inter-related monuments, in effect the survival of a large swathe of territory which still bears the marks of Roman military occupation, mark it out as one of the most important archaeological sites in Europe.

UNESCO Criteria a(ii), (iv) and (vi).

APPENDIX A: LIST OF MAPS, PLANS AND DIAGRAMS

I. General (1-5)

1. Location map (1:4 000 000).
2. The nominated areas (1:625 000).
3. Sites in State care within the nominated area.
4. North Britain in Roman times (OS 1:625 000)*.
5. Hadrian's Wall (OS 1:31 680)*.

* In separate folder

II. The defences (6-8)

6. Sections through the defences (1:200).
 - a. The Vallum as originally designed.
 - b. Restored section of the Wall between Tyne and Solway.
7. Sections through the Wall (1:100).
8. Turret construction (1:100).

III. Detail plans of typical wall structures (9-10)

9. A milecastle - Poltross Burn (No 48) (1:200).
10. A coastal milefort - Cardurnock (1:500).

IV. Detail plans of forts in State care (11-14)

11. Housesteads (1:1250).
12. Chesters (1:1250).
13. Vindolanda (Chesterholm) (1:1250).
14. Corbridge (1:1250).


APPENDIX B: LIST OF PHOTOGRAPHS

1. The Vallum at Cawfields.
2. Housesteads Fort, Wall and Vallum.
- 3a. The Wall from Cuddy's Crag.
 - b. The Vallum near Sewingshields.
- 4a. Milecastle No 42.
 - b. Brunton Turret No 26b.
5. Chesters Fort.
- 6a. Housesteads Fort.
 - b. Corbridge Roman Station.
- 7a. Corbridge: the Headquarters Building.
 - b. Chesters: the Commandant's House.
- 8a. Carrawburgh: the Mithras Temple.
 - b. Housesteads: the north granary.
- 9a. Corbridge: the granaries.
 - b. Housesteads: the latrines.

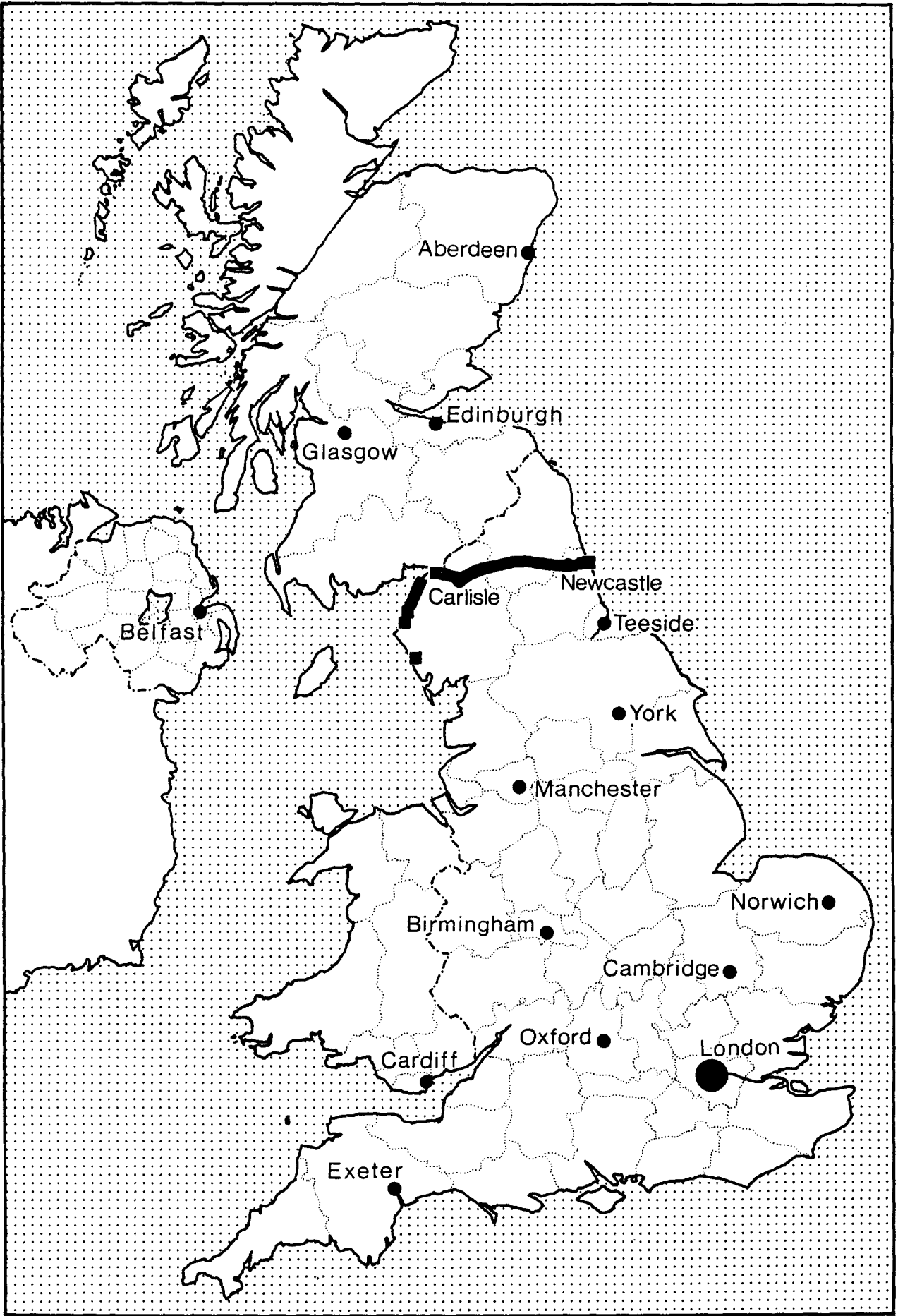
APPENDIX C: LIST OF SLIDES

1. The Vallum at Cawfields.
2. Housesteads Fort, Wall and Vallum.
3. Milecastle 37.
4. The Wall from Cuddy's Crag.
5. The Vallum near Sewingshields.
6. Planetrees: the narrow wall on broad foundations.
7. Brunton Turret (No 26b).
8. Chesters Fort.
9. Housesteads Fort.
10. Corbridge Roman Station.
11. Chesterholm (Vindolanda).
12. Birdoswald Fort.
13. Maryport.
14. Chesters: the bridge abutment.
15. Chesters: the Commandant's house.
16. Chesters: the bath-house.
17. Housesteads: the north granary.
18. Housesteads: the latrines.
19. Corbridge: the granaries.

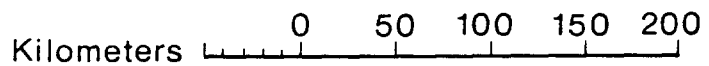
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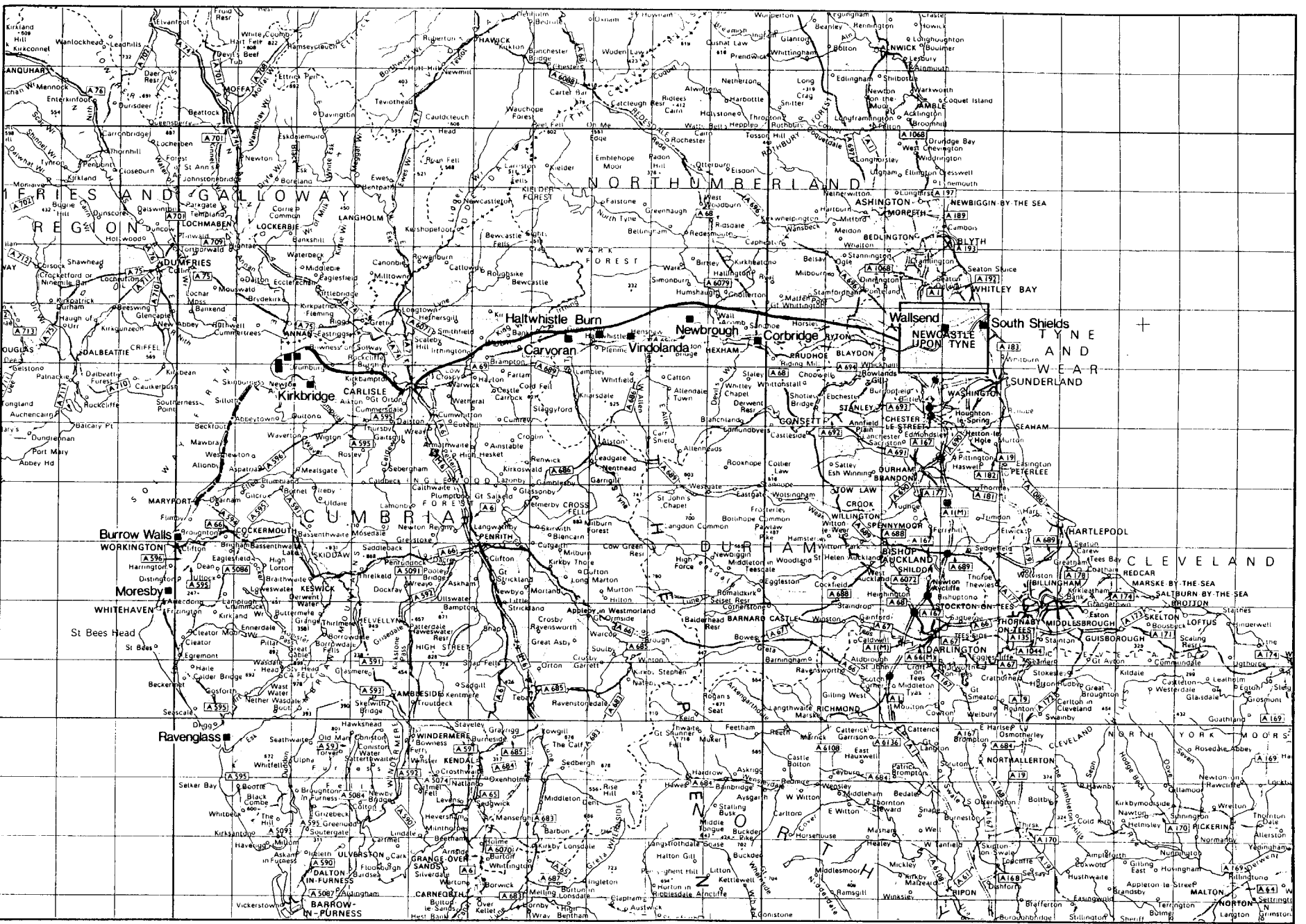
Signed (on behalf of State party) 
Full name The Hon William Waldegrave MP
Title Minister of State for the Environment
Countryside and Planning

Date



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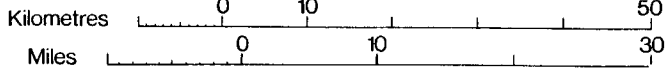


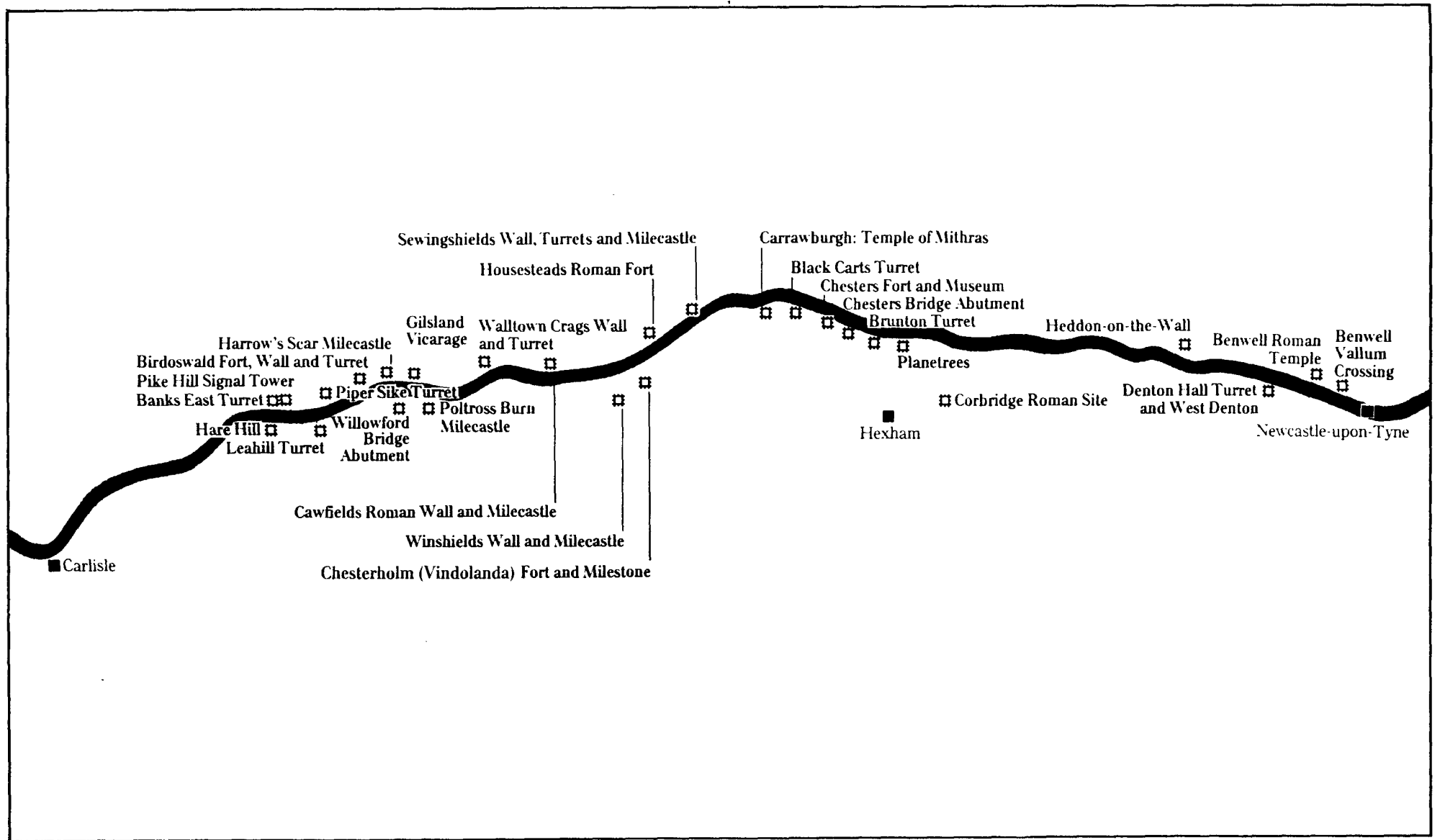


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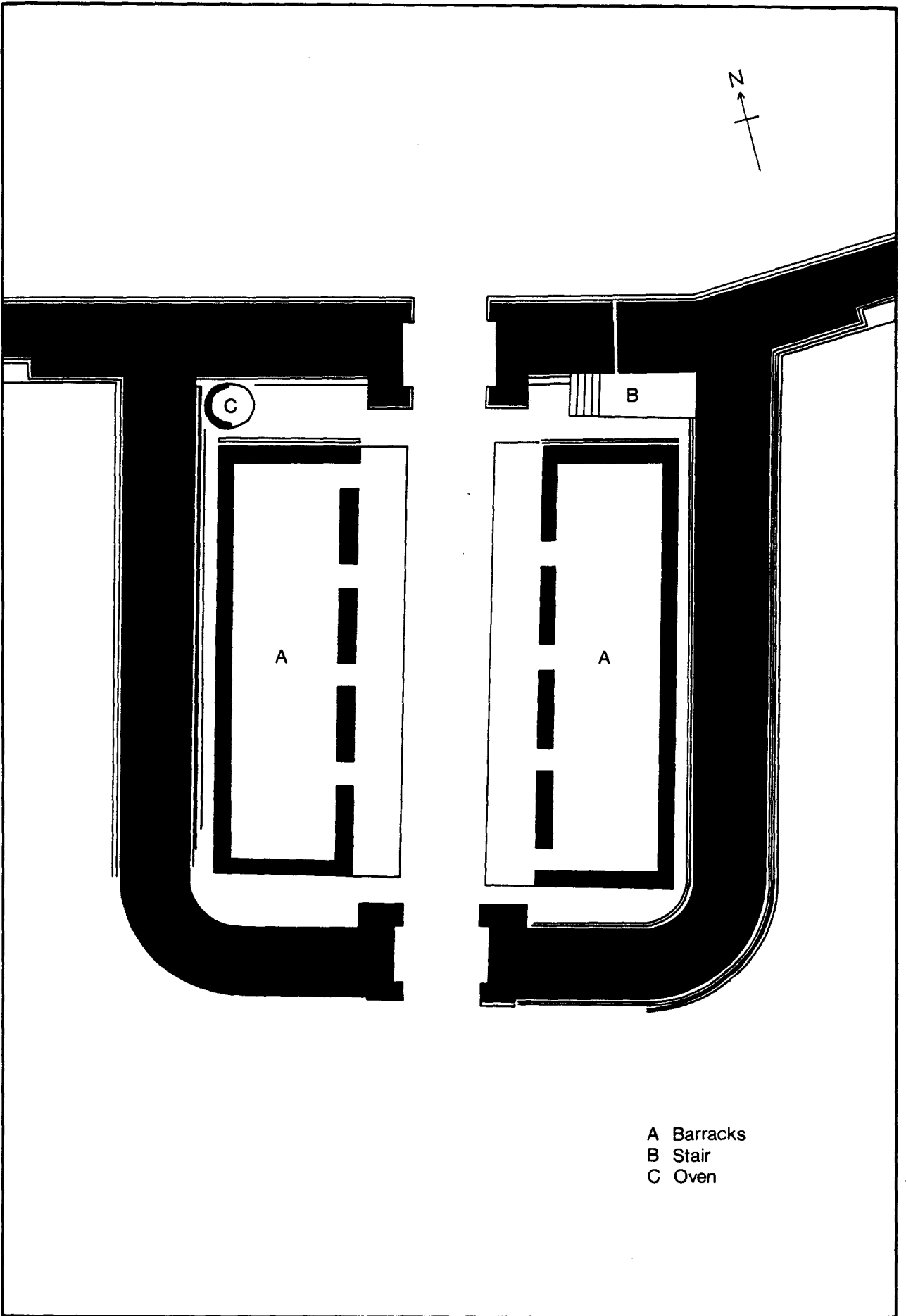
Hadrian's Wall Military Zone

Nominated Areas





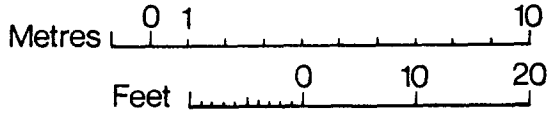
Sites In State Care Within The Nominated Area

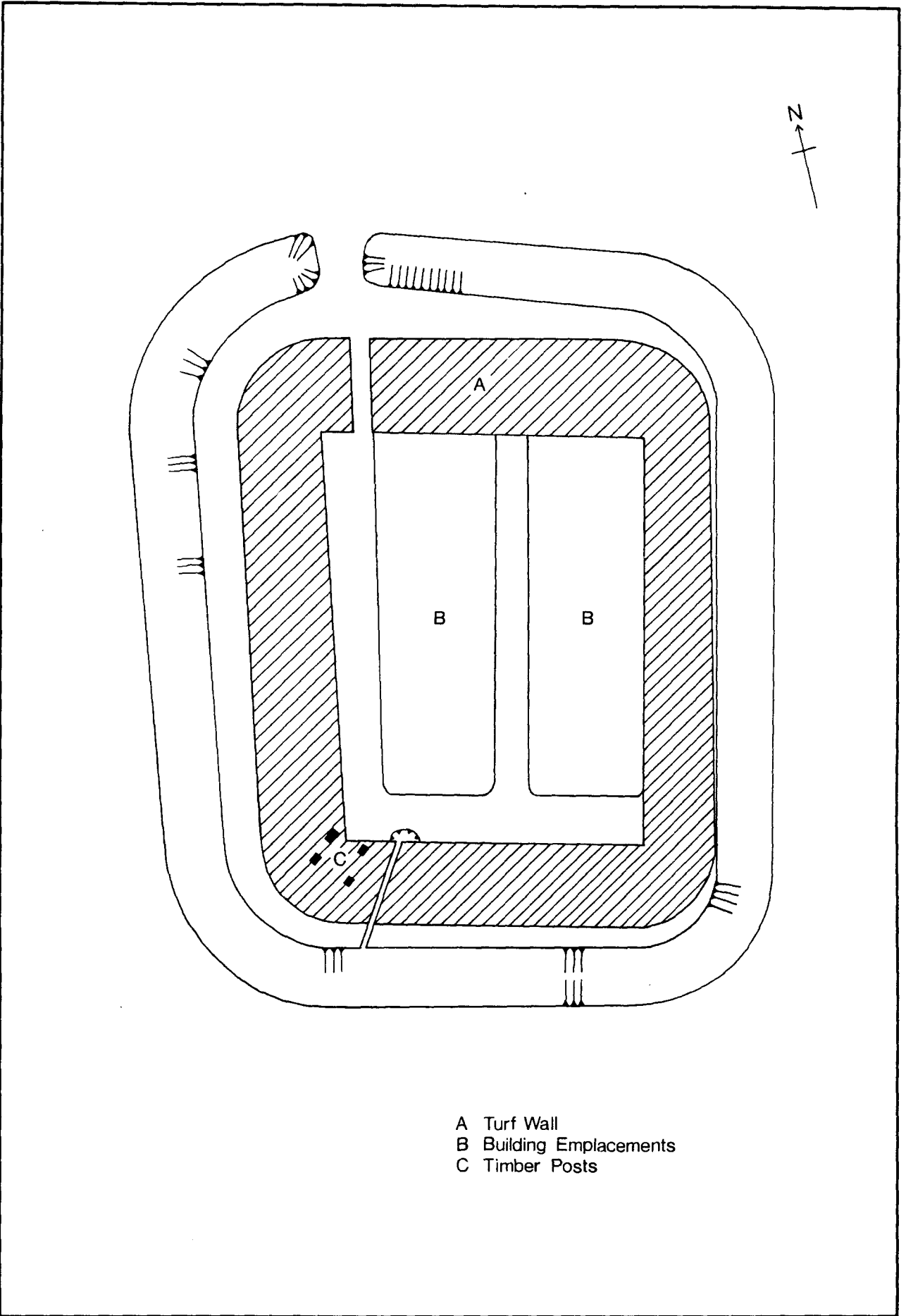


A Barracks
B Stair
C Oven

1:200

A Milecastle ;
Poltross Burn (No 48)

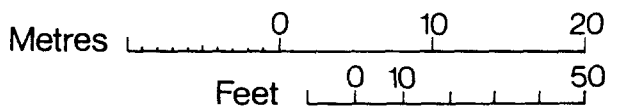


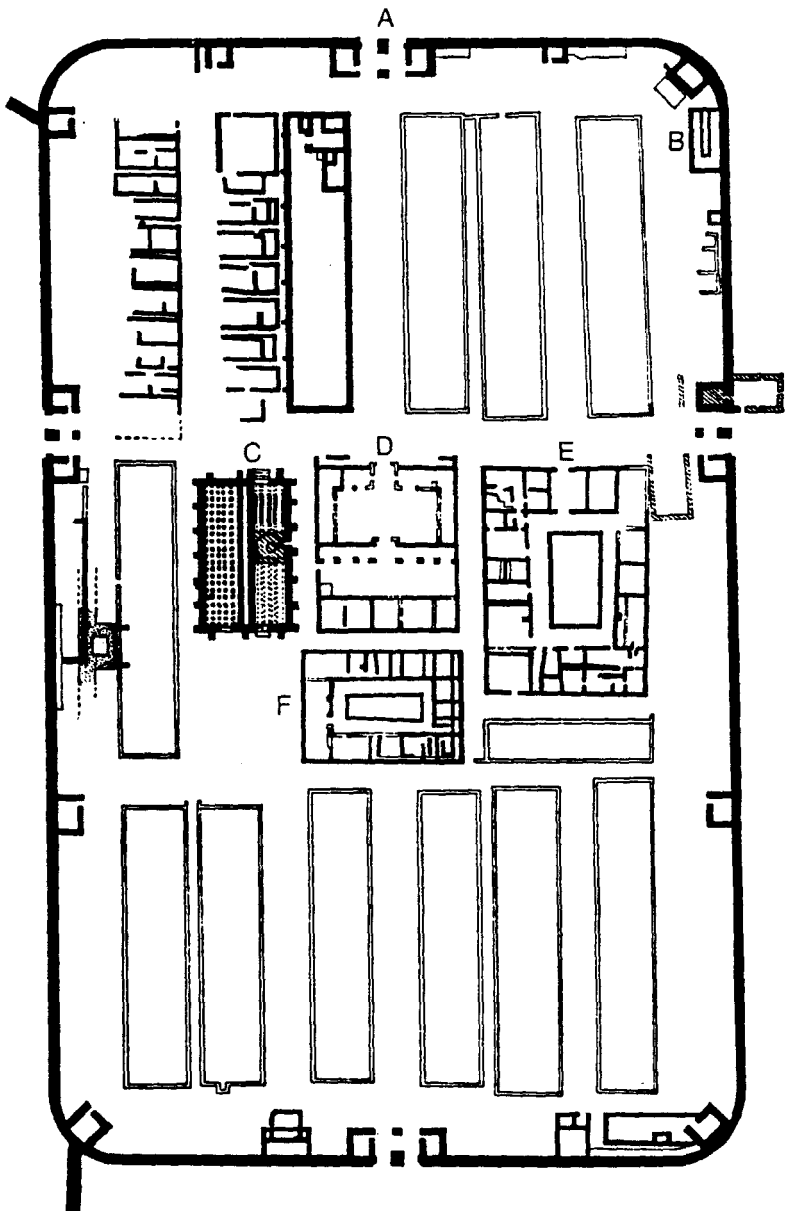
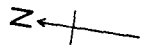


- A Turf Wall
- B Building Emplacements
- C Timber Posts

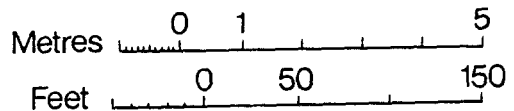
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A Coastal Milefort;
Cardurnock



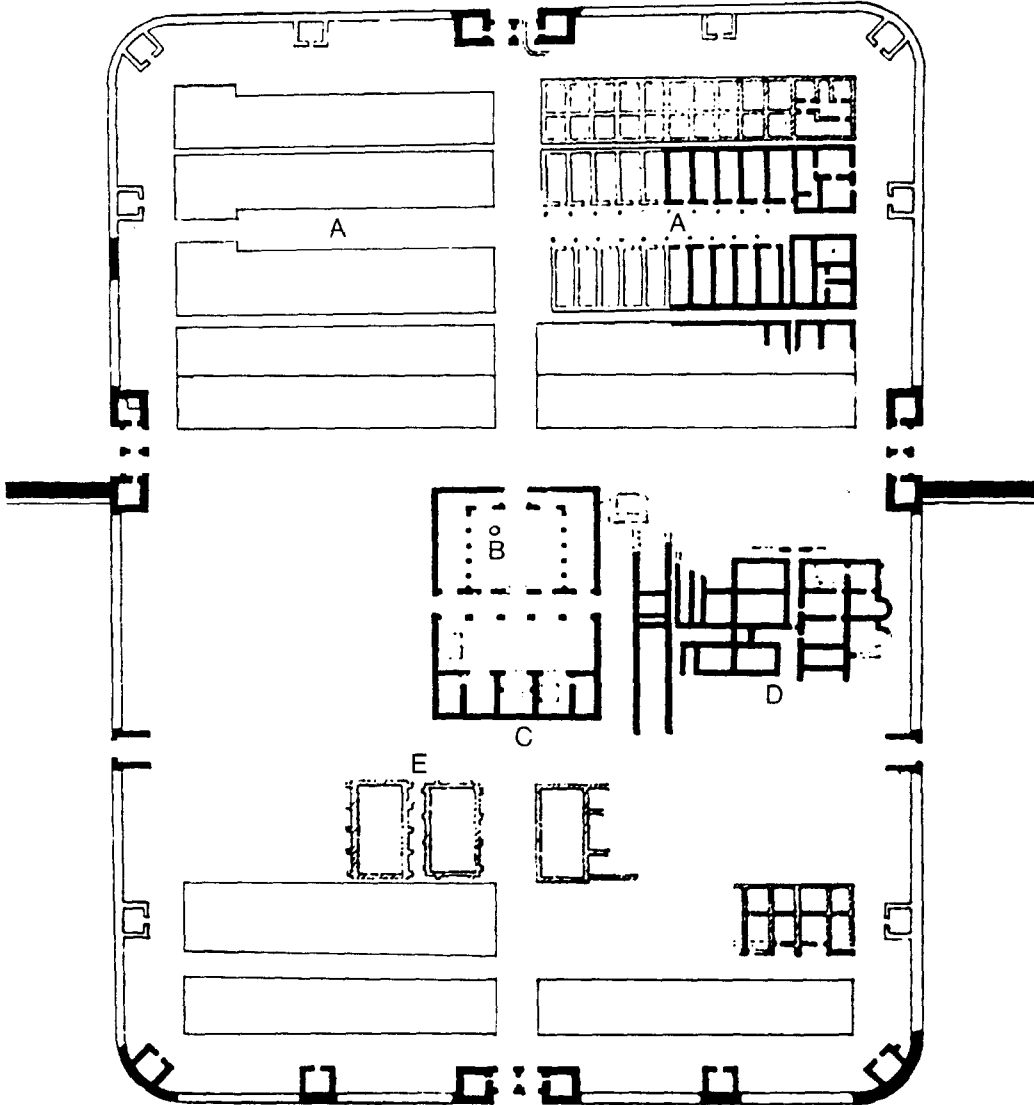


- A Main Gate
- B Latrines
- C Granaries
- D Headquarters Building
- E Commandant's House
- F Hospital

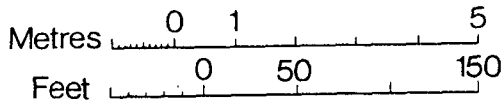


1:1250

Houseteads Fort

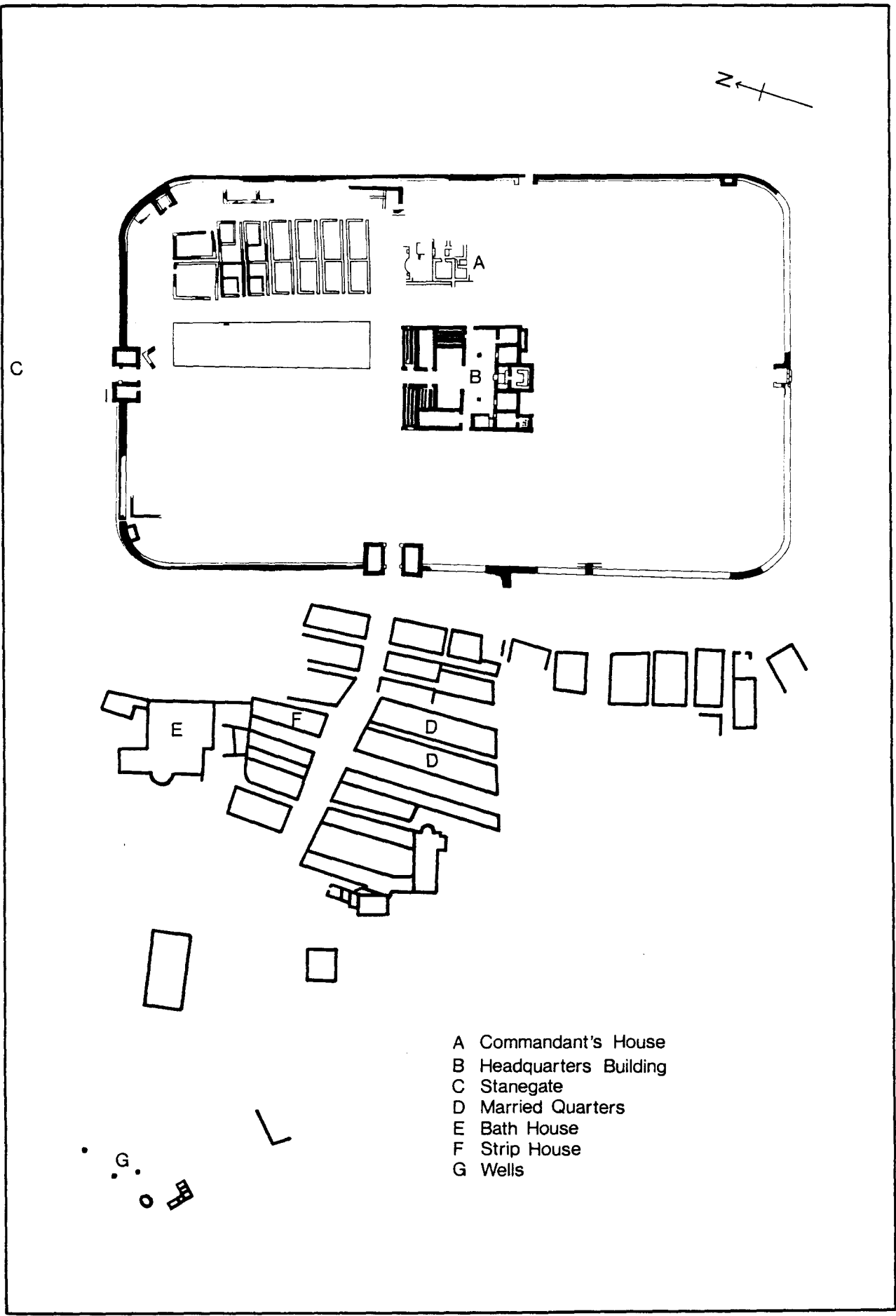


- A Barracks
- B Well
- C Headquarters Building
- D Commandant's House
- E Granaries



1:1250

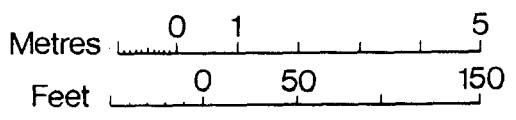
Chesters Fort

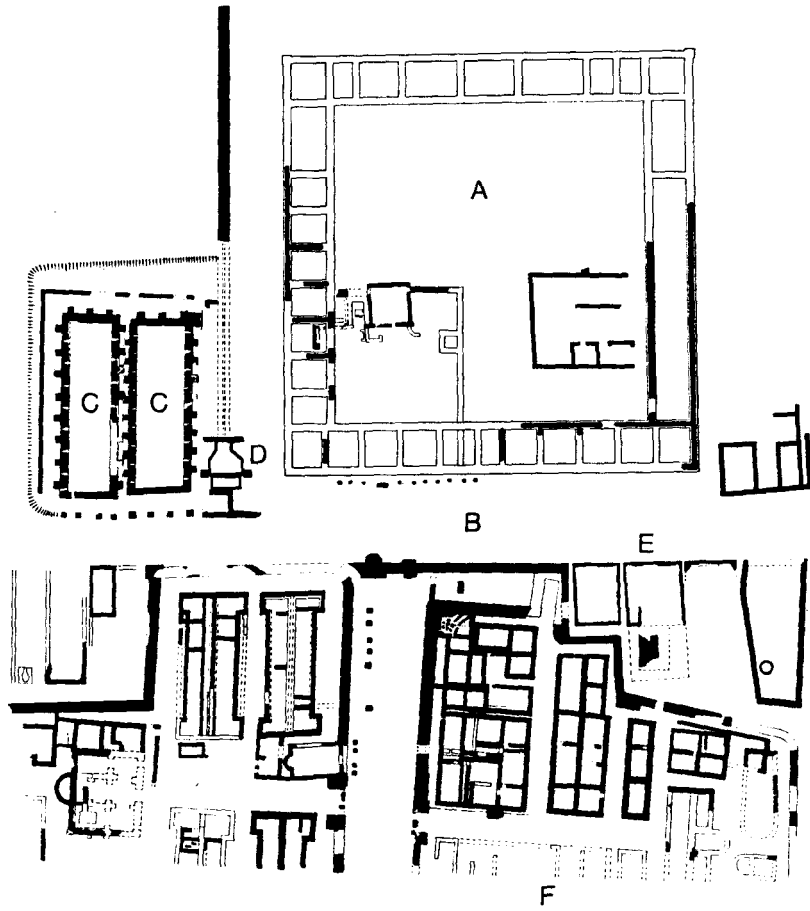


- A Commandant's House
- B Headquarters Building
- C Stanegate
- D Married Quarters
- E Bath House
- F Strip House
- G Wells

1:1250

Vindolanda (Chesterholm)
Fort and Vici

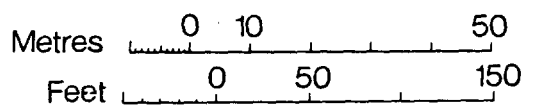


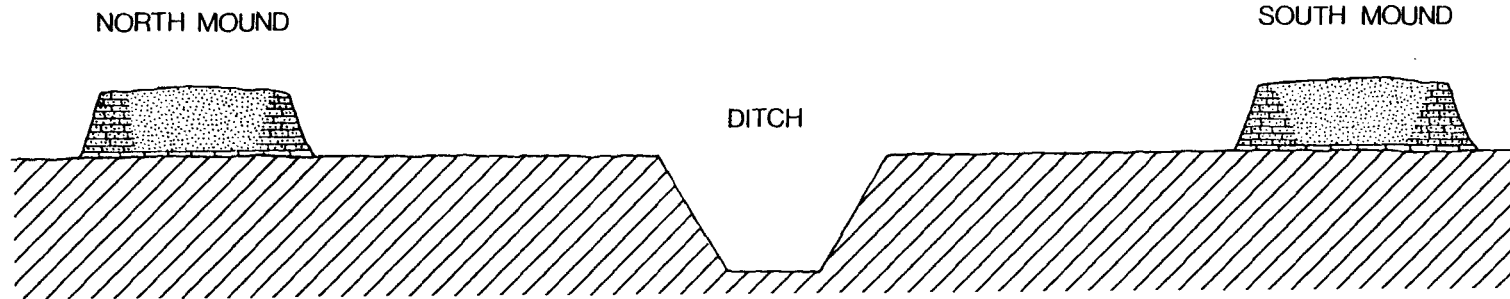


- A Forum?
- B Stanegate
- C Granaries
- D Fountain
- E Temples
- F Legionary Compounds

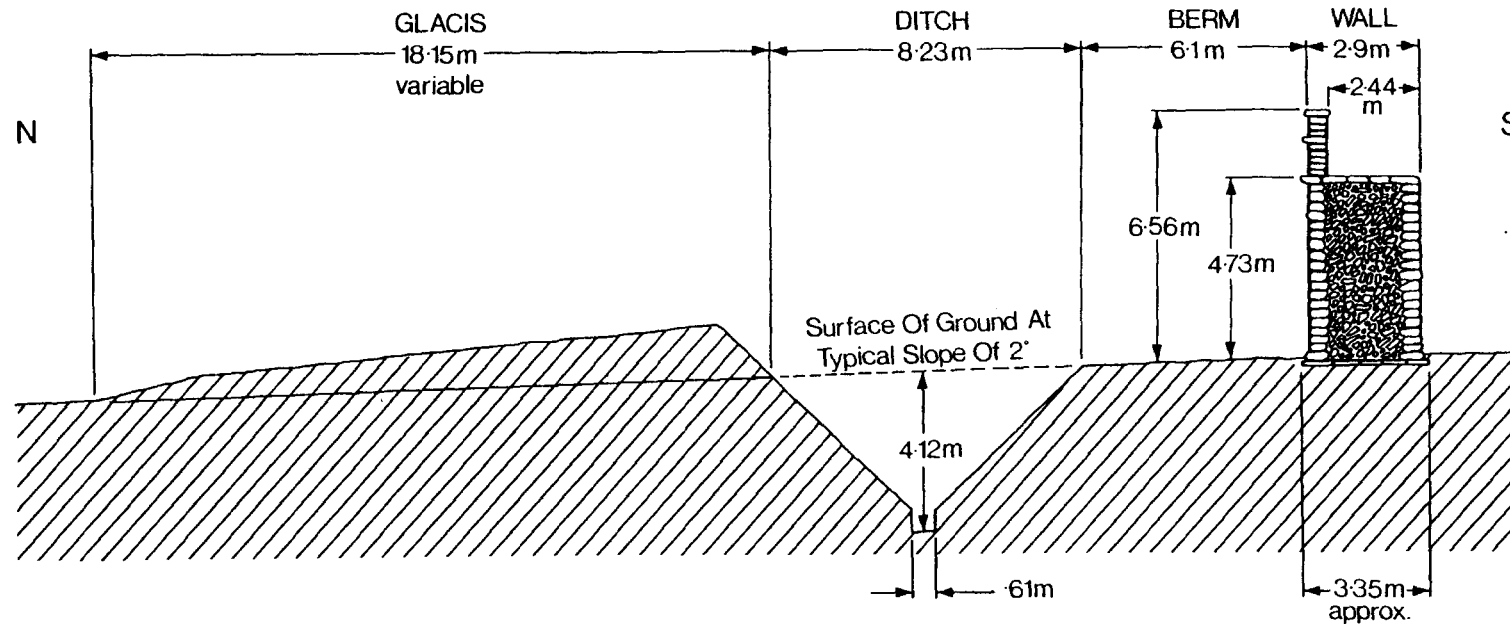
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Corbridge

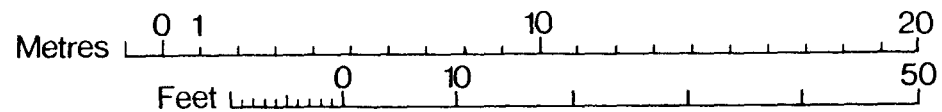




A The Vallum As Originally Designed.

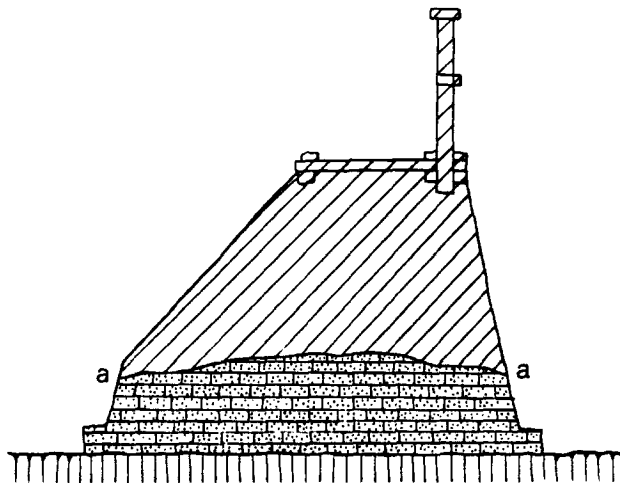


B Restored Section Of The Wall Between Tyne And Solway.



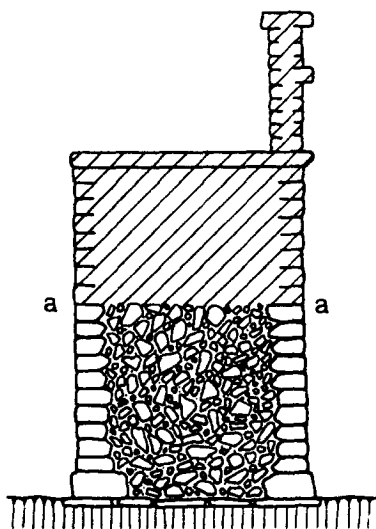
1:200

Sections Through The Defences



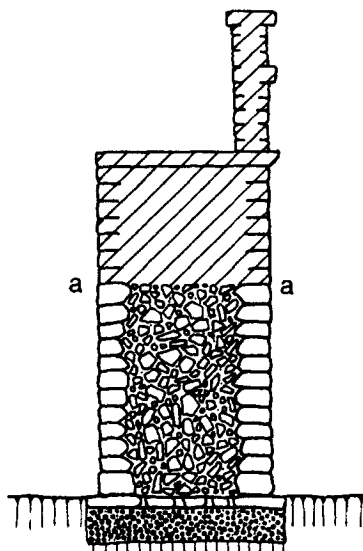
Turf Wall

Built In Coursed Turves ; 18" x 12" x 6".



Broad Wall

Rubble Core Set In Puddled Clay
Face Set In Lime Mortar.



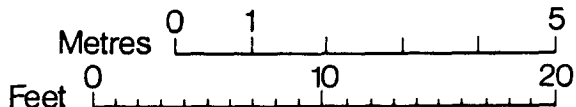
Narrow Wall

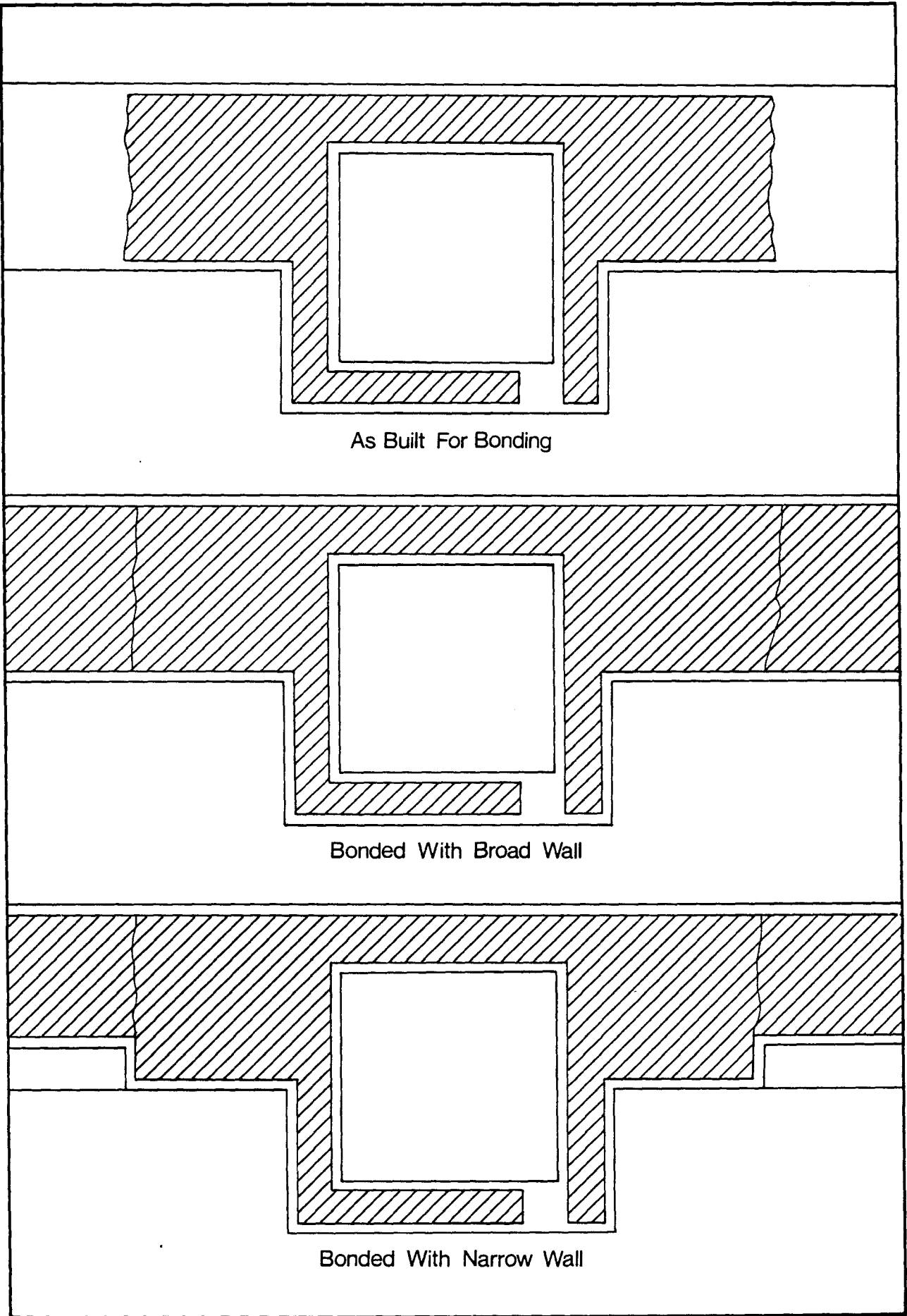
Rubble Core And Face Set In
Lime Mortar. Clay And Cobble
Foundation.

Note ; a,a Denotes Highest Portion Now Standing.

1:100

Sections Through The Wall





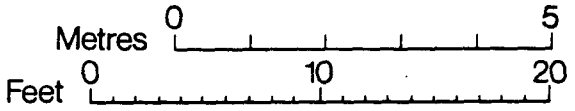
As Built For Bonding

Bonded With Broad Wall

Bonded With Narrow Wall

1:100

Turret Construction





4a. Milecastle No.42.



4b. Brunton Turret No.26b.

ICOMOS

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ
WORLD HERITAGE LIST N° 430

A) IDENTIFICATION

Nomination : Hadrian's Wall Military Zone

Location : Counties of Cumbria, Northumbria and Tyne and Wear

State Party : United Kingdom

Date : December 23, 1986

B) ICOMOS RECOMMENDATION

That the proposed cultural property be included on the World Heritage List on the basis of criteria II, III and IV.

C) JUSTIFICATION

Following the invasion of 43, the Roman conquest of Britain progressed rapidly in the southern part of the country but in the 1st century A.D. encountered resistance from unconquerable tribes in the north. The victorious expeditions of Agricola in Scotland and the series of forts that the general had built to control the zone between Tyne to the east and Solway to the west brought the Roman armies only precarious safety.

In 122 during an inspection visit, Emperor Hadrian decided to establish a military zone with a wall barring the peninsula along a distance of 118 kms, from Newcastle to Bowness, which is the most symbolic element, if not the most important from the strategic standpoint. The 6.5 m-high wall, reinforced by a V-shaped ditch to the south, was not an insurmountable obstacle, rather a defense line reinforced every Roman mile (1,480 m) by a small fort which could accommodate about 20 soldiers. Between the forts, two watchtowers were used for surveillance of the horizon. The major part of the project was carried out immediately from 122 to 124, and the haste of the engineers meant the use of local materials of unequal resistance (stone is found only in the eastern section of the wall). In 124-125, the decision was made to reinforce the limes by a series of forts spaced approximately every 7 miles (11 kms) and intended to replace the older works of Agricola. The wall was extended from Newcastle to Wallsend to the east, and the parts built with lighter materials during the first campaign were soon restored in stone. This overall repair of the constructions, which may be observed along their entire length, was done in the 130s. Along with those repairs, the defense line was also reinforced, on the inside by a parallel vallum nearly 100 m in width which included a rectangular section ditch situated between two earth banks. Roads and rampart walks were made to facilitate

circulation between the various fortified constructions.

The assault against the Picts, undertaken from this formidable operations base in 138-139 set the stage for an advance from the frontier toward the north and a temporary abandoning of Hadrian's Wall. However, the failure of the conquest of Scotland resulted in a strategic withdrawal back to that defensive position. In 160, Hadrian's Wall was used again. Its operational value was demonstrated during the campaigns of 180, 205-208 and 209-211. The pax romana of the 3rd century, at which time the barbarian peril seemed to be conspiring along the British limes, was not decisive in deciding to abandon a military zone, the need for which was henceforth recognized. The wall continued to be used until the departure of the Roman legions.

Hadrian's Wall has been respected by time. The only damage of note occurred during the second Jacobite revolt, when in 1745 General Wade had some portions of the Roman fortifications destroyed in order to establish a strategic road. Today the wall offers an incomparable ensemble of defensive constructions and settlements in an archaeological zone that is no doubt the largest in the United Kingdom.

ICOMOS wishes to emphasize the exemplary character of the nomination with respect to the Hadrian's Wall Military Zone. The presentation of such an extensive and diversified ensemble poses many problems of identification and delimitation; full consideration should be given to existing and future possibilities of conservation and enhancement of the heritage. In this respect, the file prepared is exemplary.

Some 100 monuments and sites are under the control of the government in an entire sector which extends over three counties. Management of the archaeological zone is committed to appropriately resolving various specific factors: maintenance of the masonry of the walls and decapitated towers; conservation by planting grass on the vallum (as in Sewingshields); unearthing of the very extensive vestiges of forts and garrisons (Chesters Fort, Housesteads Fort, Corbridge Roman Station, etc.); presentation to the public in site museums of material recovered from excavations (Chesterholm, Chesters, Corbridge, Housesteads, South Shields); a more pedagogical approach adopted at the Roman Army Museum at Carvoran; and safeguarding of the traditional rural countryside of the area of the limes surrounding Cawfields and Housesteads.

This file could at a later date constitute a reference for any proposal aimed at identifying an exceptional but very large cultural property (fortification, road, canal, etc.) for the purpose of its inclusion on the World Heritage List.

ICOMOS recommends the inclusion of Hadrian's Wall on the World Heritage List on the basis of criteria II, III and IV.

- Criterion II. Hadrian's Wall exerted great influence on the spatial organization of the British limes over approximately 300 years. This frontier zone is still a part of the landscape from Tyne to Solway.

- Criterion III. This military zone bears exceptional testimony to Roman colonization by the large number of human settlements associated with the defenses: the vicus of Vindolanda (Chesterholm) is an excellent example of a garrison settlement which contributes to an understanding of how, in times of peace, away from the entrenched camp, soldiers and their families lived.

- Criterion IV. Hadrian's Wall is an outstanding example of a fortified limes. No other ensemble from the Roman Empire illustrates as ambitious and coherent a system of defensive constructions perfected by engineers over the course of several generations. Whether with respect to military architectural construction techniques, strategic design in the Imperial period or a policy for ground use and the organization of space in a frontier zone, this cultural property is an exceptional reference whose universal value leaves no doubt.

ICOMOS, May 1987

ICOMOS

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ
LISTE DU PATRIMOINE MONDIAL N° 430

A) IDENTIFICATION

Bien proposé : Le mur d'Hadrien

Lieu : Comtés de Cumbria, de Northumbria et de Tyne et Wear

Etat partie : Royaume Uni

Date : 23 Décembre 1986

B) RECOMMANDATION DE L'ICOMOS

Que le bien culturel proposé soit inscrit sur la Liste du Patrimoine mondial au titre des critères II, III et IV.

C) JUSTIFICATION

Après l'invasion de 43, la conquête romaine de l'espace britannique progressa rapidement au sud du pays mais, au cours du Ier siècle de notre ère, se heurta dans le nord, à la résistance de tribus irréductibles. Les expéditions victorieuses d'Agriкола en Ecosse, la série de forts que ce général fit établir pour contrôler la zone comprise entre la Tyne à l'est et la Solway à l'ouest n'apportèrent aux armées romaines qu'une sécurité précaire.

En 122, au cours d'une visite d'inspection, l'empereur Hadrien décida la création d'une zone militaire dont le mur qui barre la péninsule sur 118 kms, de Newcastle à Bowness, est l'élément le plus symbolique sinon le plus important stratégiquement. Haut de 6,5 m, le mur doublé d'un fossé en V au sud ne constituait pas un obstacle infranchissable mais une ligne de défense renforcée tous les milles romains (1.480 m) par un fortin pouvant abriter une vingtaine de soldats. Dans l'intervalle, deux tours de guet permettaient de surveiller l'horizon. La plus grande partie du projet fut immédiatement réalisée entre 122 et 124, la hâte des ingénieurs se traduisant par l'emploi de matériaux locaux d'inégale résistance (la pierre n'apparaît que dans la section est du mur). En 124-125, la décision fut prise de renforcer le limes par une série de forts espacés de 7 milles environ (11 kms) et destinés à remplacer les anciens ouvrages d'Agriкола. Le mur fut prolongé de Newcastle à Wallsend à l'est, et les parties construites en matériaux légers au cours de la première campagne ne tardèrent pas à être restaurées en pierre. Cette reprise générale des constructions, qui peut être observée sur l'ensemble du tracé, eut lieu au cours des années 130. Elle s'accompagna d'un doublement de la ligne de défense, qui fut renforcée vers l'intérieur par un vallum parallèle de près de 100 m de large

comprenant un fossé de section rectangulaire entre deux levées de terre. Des routes et des chemins de ronde furent ménagés pour faciliter la circulation entre les différents ouvrages fortifiés.

L'assaut contre les tribus pictes, lancé à partir de cette formidable base d'opérations en 138-139, détermina une avancée de la frontière vers le nord et un abandon temporaire du mur d'Hadrien. Toutefois l'échec de la conquête de l'Ecosse aboutit à un repli stratégique sur cette position défensive. En 160, le mur d'Hadrien était à nouveau occupé. Sa valeur opérationnelle fut démontrée lors des campagnes de 180, 205-208, 209-211. La pax romana du IIIe siècle, au cours de laquelle le péril barbare parut conjuré sur le limes britannique, ne détermina pas l'abandon d'une zone militaire dont la nécessité était désormais reconnue. Le mur resta en fonction jusqu'au départ des légions romaines.

Le mur d'Hadrien a été respecté par le temps. Les seules destructions notables furent accomplies à l'occasion de la seconde révolte jacobite, lorsque le général Wade fit démolir en 1745 certaines portions des fortifications romaines pour établir une route stratégique. Il offre aujourd'hui un ensemble incomparable d'ouvrages défensifs et d'habitats dans une zone archéologique qui est sans doute la plus vaste du Royaume Uni.

L'ICOMOS tient à souligner le caractère exemplaire de la proposition d'inscription concernant la zone militaire du mur d'Hadrien. La présentation d'un ensemble aussi étendu et aussi diversifié pose de nombreux problèmes d'identification et de délimitation; elle doit tenir le plus grand compte des possibilités actuelles et futures de conservation et de mise en valeur du patrimoine. A cet égard, la préparation du dossier est exemplaire.

Une centaine de monuments et de sites sont contrôlés par l'Etat dans l'ensemble d'un secteur qui s'étend sur trois comtés. La gestion de la zone archéologique s'attache à résoudre de façon appropriée différents cas d'espèce : maintenance des maçonneries des murs et des tours arasées; conservation par engazonnement du vallum en terre (ainsi à Sewingshields); mise en évidence au sol des vestiges très étendus des forts et des garnisons (Chesters Fort, Housesteads Fort, Corbridge Roman Station, etc.); présentation au public dans des musées de site du matériel trouvé en fouilles (Chesterholm, Chesters, Corbridge, Housesteads, South Shields); évocation plus pédagogique au Musée de l'armée romaine de Carvoran; enfin, sauvegarde du paysage rural traditionnel de la région du limes autour de Cawfields ou de Housesteads.

Ce dossier pourrait constituer ultérieurement une référence pour toute proposition visant à identifier un bien unique mais très étendu (fortification, route, canal, etc.) en vue de son inscription sur la Liste du Patrimoine Mondial.

L'ICOMOS recommande l'inscription du mur d'Hadrien sur la Liste

du Patrimoine mondial au titre des critères II, III et IV.

- Critère II. Le mur d'Hadrien a exercé une influence considérable sur l'organisation de l'espace du limes britannique pendant une durée qui peut être évaluée à 300 ans environ. Cette zone frontière reste inscrite dans le paysage actuel de la Tyne à la Solway.

- Critère III. Cette zone militaire apporte un témoignage exceptionnel sur la colonisation romaine par le nombre élevé d'établissements humains associés aux défenses : le vicus de Vindolanda (Chesterholm) est un excellent exemple d'habitat de garnison permettant de comprendre comment vivaient en temps de paix, hors du camp retranché, les soldats et leurs familles.

- Critère IV. Le mur d'Hadrien est l'exemple par excellence d'un limes fortifié. Aucun autre ensemble de l'empire romain ne montre un système aussi ambitieux et aussi cohérent d'ouvrages défensifs perfectionnés par les ingénieurs au cours de plusieurs générations. Qu'il s'agisse des techniques de construction de l'architecture militaire, de la conception stratégique à l'époque impériale, de la politique d'occupation du sol et d'organisation de l'espace dans une zone frontière, ce bien culturel constitue une référence unique, dont la valeur universelle ne fait pas de doute.

ICOMOS, Mai 1987

Frontiers of the Roman Empire World Heritage Site

Proposed Extension

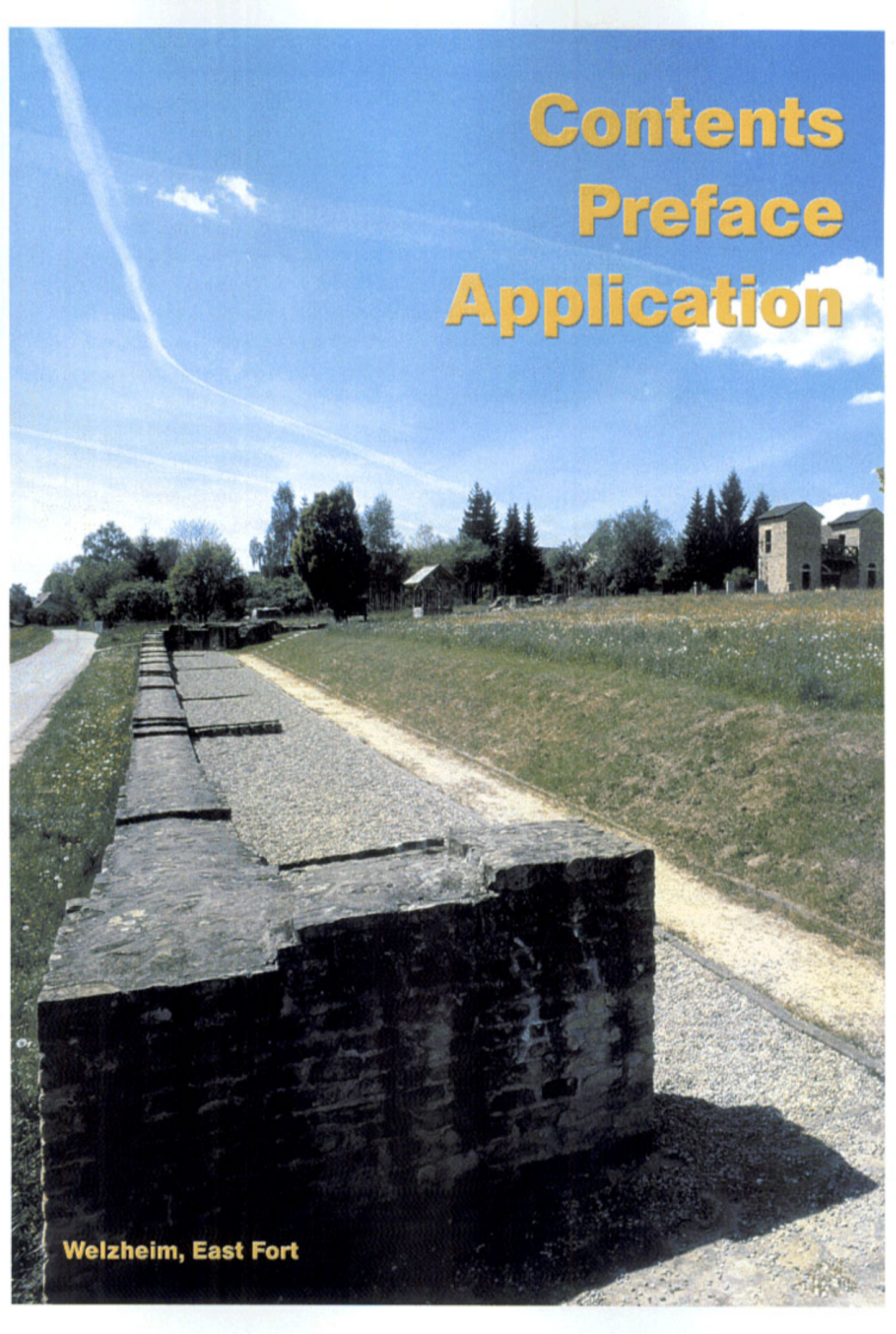
Obergermanisch-Raetischer Limes

Upper German-Raetian Limes

Nomination for Inclusion on the World Heritage List

Volume I - Text

2004

The background image is a photograph of a stone wall, likely part of a fortification, stretching into the distance. The wall is made of dark, rectangular stone blocks. To the right of the wall is a gravel path, and to the left is a grassy area. In the background, there are trees and a building with a tower-like structure. The sky is bright blue with a few wispy clouds and some faint white lines, possibly from a plane or power lines.

Contents

Preface

Application

Welzheim, East Fort

Preface

The archaeological remains of the external border of the former Roman Empire represent a historical cultural monument of outstanding universal value. This is indicated, among other things, by the fact that a section of this border, Hadrian's Wall in the United Kingdom, has been listed by UNESCO as a World Heritage Site since 1987. As a composite cultural monument, the archaeological monuments of the Roman frontiers mark the greatest extent of the Roman Empire and form the basis for the culture of Europe in the following 2,000 years up to the present day. This external border is a common cultural property of universal significance. It extends today over the territories of numerous states between the North Sea and the Black Sea and then to the east and south of the Mediterranean.

The "Upper German-Raetian Limes" (Obergermanisch – Raetischer Limes) is a self-contained section of the Roman frontier installations on the Hadrianic/Antonine border line, which deserves particular regard on the grounds of its technical construction. The frontier in this section consisted predominantly of an artificial, often mathematically straight line drawn across the land, which possessed fixed installations at regular intervals for monitoring it. The unusual course of its lines distinguishes it from all other security installations on the external border of the former Roman Empire and from other comparable systems. The rich history of the research and documentation of the Upper German-Raetian Limes is an outstanding example for the treatment of a monument, reaching back many generations into the past.

Preparations are currently being made in many European countries to bring their monuments of the Roman frontier system into a multinational World Heritage Site. The German nomination is therefore also based on preparatory discussions with other countries, and takes account of their interests and wishes. The United Kingdom government has agreed that Hadrian's Wall should be seen as the first stage of the Frontiers of the Roman Empire World Heritage Site and that the German nomination should be seen as the first extension to this Site.

The United Kingdom government and the German authorities have also agreed a short Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site. This Statement is the first attempt to set out the overall case for this Site. It also sets out management principles which should apply to all parts of the Site as it is extended in the future. It is foreseen that the Statement will be reviewed and amended as experience of developing this Site grows and as more countries become involved.

In developing this Statement, the two States Parties have been aided by the advice of the Bratislava Group, an *ad hoc* of international experts on the Roman Frontier and its management, and also by the advice of the World Heritage Centre. One of the proposals of the Statement is that the Bratislava Group should develop as an expert advisory body on this World Heritage Site. There will need to be a more formal common framework between the States Parties themselves and this will be developed first between the United Kingdom and Germany and in conjunction with other States Parties seeking to nominate extensions to the World Heritage Site.

The present application is therefore to be understood an extension to Hadrian's Wall World Heritage Site, which will be followed by additional modules from other countries in whose territories archaeological monuments of the former Roman border line are to be found.

The Federal Republic of Germany and its member states will be glad to provide assistance for such nominations, and also to lend advisory help beyond this, whether in the area of preparatory assistance, emergency assistance, training of specialised staff or technical co-operation. Because of the federal principal of the Federal Republic of Germany, experience in the co-ordination of different institutions and legal frameworks have already been demonstrated in the preparation of the present application documents.

At the same time, the German nomination should not wait until all the countries concerned come together in a common application, which would be a very long-term project. Rather, the nomination at this time should serve to reinforce public consciousness of this cultural product of world significance, to increase protection for this and other archaeological evidence, and simultaneously extend an invitation to other countries through which the former Roman border runs to take up a position beside the German pilot project with their own modules. Without wanting here to anticipate a decision on the part of the UNESCO World Heritage Committee, it is the desire and objective of this nomination to unify all archaeological monuments along the former Roman Imperial border in a single World Heritage Site.

The text of the nomination is accompanied by documents and expert opinions [Appendices A 1 – A 14], a separate volume with map representations [Volume II, Enclosure B I – B VII] and a geo-information system on the internet [Limes database] with complete documentation of the Upper German-Raetian Limes in word, picture, and various sets of maps.

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1. Identification of the property

a) Country (and State Party,)

Federal Republic of Germany

The geographical co-ordinates describe the extreme points to the west, north, south and east of the elongated linear border installations which are included in the nomination.

b) State, Province or Region

State of Baden-Württemberg,
Karlsruhe and Stuttgart
Administrative Regions

West (Rheinbrohl, Rhine):

7° 19' 04" east
50° 30' 21" north

Free State of Bavaria,
Mittelfranken, Niederbayern, Oberbayern
and Unterfranken Administrative Regions

North (Pohlheim, Wetterau):

8° 43' 40" east
50° 31' 21" north

State of Hesse,
Darmstadt and Giessen
Administrative Regions

South (Lorch, Rems valley):

9° 42' 22" east
48° 48' 03" north

State of Rhineland-Palatinate,
former Koblenz Administrative Region

East (Hienheim, Danube):

11° 47' 09" east
48° 53' 03" north

c) Name of Property

Frontiers of the Roman Empire
Obergermanisch-Raetischer Limes (ORL)
Upper German-Raetian Limes

Nature and scope of the cartography

Full information on the proposed Site is contained in the Limes Database. This contains all available data for individual sites as well as for the Limes as a whole. The database is linked to a GIS and will be accessible on the internet. It will contain mapping of the site from scales of 1:50,000 to 1:2500 with links from the maps to individual datasheets. Its address and passwords for access is given in Vol. II.

d) Exact location on map and indication of geographical co-ordinates to the nearest second

The Upper German-Raetian Limes extends to a length of 550 km between the Rhine in the north-west and the Danube in the south-east. Its course through Central Europe leads through four States of the Federal Republic of Germany: Rhineland-Palatinate, Hesse, Baden-Württemberg and Bavaria.

The maps in Vol. II, Enclosure B I – B VI show the position and course of the frontiers, the Limes, in the Roman provinces of Upper Germany and Raetia. These are printed copies from the cartography of the geoinformation system "Limes Database". The distribution across the pages is arbitrary. Various map scales were selected for print:

- the political map at a scale of 1:3,000,000 (B I) gives an overview of the course of the Limes within Germany and its distribution over the four Federal States.

- the four topographical maps at each of the scales of 1:1,000,000 and 1:500,000 (B II + B III) show the course of the Limes and the position of the separate fort locations in each Federal State. At these and the following (major) map scales, the individual components of the Limes that are shown are labelled.

- the 39 topographical maps at a scale of 1:50,000 (B IV) show the course of the Limes and the positions of the fort locations, fortlets and watchtowers, with distinctions being made between visible and invisible forts, and between visible, invisible, presumed and destroyed sections of the linear barrier. The representations of each fort are true to scale, the representations of the watchtowers are slightly off the line of the Limes. The maps in B IVa at a scale of 1:50,000 show the Limes in relation to the proposed World Heritage zone and buffer zone.

- the most precise representations are the extracts from the automated cadastral plan at a scale of 1:5,000 (B V). A printout of the complete set of maps of the Upper German-Raetian Limes has not been provided, since the total length of the maps at this map scale placed next to one another would stretch to more than one hundred metres. However, the complete representation at this map scale can be found in digital form within the Limes Database. A total of 62 examples from the automated cadastral plan at a scale of 1:5,000 (B V) include all the forts along the Upper German-Raetian Limes which are taken into consideration. The representation is true to scale, and shows

the positions of all the fort walls. At the same time, the 28 map sections (V-1; V-5; V-7 to V-16; V-18; V-22 to V-25; V-32 to V-39; V-41; V-47; V-49) taken together exemplify the precise course of the Limes and the positions of the individual watchtowers and fortlets, with visible, invisible, presumed and destroyed towers again being distinguished.

- equally, the detail maps of Level B VI are to be seen as a representative selection. They show firstly, using the example of the fort location Schirenhof (B VI 1-5), the different information at all available map levels. A special archaeological level contains the representation of all determinable individual objects of each fort location, such as masonry walls, remains of settlements, burial grounds, etc. Following this, representative segments of the whole Upper German-Raetian Limes (B VI 6 ff.) have been selected. Here, too, an additional technical level contains the representation of individual land parcels and buildings.

The various information levels are presented in full in the Limes Database, i.e. for each individual Limes section and for all individual components.

Form and content of the cartography

The model for the preparation of the cartography of the Limes Database was the representation of Hadrian's Wall, GB, in the cartographies presented in different variants by the Ordnance Survey since 1964.

Concordances with the cartography of Hadrian's Wall are most of all to be found at the level of the topographical maps at a scale of 1:50,000. Of special note are the representation and labelling of the individual elements and the true-to-scale representation of the forts, and particularly

the precise differentiation of visible and invisible sections.

It proved, however, to be inappropriate and technically difficult to align the representation graphically to the cartography of Hadrian's Wall. Different national standards in surveying and cartography, and the desire to keep important information in the maps of the Upper German-Raetian Limes legible even in black and white print prevented for the time being the identical mapping of the two borders. Identical mapping conventions nevertheless remain the subject of continuing discussions within an international framework. After a corresponding agreement, it would be possible to implement it rapidly, due to the progress in digital cartography.

e) *Maps and/or plans showing boundary of area proposed for listing and of any buffer zone*

The borders of the area nominated as World Heritage and the surrounding buffer zones are contained in the printed maps in Vol. II, Enclosure B IVa at a scale of 1:50,000. Representative samples at a larger scale are the printed maps in Enclosures B V and B VI. The full set of large-scale maps is available in the geoinformation system of the Limes Database (see above).

From a scale of 1:10,000 it is possible to give the external border of the World Heritage and buffer zones exactly. The maps show the World Heritage zone (blue line) and the buffer zone (purple line). Both zones are marked precisely to the land parcel. Where the envisaged World Heritage zone is distributed over a number of individual areas, the Limes Database provides more precise information on each object.

f) *Area of property proposed for inscription (ha) and proposed buffer zone (ha) if any*

The Upper German-Raetian Limes consists of continuous barrier installations along a land border of a total length of 507 km (see section 3a for appearance and form of the barrier installations): only the 43 km long river section along the Main has no such barrier installations. An integral part of the Limes line are the 896 known or supposed watchtower positions directly on or immediately behind the border line. In addition, 58 locations of troop encampments (fort locations) along the Upper German-Raetian Limes have been partly or wholly included in the present nomination.

The subject of the nomination as World Heritage is the whole Upper German-Raetian Limes between the Rhine and the Danube, in which the barrier installations and watchtower positions have been included without omission or exception. For the forts, a selection has been made on the basis of the state of preservation of the archaeological substance.

Statistical information

The area of the World Heritage zone along the Upper German-Raetian Limes amounts to a total of 34,4 km². Surrounding and immediately adjacent areas are defined as a buffer zone which amounts to a total of 258,5 km². Detailed information, such as on the areas in each individual community, are accessible in the geoinformation system of the Limes database on the internet.

- World Heritage zone

The proposed World Heritage zone is established along approximately the whole length of the barrier installations on a uniformly 30 m wide continuous strip of land. The extent of the World Heritage zone thus

comprises the totality of the archaeological remains along the border line that are known or confidently supposed. The World Heritage zone thus reaches, as an almost continuous band, from the beginning of the Upper German-Raetian Limes to its end, from the Rhine to the Danube (cf. Vol. II, Enclosure B IVa).

At the watchtower positions, the extent of the World Heritage zone has generally been increased to an area of 60 x 60 m. This takes account of the greater extent of the archaeological substance at the watchtower positions. In locations where the extent of the archaeological monuments is known to be greater, individual enlargements of the proposed world heritage zone have been made in each case.

Along the barrier installations, areas which have been built over have been integrated into the listing of the area of the proposed World Heritage zone. There are three motives for this:

- first, the Upper German-Raetian Limes formed in antiquity an arbitrarily drawn continuous line. This must be the basis for all considerations and measures for its management as a monument.
- in addition, authentic archaeological substance can be preserved even under existing buildings and roads. Since at present the state of knowledge is for the most part insufficient to determine this either positively or negatively, the intention of the listing is to ensure adequate protection in every case.
- finally, the future handling of the Upper German-Raetian Limes presented in the Management Plan (Appendix A 9, paragraph 7.2) also includes perspectives for the visualisation of sections which have been destroyed. This possibility is most of all to be employed where it serves to improve the ability to perceive the precise course of the former Roman imperial border. Even when

no archaeological substance can still exist on the affected area, listing as World Heritage thus nevertheless appears to make sense. In the middle and longer term, thoughtfully executed restorative and reconstructive measures here can support the protection of neighbouring areas on which authentic archaeological substance is still present.

The scope and extent of the proposed World Heritage zones along the barrier installations of the Upper German-Raetian Limes, taken as a whole, are consistent.

The forts (ala, cohors and numerus forts with a fort area of more than 0.5 ha) along the Upper German-Raetian Limes have been defined as fort locations, that is, including the associated civilian settlements, roads, burial grounds etc. Where a number of forts lie close together in one place, a single fort location has been defined. Often, the extent of the World Heritage zone is many times the size of the respective fort(s).

For all fort locations, the proposed World Heritage zones have been individually defined. The quality and the state of preservation of the archaeological substance formed the deciding criteria for this. The determination of the World Heritage zone thus followed the distribution of the known archaeological sites or the extent of known destructions, and thus takes account of the historically surviving form of a location. The sizes of the World Heritage zones proposed thus vary from one fort location to another.

At locations used for agriculture or forestry, it is thought to have been possible to list as World Heritage all areas which were built up in Roman times. The indicator for the definition of the World Heritage zone was the position and distribution of all the more significant archaeological remains, and as far as possible of all smaller secured sites.

Even in the area of dense settlement, all intact areas of fort locations have been included in the World Heritage zone. However, areas in which the archaeological substance has been destroyed or its quality is severely impaired were excluded. For example, substantial reduction of the significance of the authentic Roman remains due to construction projects carried out was considered to constitute severe impairment of the archaeological quality. Equally, the inclusion of all the smaller sites in the proposed World Heritage zone was not always possible, for legal reasons. Taken together, this gave rise in a few cases in the areas of dense settlement to a substantial reduction of the World Heritage zone, which can, for example, comprise only a part of the former fort. In a number of cases, this also led to a division of the World Heritage zone of a fort location into several areas situated in isolation from one another. The reason for this was the wish to take account of all archaeological remains, but at the same time to exclude those areas on which, for reasons of past destruction, little or no monument substance is still present. However, these areas usually have been included in the buffer zone.

For a total of five fort locations along the Upper German-Raetian Limes, only inclusion for information purposes is now possible [Appendix A 1]. For these, it is no longer possible to expect coherent archaeological remains, due to large-scale transformations in the past. However, with the 58 fort locations included in the nominated purple World heritage zone, the totality of all the forts for which authentic monument substance exists is accounted for.

- Buffer zone

The buffer zone along the Limes has been adapted to the local circumstances (cf. Vol.

II, Enclosure B IVa). Both along the barrier installations themselves and at the individual fort locations, the listing follows three general principles:

A) A buffer zone surrounds the proposed World Heritage zone of the Upper German-Raetian Limes everywhere where individual components (barrier installations, forts) are preserved as elements of the landscape. The buffer zone here serves principally to protect the ability to experience the monument and the effect on the observer.

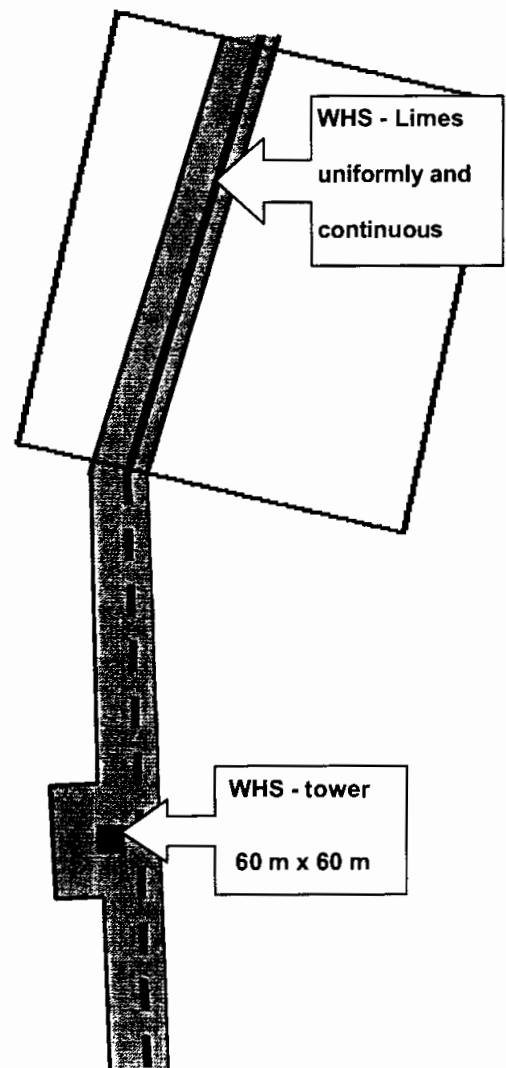
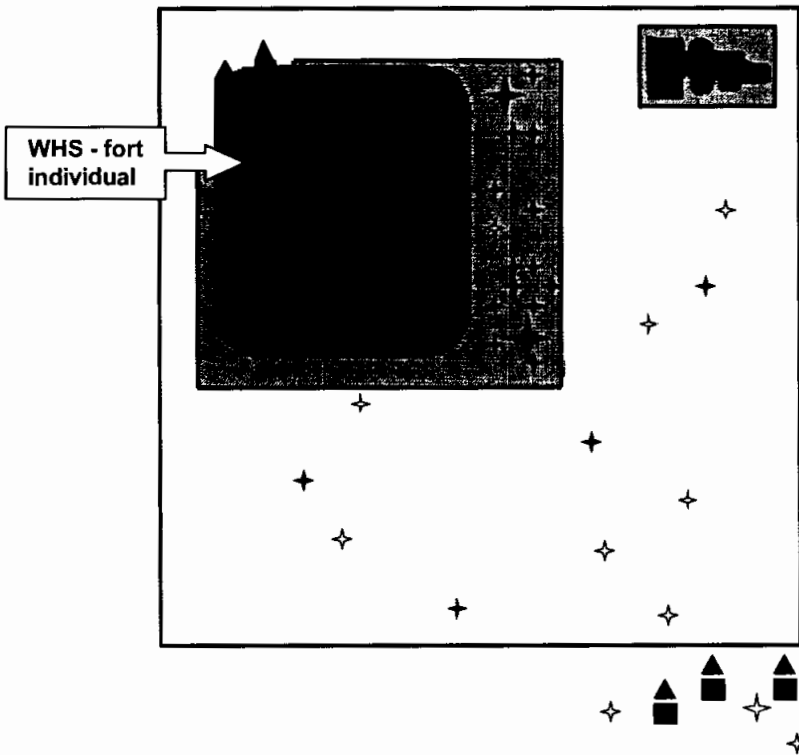
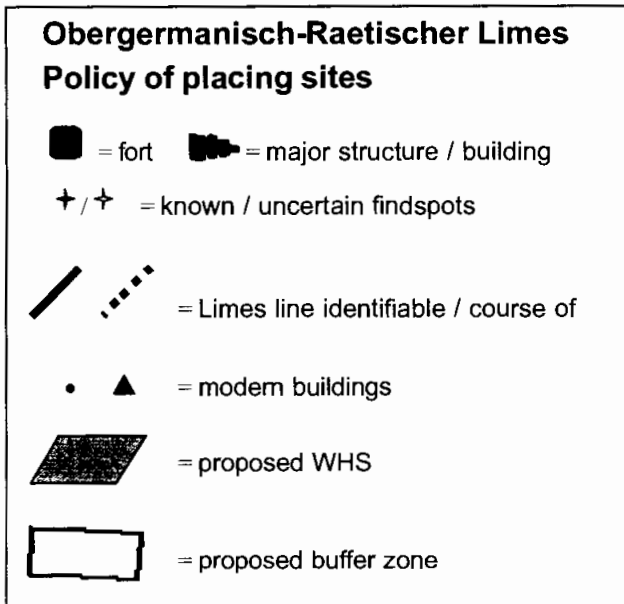
B) A buffer zone is also listed everywhere where archaeological substance in the ground can be supposed on the basis of theoretical scientific considerations, but for which there is as yet no evidence. This concerns principally areas on the fringes of known fort locations where the actual extent of the area settled in Roman times is not yet sufficiently well known.

C) Finally, a buffer zone has been listed everywhere where archaeological substance was originally present, but must today be considered with a high degree of probability to have been destroyed. This also principally concerns areas at the known fort locations where large-scale disturbances of the soil have taken place. The authentic monument substance may still be preserved here in small areas between or underneath existing buildings, although concrete evidence is lacking.

- Areas listed neither as World Heritage zone nor as buffer zone

Apart from elements of the Upper German-Raetian Limes that have a strong influence on the formation of the landscape, and where archaeological substance which was formerly present must be considered according to the present state of knowledge as destroyed or at best present only in insignificant remains, no listing of the area in any way has been made.

The following illustration presents this approach in schematic form:



2. *Justification for Inscription*

a) *Statement of significance*

The borders of the Roman Empire form the largest individual monument of one of the most important civilisations in the history of humanity. The archaeological remains of it that have been preserved in western and central Europe and surrounding the Mediterranean Sea symbolise even today the Roman epoch and indicate clearly the size of this superpower of antiquity. At the same time, they help to convey an understanding of the unifying character of the former Roman Empire and make visible a common cultural formation and history.

The Roman Imperial border in the provinces of Upper Germany and Raetia formed during the early history of Europe an arbitrarily drawn dividing line between the Roman Empire and the peoples of the ancient Germania Magna [Appendix A 3]. It was defined precisely to the metre along its whole course. The Upper German-Raetian Limes thus represents one of the earliest known artificial boundary lines. Numerous elements of a state border in the modern sense are displayed in it. Thus, the course of the Limes takes very little account of natural circumstances, and in large sections even deliberately none at all. In contrast to the usual practice for pure defence installations, the course is often mathematically straight, completely ignoring the topography of the land. The form of the frontier installation constituted by the Upper German-Raetian Limes is thus not to be considered as a military bastion. Rather, it acquired a powerful symbolic character as a demarcation line.

Equally, the Limes is a symbol of the cultural differences between the "classical" and "barbarian" worlds of antiquity. Even after the Limes was given up as a border system, the former Roman frontier in Central Europe continued to exist as a cultural divide far into the Middle Ages and modern times. Even today, cultural and administrative borders are often oriented to it.

Since very little written evidence is preserved from the time of the Limes, the archaeological monuments along the Upper German-Raetian Limes are often the only remains surviving from this period. The Upper German-Raetian Limes has for hundreds of years been a subject of national and international research, and thus also an occasion and a starting point for the development of new scientific methods and issues in archaeology [Appendix A 4].

The exceptional universal significance of the Limes is made clear by the following considerations:

1. *The Upper German-Raetian Limes was part of the external border of the Roman Empire (Roman Frontiers) in Central Europe between the late 1st century and the 3rd century AD.*

As an element of Roman foreign policy, the Obergermanisch-Raetische Limes as part of the Roman Frontiers had exceptionally high significance for the ancient world. Roman emperors visited the Limes, and world history was made here in the early centuries of our era. For the people and nations who lived outside the Roman Empire, the Limes was the first, and often the only experience of the world of classical antiquity.

Spatially, the Limes had effects far beyond the actual provincial area. Its effects reached in the south as far as the Italian peninsula, and in the north to the coasts of

the North Sea and the Baltic. Even today, research is still occupied with the question of the extent to which this former dividing line between the Romanised Worlds and the non-Romanised "Germans" has continued to influence subsequent historical epochs.

2. *The universal significance of the Upper German-Raetian Limes can be perceived even today in the monuments which have been preserved.*

Sophisticated planning and measurement techniques were employed for the erection of the extensive barrier installations and fort locations of the Limes. Substantial financial and personnel resources were involved. With its forts, the associated civilian settlements, the chain of varying watchtowers, and the actual demarcation line, the Obergermanisch-Raetische Limes displays an abundance of archaeological monuments which allows an authentic insight into the world of antiquity. The experience of it includes both visits to the monuments which survive above ground and the possibility of bringing the evidence held within the earth to expression through scientific examinations.

3. *The geographical-topographical situation that conditioned the exceptional historical and cultural formation of the Upper German-Raetian Limes is even now in large parts unchanged.*

The course of the Limes secured an artificial line of connection between the two great rivers of Europe, the Rhine and the Danube. At the same time, it separated the landscapes in the south and west of the present-day Federal Republic of Germany that were advantageous for settlement from the area of the central uplands lying to the north-east with less favourable grounds. This characteristic demarcation from the time of the Roman

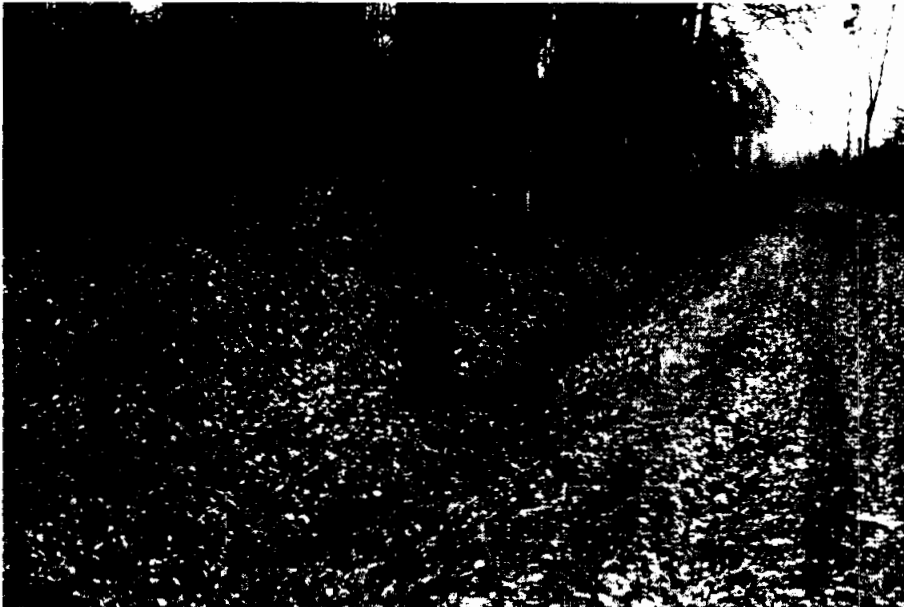
emperors Hadrian and Antoninus Pius can still be perceived today. A large part of the Limes consisted from the beginning of open, cleared strips which were driven through the forested landscape.

4. *The Limes and the historical events connected with it play a prominent role in historical research – in particular for questions of the organisation of the Roman provincial administration and the form of the border protection, but also in respect of the Romanisation of the provincial population and the conjuncture with the neighbouring non-Roman peoples.*

Early scientific work already saw and treated the Upper German-Raetian Limes as a part of the external borders surrounding the whole Roman Empire. From the beginning research perceived the whole land border as a unit. The Reichs-Limeskommission, founded 1892, published an enormous inventory of the Limes, which was an example for archaeological research of the Roman Frontiers in many countries.

For a long time, interest was focused on the research of questions of historical chronology, or the search for the material legacy of the Romans. Today, it is the economic, social and political relationships of the population groups within and without the Roman Empire which are in the foreground.

Articles on the Roman imperial border in Central Europe, some very thorough and extensive, are published in large international lexicons and encyclopaedias under the keyword "Limes". Scientific standard works on the Obergermanisch-Raetische Limes also appear outside Germany. Historical and archaeological teaching institutions at universities throughout the world treat subjects relating to the Roman imperial border in Germany



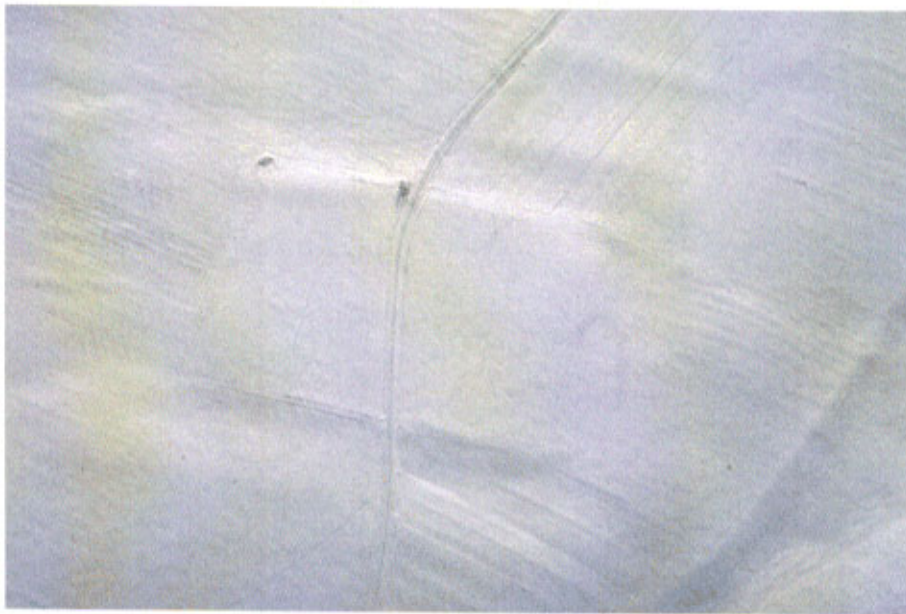
001 - Friedrichsdorf-Dillingen and Wehrheim, Hochtaunuskreis. Rampart and ditch with a recent boundary-stone. At this stretch the Limes separates two boroughs until now.



002 - Mainhardt, Kreis Schwäbisch Hall. Rampart and ditch of the Upper German Limes with a modern boundary-stone near watchtower WP 9/63.



003 - Osterburken, Neckar-Odenwald-Kreis. Preserved wall of the so-called annex-fort, today part of a public park. (Landesdenkmalamt Baden-Württemberg).



004 - Gnotzheim, Landkreis Weißenburg-Gunzenhausen. The shape of the fort is visible as a rectangle in the snow-covered landscape. (Bayerisches Landesamt f. Denkmalpflege L6930/004-1 BR 18.02.83).

[Appendices A 5, A 7 and A 8].

**b) Possible comparative analysis
(including state of conservation of
similar properties)**

There are examples of artificial border installations in almost all parts of the world, and from the most varied epochs of humanity. Most of them were erected based exclusively on considerations of military use (cf. the World Heritage sites the Great Wall in China and the Waterlinie in Holland). They were either locations where violent conflict occurred directly, or they fulfilled their purpose simply by means of deterrence. They have in common a military character as physical barriers.

The Roman Frontiers, in contrast, are not to be understood in all locations and at all times only as military defence lines. During the Republic and the early Imperial period, boundaries had not yet been established in many areas of the Roman Empire. Even later, Rome was often content with control of a broad border zone, and determined no final boundary line. In other areas, natural barriers such as the courses of rivers and coastlines served as borders. But even where, in the course of time, it became necessary to monitor fixed land borders, different solutions evolved within the Roman Empire. The research of the differences and common factors in the Roman imperial borders have for decades formed a major focus of the study of the Roman provinces. Unfortunately, the status of scientific research varies from region to region. This applies not only to the function of the border installations but also to their appearance, and even to their existence itself. New archaeological discoveries continue even today to contribute substantial changes to our conceptions of the Roman borders. It is

therefore difficult to do justice to the variegated remains along the Roman Frontiers in quantified comparisons. The border system, taken as a whole, represents an exceptional site for the history of humanity, which goes far beyond the sum of the individual monuments.

Although many questions still remain open within the scientific research, the Upper German-Raetian Limes nevertheless displays special features that are not known in this form in other border sections. In the first place, it should here be emphasised again that the course of its border, leading overland, represents an exception at least in the European part of the Roman Empire, and is otherwise to be observed in only two sections of the border line, which are now located in the United Kingdom and Romania. However, in this context, the course of the Upper German-Raetian Limes, for long stretches as if drawn on a map with a ruler, remains unique. In addition, it is remarkable that the function of the border was apparently restricted to the narrow band along the actual border barriers. In any event, additional structural installations in front of or behind the border line, as they are known from other parts of the Roman imperial border, seem not to exist. Finally, without at this point going into more detail on this issue, strongly pragmatic traits are displayed in the formation of the actual border installations of the Upper German-Raetian Limes. In contrast to, for example, Hadrian's Wall, which was planned and partially erected in accordance with a uniform scheme of construction, there are regional and local differences in the border installations in Upper Germany and Raetia: in the situation of the forts in relation to one another and to the border line, in the spacing of the watchtowers, and in the disposition of crossings, etc.. Some of these differences can be

explained by the local topography of the land, while others still remain puzzling.

The fact that some areas of the Roman frontiers are scarcely visible as an archaeological monument and lie unresearched in the earth distinguishes the nominated structure in essential points from other archaeological monuments of the World Heritage List, particularly from the numerous "classical sites" of antiquity.

However, at the same time, this circumstance makes it difficult to make justifiable statements about the quality of the monument the Upper German-Raetian Limes in comparison with other sections of the Roman Frontiers or with border installations of other periods. Thus a conserved watchtower may at first seem to be better preserved than a tower mound that has not been excavated. However, the scientific value of the monument as an authentic source of history is in many ways independent of its external appearance. As a rule, the historical form is here to be preferred to reconstructed and often also to conserved installations.

Large areas along the Upper German-Raetian Limes represent for research exceptional sources of history whose preservation for the future as archaeological reserve areas is imperative. This applies also to areas in which no ancient structures are visible above ground. The Upper German-Raetian Limes is therefore suited, as are only a few other archaeological monuments, for conveying the message that the protection of archaeological monuments also serves the preservation of scientific "resources".

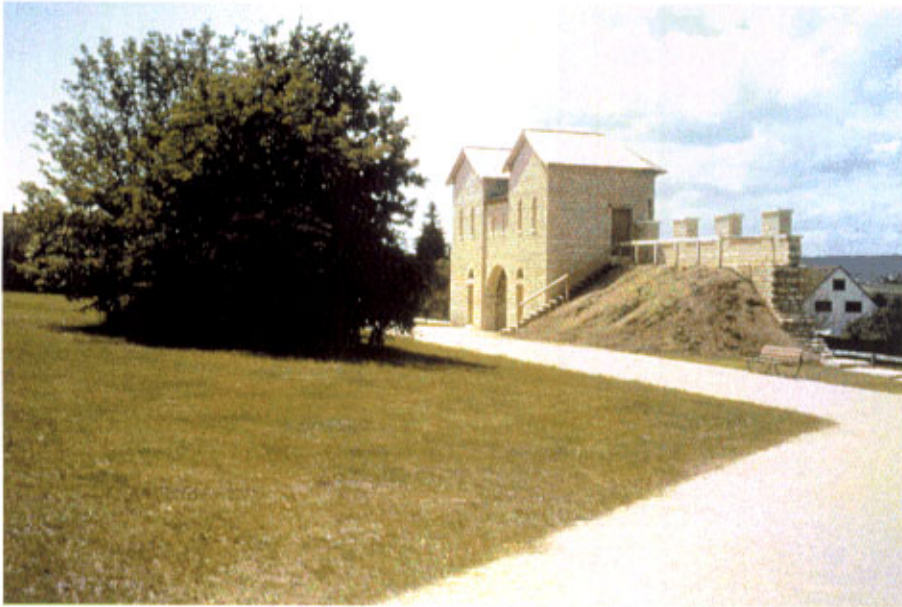
c) *Authenticity/Integrity*

The evidence of the Upper German-Raetian Limes that is preserved above

and below ground was created between the end of the 1st century AD and the middle of the 3^d century AD. The erection and the existence of the Obergermanisch-Raetische Limes are mentioned in ancient written sources. These also make clear the motives that ancient Rome associated with its installation [Appendix A 3]. Some elements, both of the border line and of the fort locations, were still in use as late as the Middle Ages as bulwarks or fortresses. Even today, some sections coincide with the course of current agricultural and political boundaries (photos 1 + 2).

As a whole, the Obergermanisch-Raetische Limes is preserved in its now historical form. The course of time, allied with post-Roman usage of large areas for domestic use, traffic or industry, together with sometimes intensive working in the context of agriculture and forestry, has irretrievably destroyed a part of the substance of the monument. Other areas are buried in the soil, and are no longer perceptible to the observer with the naked eye. As with the majority of archaeological monuments, the value of the Obergermanisch-Raetische Limes therefore also lies in the substance buried in the ground, which has been individually discovered and documented. Thus the definition of the monument at partially destroyed fort locations is oriented exclusively to the archaeological structures still preserved in the ground. The sectors and fort locations are conserved in their historical continuity and fulfil the requirement for authenticity (photos 3 + 4). They form archaeological reserve areas of the highest scientific value.

In other places, it is worthy of note that since the epoch of humanism they have not only been developed for research purposes by excavations, but substantial



005 - Weißenburg, Landkreis Weißenburg-Gunzenhausen. The gateway of the fort has been rebuilt in full height in the year 1990 after an intensive archaeological investigation. View from the east. (Bayerisches Landesamt f. Denkmalpflege).



006 - Ober-Mörlen, Wetteraukreis. The reconstructed watchtower WP 4/16 on top of the Gaulskopf was built 1912 according to plans of Ernst Fabricius, secretary of the Reichs-Limeskommission. (Landesamt f. Denkmalpflege Hessen).



007 - Rainau-Buch, Ostalbkreis. Site of the fort. Hedges and trees mark the shape of the fort and the position of the towers. (Landesdenkmalamt Baden-Württemberg).



008 - Schwäbisch Gmünd, Ostalbkreis. Baths of the fort at the Schirenhof. The visible walls are modern constructions separated by layers of gravel from the ancient structures in the soil. (Landesdenkmalamt Baden-Württemberg).

parts of their building works have also been conserved in the form of rebuildings on site (photos 5 + 6). Their research and presentation has at all times followed international standards, and to some extent scientific methods were developed through research on the Limes. Due to their methodology and due to the fact that the archaeological assets were very often secured in an exemplary manner by the establishment of archaeological reserves, numerous measures undertaken on the Limes in the past have already found international recognition.

Today, the areas of the Limes which have been preserved are subject to restrictive monitoring by the responsible State Offices for Monument Conservation (Denkmalämter der Länder). All future measures for reconstruction, reproduction and rebuilding have to take place in conformity with strict guidelines that are based on international standards [cf. also further under point 4, and the statement in the Management Plan – Appendix A 9, attachment 1].

d) Criteria under which listing is proposed (and justification for listing under these criteria)

The Upper German-Raetian Limes fulfils the following criteria of the Operational Guidelines for the Implementation of the World Heritage Convention - No. 24 "Justification of *outstanding universal value*":

(I): The course of the Upper German-Raetian Limes – which in large parts follows a straight line – represents a masterpiece of human creative genius. On the one hand, it is an excellent demonstration of the measurement technology of antiquity, and on the other hand it demonstrates in an impressive manner the desire of man to raise himself

above nature. Even today, it is still possible to follow in the landscape large stretches of the Limes that are drawn perfectly straight without taking account of the topographical circumstances. (photos 9 + 10).

(II): As a part of the Roman Frontiers of the Hadrianic-Antonine period, the Upper German-Raetian Limes is an exceptional witness to a cultural tradition, because as an outstanding monument it is an emblem of the desire of man, recognisable in all epochs of history, to define himself within his own, often artificially created boundaries. Technically, the Roman imperial border anticipated the nature and form of barriers of this kind right up to the present day. The Obergermanisch-Raetische Limes was the prototype of the tradition of defining human communities in an internal and external relationship with artificial border lines.

(III): The Roman Empire was one of the high cultures of antiquity, and an important stage in the story of humanity. The Upper German-Raetian Limes – built by Roman troops – bears exceptional testimony to the military tradition of ancient Rome (photos 11 – 13).

The spatial and functional context of the structures and associated open spaces has been conserved in its essential parts and is in many places clearly perceptible. The remains of palisade, rampart and ditch or stone wall, the watch tower positions and forts, together with the additional archaeologically demonstrable buildings, are an outstanding example of a coherent ensemble.

The underground remains that are no longer visible are also extremely significant for historical research. In particular, there are many archaeological reserve areas that are of exceptional

scientific quality, and are examples, rare in this extent, of completely preserved military locations from the time of the Romans (photos 14 + 15). These outstanding locations do not, however, stand in isolation, but are conjoined with the installations demonstrable at other locations, so that the Obergermanisch-Raetische Limes as an ensemble still makes clear today the tradition of a continuous, secured and monitored boundary barrier.

(IV): The Upper German-Raetian Limes is an outstanding example of a traditional human land use, because, in contrast to other Roman border installations, it has, as a land border, in many places preserved its architectural and technical characteristics until the present day. The artificial line, drawn straight across the landscape, is at the same time an emblem of the greatest extent of the former Roman Empire, going even beyond the architectural remains. It can be demonstrated by archaeological means almost without gaps, and is also in large parts still visible with the naked eye. One feature, still existing today, is the often isolated location, away from areas suitable for settlement, which in antiquity secured the functioning as a military zone, and its course through areas close to nature, in large part forests.

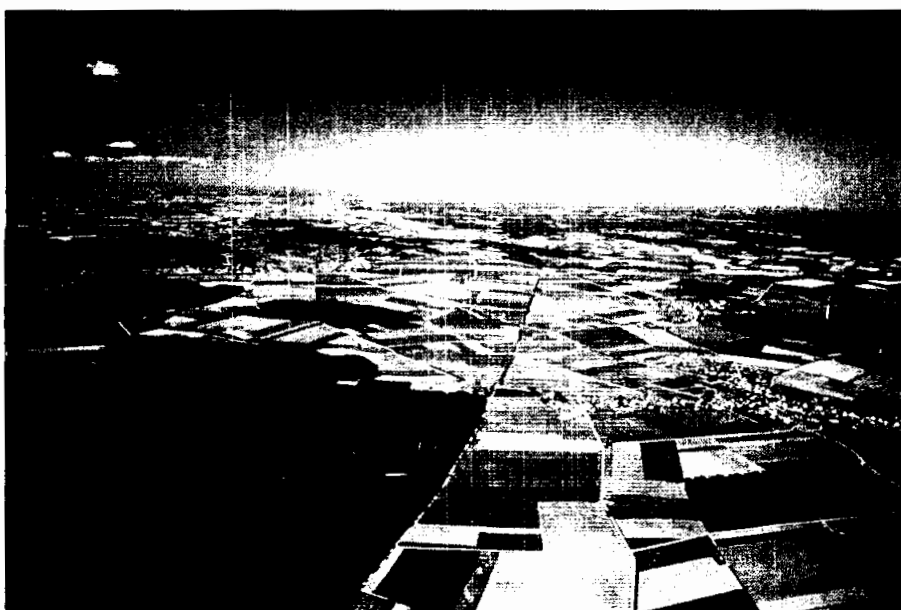
(V): The Upper German-Raetian Limes is, as a symbol of the Roman epoch of Europe, linked in a direct and recognisable way with events and traditional ways of life, with ideas and confessions of belief, and with artistic and literary works of outstanding universal significance. Reference has already been made to the mention of the Roman imperial boundary in the works of classical writers [Appendix A 3]. The division of Europe in the classical period by the Roman Imperial border created a cultural divide which

lasted for centuries, and is still in part in effect today. The artificial dividing line of the Upper German-Raetian Limes is the direct manifestation of this occurrence, which was momentous for the later history of Europe. From this separation of "the other", however, a situation developed that was, in the long term, disadvantageous for Rome, and which culminated in the "Völkerwanderung", the migration of peoples. Thus the Limes as a whole is also a symbol of the failure of the restriction of societal development and cultural interaction by physical barriers.

Typo - should be (vi) as it was in earlier version -



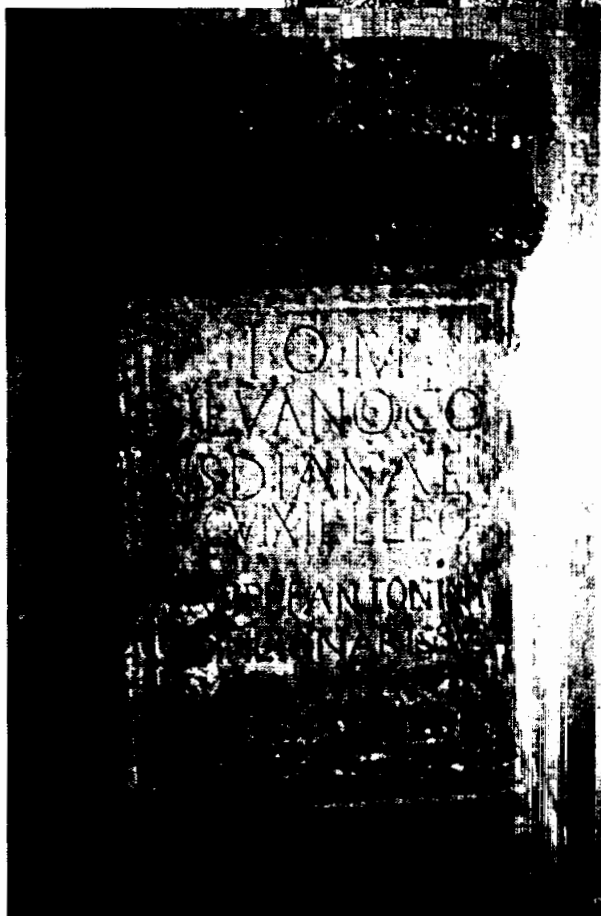
009 - Alfdorf, Rems-Murr-Kreis. The Limes-line between watch-towers WP 9/137 and 9/138 is clearly visible in the ground north of the Haghof. (Landesdenkmalamt Baden-Württemberg L7122/028-01 BR 05.10.2002).



010 - Burgsalach, Landkreis Weißenburg-Gunzenhausen. General situation of the dead-straight Limes-line. View from the east towards Weißenburg. (Bayerisches Landesamt f. Denkmalpflege L6932/009 KL 12.05.01).



011/012 - Bad Schwalbach-Lindschied, Rheingau-Taunus-Kreis. Inscription of IANUARIUS IUSTINUS on a rock above the river Aar in front of the Limes-line. (Landesamt f. Denkmalpflege Hessen).



013 - Klingenberg-Trennfurt, Landkreis Miltenberg. Votive altar for the Roman goddess Diana from 212 AD in the doorway of the church St Maria Magdalena. (Bayerisches Landesamt f. Denkmalpflege).

3. Description

a) Description of Property

The object to be protected, the Upper German-Raetian Limes, forms an elongated area 550 km long. It includes the settlement zones of 58 larger forts – the places at which military units were stationed in the time of the Limes, and where a civilian population connected with these lived and was buried. The Limes line and the fort locations thus form a functional and historical unit. Almost all the information we have on the course and appearance of the Obergermanisch-Raetische Limes is owed to archaeological research enduring over two hundred years.

The various sectors of the Obergermanisch-Raetische Limes were numbered consecutively from west to east by the former Reichs-Limeskommission around the year 1900 (cf. History of Research in Appendix A 4). Within the individual sectors, all watchtower positions were consecutively numbered. These numbering methods continue to be used, and have found application in the nomination. Thus the specification WP 7/8 indicates the eighth watchtower of the seventh sector (sector south of the Main up to the border of the former Kingdom of Württemberg). In contrast, the numbering of the forts from 1 to 58 was introduced specially for the preparation of these nomination documents. They correspond approximately to the course of the Obergermanisch-Raetische Limes from north-west to south-east, and are intended to serve quicker access to the individual locations in the separate descriptions.

1. Course of the Upper German-Raetian Limes (cf. Vol. II, Enclosure B, maps II and III)

Around 25 km north-west of Koblenz, the Upper German Limes begins on the right bank of the Rhine, between Rheinbrohl and Bad Hönningen (photo 16). It runs at first over the hillside periphery of the Westerwald above the Neuwied Basin. Here, it served principally to protect this fertile basin landscape. The forts in Heddesdorf (No. 1), Niederbieber (No. 2), Niederberg (No. 3) and Arzbach (No. 4) lie either directly on the Limes line, or set back in the hinterland to monitor the important trading routes from the Rhine valley plain to the neighbouring central uplands. In Bad Ems, with its Limes fort of the same name (No. 5), the Limes crosses the Lahn before then climbing the forested heights of the Taunus. There, it first passes the forts of Marienfels (No. 6) and Hunzel (No. 7) and then, close behind the Holzhausen fort (No. 8), reaches the border between the present-day Federal States of Rhineland-Palatinate and Hesse.

The course next leads to the east through the Hintertaunus via the Kemel fort location (No. 9). The forts at Zugmantel (No. 10) in the west and Ateburg-Heftrich (No. 11) in the east controlled the commercially important north-south connection of the Idstein depression. At the Feldberg fort (No. 12), the Limes meets the ridge of the Taunus. East of the fort, its course creates an eye-catching visual echo. On the north slope of the Feldberg, the Limes reaches its highest point at around 800 m above sea level, with the watchtower WP 3/49. On the following sector, past the fort at Saalburg (No. 13), the Limes almost always follows the direction of the Taunus ridge. Only at the northern edge of the Taunus does the course turn, and surrounds the fertile plain

of the Wetterau, with a curve striking out far to the north. At the foothills of the Taunus, the Kapersburg fort (No. 14) protected the Limes segment on its way to fort Langenhain (No. 15). Central to the northern Wetterau, and connected by military roads with the Limes line, lay the Friedberg fort location (No. 16). Shortly before the Butzbach fort (No. 17), the Limes leads 10 km dead straight to the north-east (WP 4/33-49). North of the Arnsburg fort (No. 18) it continues towards a broad curve (most northern point of the Limes at the Hainhaus fortlet). This section lay across from the Giessen Basin, which was densely populated in Germanic times. From here, the Limes runs, largely again in a straight line to the south, at the edge of the fertile plain of a minor river, the Horloff, in the direction of the Main ([photo 17](#)). Larger fort installations such as in Inheiden (No. 19), Echzell (No. 20), Ober-Florstadt (No. 21), Altenstadt (No. 22) and Marköbel (No. 23) secured this eastern Wetterau line. The last 15 km (start of sector 5) via Rückingen (No. 24) to the Main at Gross-Krotzenburg (No. 25) is again particularly noticeable for its mathematically straight course.

The subsequent Upper German Limes along the river Main forms a "wet border" for a length of 52 km, without barrier installations and with probably only a few watchtowers. This section was secured by the fort locations Seligenstadt (No. 26), Stockstadt, Niedernberg (No. 27), Obernburg (No. 28), Würth (No. 29), Trennfurt (No. 30) and particularly the two forts at Miltenberg (Nos. 31+32), whose military units surely represented a cornerstone of the line of the Main. These forts were connected by a military road. The course of the Limes is here adapted to the river valley, and the Main itself forms the border marking. The river certainly also had importance as a commercial highway.

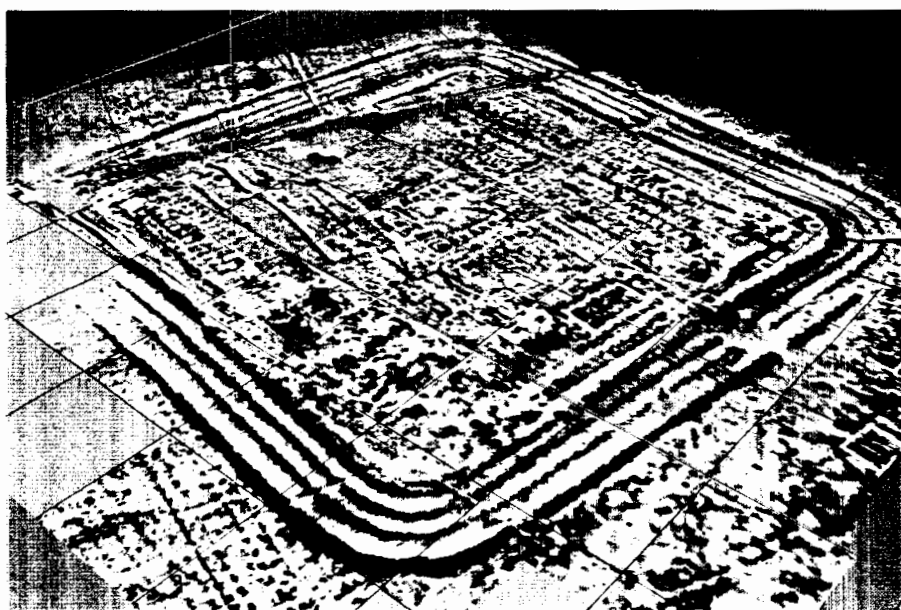
The southern part of the Upper German Limes connects to the Limes along the Main at the elbow in the Main at Miltenberg, and is among the latest segments to be constructed. The impressive, mathematically straight course of its line between Walldürn and the Haghof (sectors 8 and 9), which for a distance of 80 km take no account whatsoever of the formation of the territory, is based on an advanced concept of border monitoring. Here the route follows without deviation its mathematically straight line drawn across the land. The function of the Obergermanisch-Raetische Limes as an artificial demarcation line was here brought to perfection. Along the sector leading to the south-east lie eight fort locations, all dating from the same period, Walldürn (No. 33), Osterburken (No. 34), Jagsthausen (No. 35), Westernbach (No. 36), Öhringen, Mainhardt (No. 37), Murrhardt (No. 38), Welzheim (No. 39) and Lorch (No. 40). A few kilometres east of the sharp bend in the Limes at Lorch, the Rotenbach valley near Schwäbisch Gmünd forms the border of the two provinces of the Limes period, *Germania Superior* and *Raetia*.

The western part of the Raetian Limes, which begins here, is also connected with this advanced system of border security. The straightness of its route, which can already be perceived in the Upper German Limes, was also an essential element of the planning of the Raetian Limes ([photos 18 + 19](#)). Here, too, the Limes crosses even valleys to keep to the straight conduct of line.

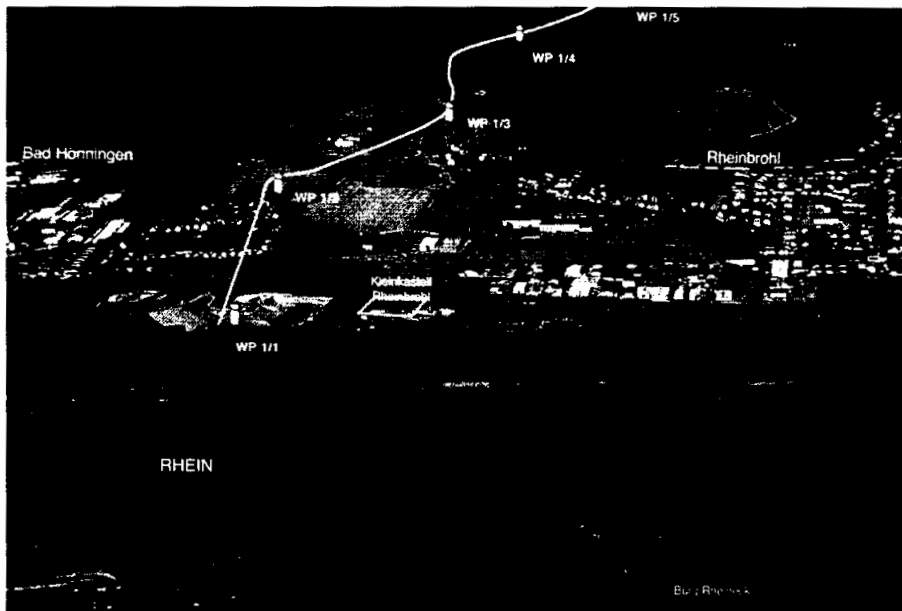
The Raetian Limes which continues in a wide curve via the fort locations of Schirenhof (No. 41) and Unterböbingen (No. 42), both securing the Rems valley, together with Rainau-Buch (No. 44) and Halheim (No. 45), reaches the border



014 - Weiltigen, Wittelshofen and Gerolfingen, Landkreis Ansbach. Site of the fort Ruffenhofen. None of the structures are visible for the onlooker. (Bayerisches Landesamt f. Denkmalpflege).



015 - Weiltigen, Wittelshofen and Gerolfingen, Landkreis Ansbach. Site of the fort Ruffenhofen. The photogram of a geomagnetic survey shows the Roman structures in the soil: wooden buildings and ditches are dark, stone-buildings light. (Cäsium-Smartmag SMG-4-Special-Magnetometer, Duo-und Quadro-Sensor-Anordnung, Dynamik ± 7.500 nT (weiss/schwarz) in 256 Graustufen, Empfindlichkeit ± 10 pT, Messpunktabstand $25 \sim 50$ cm, 40-m-Gitter. Mag.-Nr. 6928/074-30216. Bayerisches Landesamt f. Denkmalpflege, H. Becker / J. Faßbinder).



016 - Rheinbrohl, Kreis Neuwied. General view of the beginning of the Upper German Limes (CAPUT LIMITIS) east of the river Rhine. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



017 - Echzell-Bingenheim, Wetteraukreis. The Limes-line between watchtowers WP 4/87 and 4/88 is visible as a light line in the field. (Landesamt f. Denkmalpflege Hessen L 5718/020-1 BR 30.06.86).

between the federal states of Baden-Württemberg and Bavaria (junction of sector 12 and sector 13). Fort Aalen (No. 43), the largest troop camp in the Raetian section of the border, served to secure this line from the rear. To include the fertile Nördlinger Ries, the Raetian Limes now runs past the forts Ruffenhofen (No. 46) and Dambach (No. 47) in a flat curve to the north around the Hesselberg, and reaches its most northern point at Gunzenhausen. The lack of regularity in the formation of the Raetian Limes in this section is an expression of its gradual development in separate phases. Fort locations lying close to the border line, such as Theilenhofen (No. 50) and Ellingen (No. 51) here supplemented existing, older installations in Gnotzheim (No. 48), Unterschwaningen (No. 49), Weissenburg (No. 52) and probably also Oberhochstatt (No. 53). The Burgsalach construction (No. 54), which is interesting for many reasons, was probably the latest fort to be built on this section of the border. The three larger fort locations of Pfünz (No. 55), Kösching and Pförring (No. 57), which lie on the part of the Raetian Limes adjoining to the east, are also situated in the hinterland. From Weissenburg, the course of the border heads to the south-east, crosses the valley of the Altmühl at Böhming (No. 56), and reaches the Danube north of fort Eining (No. 58).

2. Individual elements of the Upper German-Raetian Limes

The Upper German-Raetian Limes consists, as well as the actual border line, of watchtowers and fort locations of differing sizes and formations (cf. figures on page 19). The nature and function of the Roman imperial border as a continuously marked and monitored line can be understood from the interaction of the individual elements. In general, it is to be noted that many questions on the

development, function and interaction of the individual elements of the Obergermanisch-Raetische Limes are yet to be conclusively answered, and must remain the subject of its future research.

Border lines

At first, the Obergermanisch-Raetische Limes formed a simple cleared strip through the ancient forest landscape, which was subsequently secured with a continuous palisade fence. Even the construction of this palisade, and particularly the rampart-ditch system which followed it on the Upper German, and the stone wall on the Raetian Limes, represented both a logistical and a technical challenge. In particular, however, the surveying of the long mathematically straight lines of the Limes provides impressive evidence of ancient surveying skills, and makes clear that the Obergermanisch-Raetische Limes was not erected as a military bastion, but as an unmistakable demarcation line and a hindrance to approach. The monitoring of a large glacis was apparently not necessary for the functioning of the border line. Rather, it was the line of sight connection along the course of the Limes that was decisive.

On almost all sections of the Upper German Limes, excavations have shown that in the latest phase of construction, a uniform structure of a rampart and ditch fortification was aimed at, and apparently also realised (photos 20 + 21).

The mighty earthworks – if one considers the over 330 km long extent of the Upper German Limes – consists of a ditch with a breadth of c. 8 m and a depth of c. 2.5 m. Its traces have, in long sections along the former Roman border, been conserved until today, and are often described in popular parlance as “Pfahl (-graben)” (stake-ditch).

On the Raetian Limes, instead of this rampart and ditch system, a wall of local quarry stone was erected, probably c. 2.5 to 3 m high and 1.2 m thick. The remains of this wall, which ran for a length of 167 km and are known in popular parlance as the "Teufelsmauer" (Devil's Wall), are still visible today in many places between the Rotenbach valley in the west and the Danube in the east, partly as a stone embankment (cf. photos 92 + 93). The reason for the choice of construction as a stretch of wall was surely the fact that on the Jura plateau of the Swabian and Frankish Alps there was sufficient stone material available, and at the same time, that construction of a ditch was more difficult there. The military significance of the wall should therefore not be over-estimated. However, the nature and execution of the remaining sections of wall make clear that the Raetian wall was more a border marking and less a defence installation. Its effect surely also rested on the sustained psychological impression which the stone construction, provided with a white plaster surface, left on an observer in the ancient landscape.

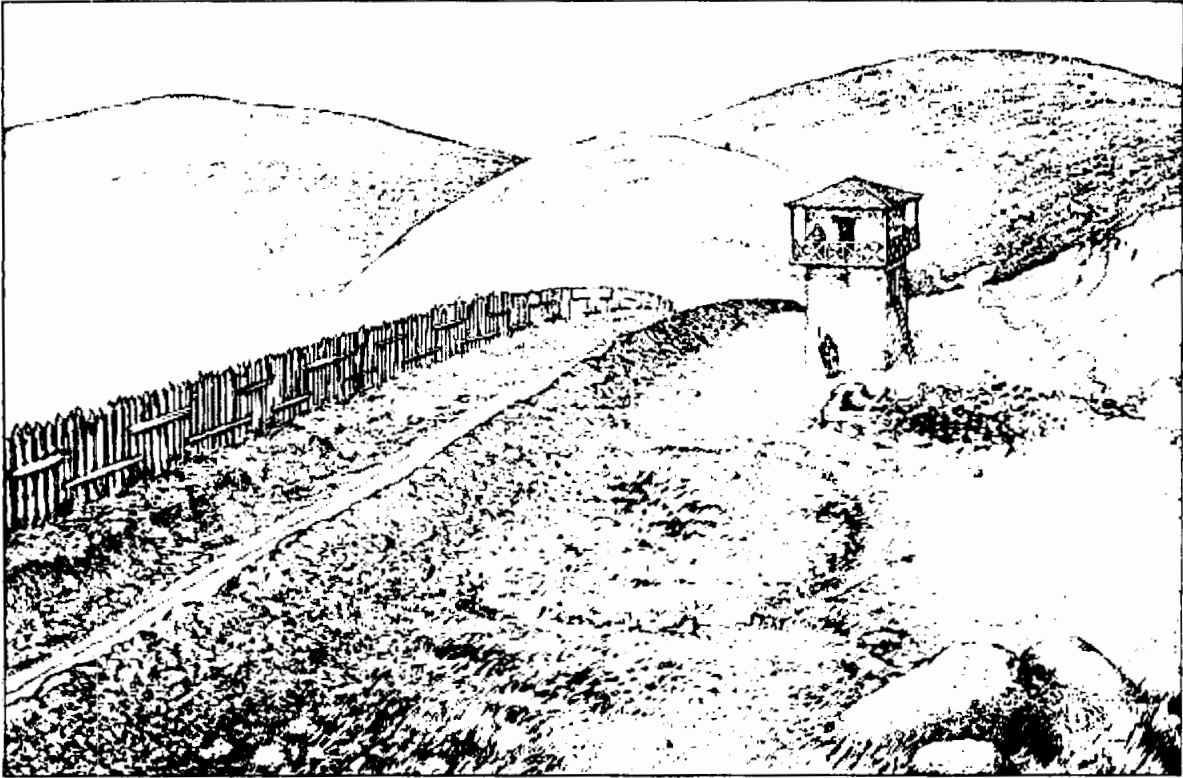
Examples of representative segments of both the Upper German and the Raetian Limes are to be found in Appendix A 10, in word and picture.

Watchtowers

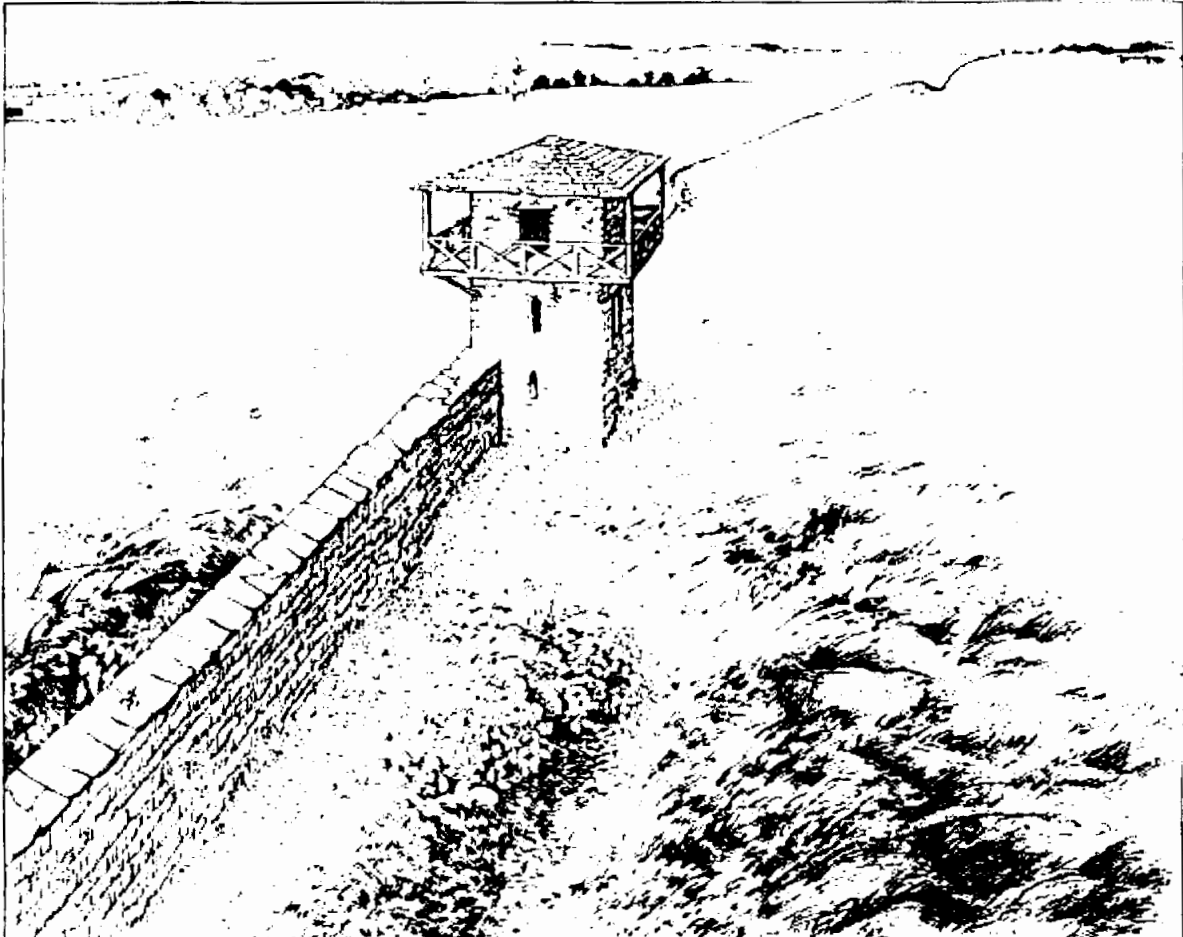
Along the Upper German-Raetian Limes, some 900 watchtower positions are known, or conjectured on the basis of topographical circumstances. The towers stood at a distance of less than 300 m up to 800 m from each other. The determining factor for their spacing may well have been primarily a good line-of-sight connection to the neighbouring towers. It is however noticeable that towers in areas favourable for commerce, such as in the Hohenloh Plain (sector 9, WP 9/25 to

9/50) are regularly set closer together – apparently more intensive monitoring was aimed at here. Often, a number of tower positions are to be found at one location, belonging to different phases of construction. Thus, in the first instance, a general progression from the older wooden towers to stone towers can be established, but it is also not unusual to find a number of wooden towers replacing each other, or equally a number of stone towers at one point (photo 22).

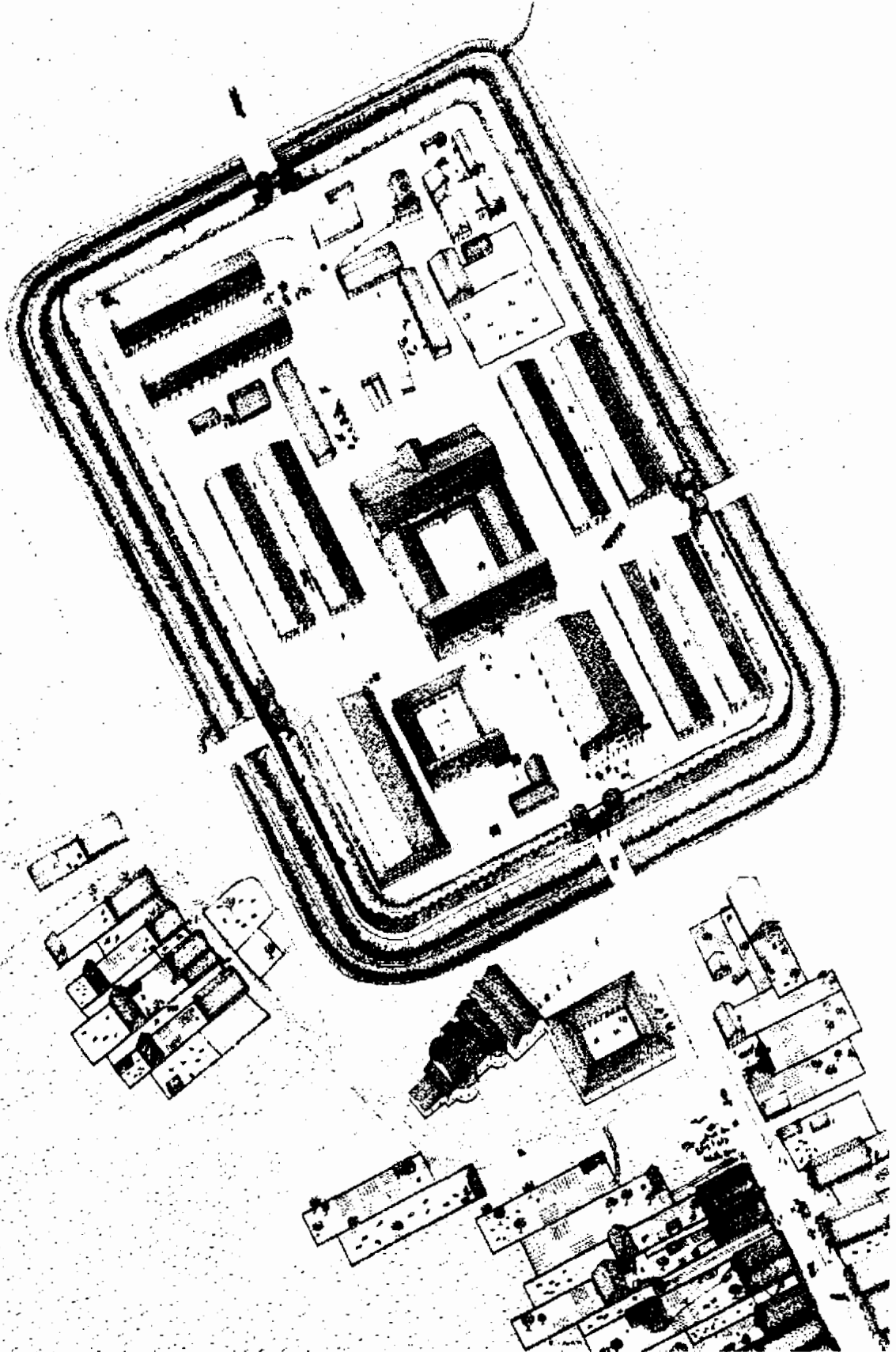
The form of their construction (height, external appearance, distribution of space) depended on local circumstances and requirements. The archaeological finds from excavations provide, in the first instance, indications of the design of the ascending masonry. Thus, the towers have almost exclusively a square foundation; hexagonal ground plans are only occasionally to be found. The lengths of the sides vary between 4 and 8 metres, while the thickness of the walls of the stone towers is for the most part around 0.6 m (photo 23). Stone towers were erected from locally available quarry stone. White plaster with a red line simulated massive ashlar masonry. Window and door settings also display a corresponding quality of construction. The representation on Trajan's Column in Rome provides an idea of comparative watchtowers on the Danube Limes in the earlier 2nd century AD. The towers are likely to have been between 7 and 9 m high, and probably had three storeys. While the ground floor tended to be used as a supply room and storage chamber, the top storey, perhaps with a wooden gallery, served in all probability as a look-out area. The entrance to the tower may well have been located on the intermediate level, together with the sleeping quarters of the soldiers stationed there.



Upper German limes: final form showing palisade, stake ditch, and stone watchtower.



The Raetian limes: final form showing the stone wall and stone watchtower.



The reconstruction of the Saalburg is representative of a fort site from the mid of the 2nd Century onwards. The rectangular fort is surrounded by a stone wall and two ditches, within lie the principia (centre), the praetorium, stables, the elongated barracks and various smaller buildings. The vicus is situated outside the fort with a large bath building, a possible mansion and the strip-houses of the civilian settlement.

The roofing of the towers consisted of wooden shingles. Wooden towers resembled the stone towers in form and dimensions. The Limes towers probably accommodated 3 to 6 soldiers, at best. On the basis of finds of supply containers, millstones and permanent fireplaces, it has to be assumed that the soldiers lived for longer periods in the watchtowers.

Fort locations

Over 60 forts are known along the Limes as garrisons of larger, independent military units. Their size was based principally on the number of soldiers (from 100 up to a maximum of 1,000) who were stationed in them. Their duties included, as well as the actual watch duty on the border, monitoring of goods and personnel traffic across the Limes. Important fort installations were located at pass situations (Zugmantel No. 10, Saalburg No. 13), and at the transfer points of long distance routes (Weissenberg No. 52). From numerous fort locations, the presence of the so-called *BENEFICIARI* is known who had special duties in the regulation of the border traffic.

Fort types

- Ala forts. Mounted units, *ALAE*, could be between 500 (*ALA QUINGENARIA*) and 800 men (*ALA MILLIARIA*) strong. The Ala II Flavia milliaria, which was stationed in Aalen (No. 43 – fort area 6.1 ha) was one of the strongest troop units in Raetia. Further mounted units (*ALA QUINGENARIA*) were stationed in Butzbach (No. 17), Echzell (No. 20), Welzheim (No. 39 a/b), perhaps Ruffenhofen (No. 46), Weissenburg (No. 52) and Pforring (No. 57).

- Cohors forts. Infantry units (*COHORTES*) stationed in these were as a rule 500 strong, and were often partly mounted

(*COHORS EQUITATA*). With an area of 1.5 to 3.5 ha, cohors forts were significantly smaller than ala forts, but similar in their structure. The majority of the fort locations on the Limes consisted of such cohors forts.

- Numerus forts. *NUMERI*, small reconnaissance and observation units of c. 130-150 local men, were used to relieve the *alae* and *cohortes*, particularly in areas where access was difficult. The forts of the *numeri* reached an area of 0.6 – 1 ha. Some examples are Walldürn (No. 33), Welzheim-Ost (No. 39 b) and Böhming (No. 56).

- Fortlets. These installations, occupied by just 20-30 men, and of a size of around 300 m², were frequently established along the Limes, for various purposes. The 60 or so known fortlets monitored Limes crossings (photo 29), and served to accommodate or supply the men stationed in the watchtowers, or to relieve larger forts. In the high Taunus, for example, fortlets can be identified on the longer Limes stretches between larger fort installations. Thus there were two fortlets between fort Feldberg (No. 12) and the Saalburg (No. 13). The layout of these small military installations differed in most cases from that of larger forts. Often they had only one main gate, or two gates opposite each other. The internal buildings consisted of a single building with a U-shaped ground plan (photo 28).

Extended civilian settlements (*Vici*) developed around the forts, either along the arterial roads, or in a ring around the area of the camp. In contrast to the forts, these settlements, which were often several hectares in size, were only in exceptional cases secured with defensive installations – a significant indication of the predominantly peaceful times on the Obergermanisch-Raetische Limes. Here

lived the dependants of the soldiers, such as traders, craftsmen and service providers, who lived from the economic strength of the garrison. Vici were a fixed component of all the larger fort locations along the Upper German-Raetian Limes. Within these settlements there were baths, and often also hostels, religious sanctuaries, and other official buildings, as well as in all cases a large number of private houses. One or more burial grounds lay at the margin of the settlements. The size of the fort vici depended on local circumstances, such as the suitability for settlement or the commercial situation, as well as on the size and the duration of stay of the troop unit stationed in the associated fort (photos 30 + 31).

The larger fort locations of the nomination, 58 in all, are described in brief form in Appendix A 11, in word and picture, information to all installations can be found in the Limes Database.

b) *History and Development*

As a largely artificially drawn line that separated naturally favourable settlement areas from the "wilderness", the Upper German-Raetian Limes only rarely, and rather coincidentally, affected older settlement locations. Occasionally, however, much older, pre-Roman relics, particularly burial mounds, lay within the area of the boundary of Roman times. From the current scientific viewpoint, it cannot be unequivocally determined how much influence such older archaeological monuments had on the definition of the border line. Where situational relationships with existing pre-historic sites (e.g. Celtic burial mounds from the 5th century BC) were recognisable, these neighbouring archaeological monuments were also included in the nomination.

1. Origin and development of the Upper German-Raetian Limes

The zone north of the Alps and east of the Rhine came to the centre of Roman attention a number of times around the change of epoch, sometimes in dramatic circumstances. Examples are Caesar's bridgeheads over the Rhine (55/53 BC) and the large-scale campaigns under the emperors Augustus and Tiberius (15 BC – 16 AD). However, Rome only extended its territory to the east of the Rhine and north of the Danube some generations later. The reasons for this were, on the one hand, the need to create a direct road connection between the capitals of the provinces of Upper Germany, MOGONTIACUM-Mainz, and Raetia, AELIA AUGUSTA-Augsburg, and on the other hand, under the emperor Domitian in 85 AD, to secure the area bordering directly on the Upper Rhine.



018 - Ellwangen-Pfahlheim, Ostabkreis. General view of the situation east of Halheim. The Limes is visible as a zigzag-line in the snow-covered landscape. (Landesdenkmalamt Baden-Württemberg L7126/001-01 BR 23.03.1987).



019 - Ettenstadt, Landkreis Weißenburg-Gunzenhausen. General situation of the Limes-line between watchtowers WP 14/37 and 14/39. (Bayerisches Landesamt f. Denkmalpflege L6932/152-1 KL 16.02.01).



020 - Limeshain-Rommelshausen, Wetteraukreis. Reconstructed stretch of the palisade.



021 - Zweiflingen-Pfahlbach, Rems-Murr-Kreis. Profile of rampart and ditch of the Limes at the Pfahldöbel. (Landesdenkmalamt Baden-Württemberg).

It was at this time that the oldest part of the Upper German Limes between the Rhine and the high Taunus was created. Since the directional focus of the original drawing of the boundary lay on the heights, the course of the Limes in this area was still very much adapted to the landscape. Only later was a course defined which created more and more straight sections. It was also at this time that the first fort locations were established, such as, for example, Arnsburg (No. 18) and Echzell (No. 20). The reasons behind this were primarily to control old trade routes, in this case to the settlements of the Germanic Chatti in the present-day Giessen Basin.

In the area of the Raetian Limes, there was a comparable development over time, although the situation here is less clear. The Danube border, secured since the time of the emperor Claudius (41-54 AD), was probably moved north, across the river, under Domitian. Under Trajan (98-117 AD), Limes forts began to be established, for example in Theilenhofen (No. 50) and Pförring (No. 57). The central section of the Raetian border line also brings to attention the importance of the Limes as an economic security zone: agriculturally rich areas such as the Nördlinger Ries were also included, together with the Limestone deposits in the Frankish Alps.

For a long time, only a strip cleared through the woods existed on the Obergermanisch-Raetische Limes, a patrol track monitored by wooden towers. Under the emperor Hadrian (117-138 AD), the patrol track along the border was additionally secured with a continuous palisade fence: the Limes line was closed. A date of 119/120 AD, recently obtained on the eastern Wetterau Limes near Hammersbach-Marköbel through dendrochronological examinations, supports this

dating, which is also substantiated by a text passage in the *Historia Augusta* [Appendix A 3]. Shortly after the middle of the 2nd C, the southern section of the Upper German Limes and the western section of the Raetian Limes underwent a border correction in the sense of a new frontier line to the east and north, for the purpose of straightening the line of the border. The expansion of the Limes and its hinterland is placed at the end of the reign of the emperor Antoninus Pius (138-160 AD). Probably in connection with the correction of the border, or shortly thereafter, rampart and ditch were established in Upper Germany. In the last stage of its expansion, the Upper German Limes thus consisted of stone towers, rampart, ditch and palisade. On the Raetian Limes, the palisade fence probably fulfilled its functions still longer. Thus it was possible in the Rotenbach valley (Sector 12, WP 12/22-12/23), with the find of palisade remains in the bed of a stream, to determine a dendrochronological date of 164 AD, and at the transition over the Jagst, south of Rainau-Schwabsberg (Sector 12, WP 12/79-12/81), a comparable find documented a date of 165 AD. Here, it was also possible to show that the construction of the palisade followed a wooden fence that cannot be precisely dated. The fort locations were also established simultaneously with the Limes line on the Raetian Limes. The eastern section of the Raetian Limes was also provided with additional security from the middle of the 2nd century AD by the erection of the numerous forts at Böhming (No. 56), Gunzenhausen and Ellingen (No. 51). The construction of the Raetian stone wall apparently took place in the closing years of the 2nd C., at the earliest.

A series of fortlets for additional border security was probably also established only in a later phase, for example in the

southern section of the Upper German Limes (Sector 9). However, the extent, and above all the dating of all later expansion measures on the Limes are as a whole still little researched.

The Upper German-Raetian Limes was given up during the course of the second half of the 3rd century AD, probably around the year 260. The background for this was probably an altered concept of border security, which became necessary in response to increasing Germanic threats. In the area of the Upper German Limes, Rome withdrew behind the line of the Rhine, while in Raetia, the Danube formed the new border.

2. Function of the Upper German-Raetian Limes

The word *LIMES* – originally synonymous with path, strip, property boundary – probably derives from the usage of the Roman surveyors (*AGRIMENSORES*). Caesar used the term to designate forest strips in which troop movements were possible. From Tacitus, the meaning “border line under military control” appears. Later, the term was extended to apply to all military installations along the border area.

The Obergermanisch-Raetische Limes should not be understood as a military bulwark. For the military, it was a control line to be monitored. Arguments for this, in addition to the often very thinly manned chain of posts, include particularly the arbitrarily drawn course, which does not take advantage of the natural advantages of the landscape. The most impressive demonstration of this is the 80 km long mathematically straight course of the Upper German Limes south of the Main. However, it is also shown by older sections, where, for example, in the high

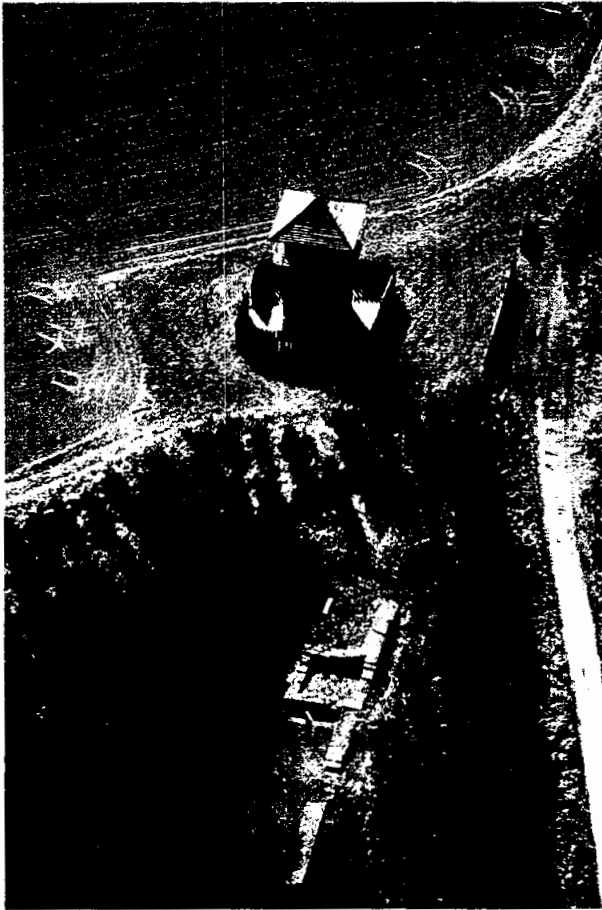
Taunus, the segment between WP 3/59 to 3/63 is overlooked by the ridge of the Taunus, and no view of the glacis is possible due to rock formations running directly in front of the border line.

For the inhabitants of the Roman province, the Limes formed the clearly defined economic and cultural external boundary of their state secured and regulated environment. The Upper German-Raetian Limes was the demarcation of the economically and administratively clearly organised Roman territory (photo 32).

3. View of the history of the Limes since the end of the Roman rule

With the end of the Roman period in what is now south-west Germany, a large part of the resident Romanised Celtic-Germanic population also left the territory. Subsequently, particularly during the time of the “Völkerwanderung”, the migration of peoples, new Germanic settlers entered the former Roman provinces. Although the remains of the old defence installations as rampart, ditch and stone wall (ruins) continued for a long time to form impressive landmarks over long stretches, the knowledge of who had built them was lost. In association with simultaneous installations, place names and sayings arose in the Middle Ages around the Roman land monuments, which, however, contained only a small amount of historical reality.

The “rediscovery” of the Upper German-Raetian Limes is owed particularly to the interest which humanistic research took in it. Its achievement, which led in the end to the creation of the sciences of antiquity in the modern sense, is described at greater length in Appendix A4. Above all, the extensive excavations of the Reichs-



022 - Rainau-Schwabsberg, Ostalbkreis. Reconstructed wooden watchtower next to the wall of the Raetian Limes. (Landesdenkmalamt Baden-Württemberg L7126/067).



023 - Pohlheim-Grüningen, Landkreis Gießen, Reconstructed stone watchtower WP 4/49 and stretch of palisade, ditch and rampart of the Upper German Limes. (Landesamt f. Denkmalpflege Hessen).



024 - Echzell, Wetteraukreis.
Wall-painting from an officers'
quarter inside the fort.
(Saalburgmuseum).



025 - Echzell, Wetteraukreis.
Wall-painting, detail.
(Saalburgmuseum).

Limeskommission (1892–1939), and later of the respective State Offices for Monument Conservation (Denkmalämter), collected during the more than 100 years of systematic archaeological research a large number of indications which allow an insight into the development of the Upper German-Raetian Limes. Thus, present-day knowledge of the development of the border in phases in particular is based almost exclusively on archaeological examinations. Numerous unsolved questions on the functioning of the Roman border, its history and effect on the relationships of the people who lived in front of it and behind it, demand continued, undiminished interest in the Obergermanisch-Raetische Limes ([photo 33](#)).

c) *Form and date of most recent records of property*

A current overview of the more recent monographs on the general subject of the Limes, and the more important individual topics is to be found in the Appendix section: Appendix A 7: Entries on the Obergermanisch-Raetische Limes in international encyclopaedias and lexicons; Appendix A 8: Selected bibliography of the most important archaeological-historical specialist literature.

Specific literature on individual places and objects, particularly on the fort locations and the monument sections, are also provided in the accompanying Limes database on the internet.

d) *Present state of conservation*

Apart from a few exceptions, the actual Limes line, including the associated watchtower positions and smaller fort installations, is well preserved. The lines of the "Pfahlgraben" (stake ditch) and the „Teufelsmauer“ (Devil's Wall) visible above ground still form in many places an impressive landmark. Thus, 27% of the Limes line is directly perceptible in the ground relief, a further 21% in modern land borders and road courses, while 43% of the Limes line has been levelled by erosion or agricultural use and is not visible to the naked eye. Now only to be established by archaeological means, these sections nevertheless remain in the ground as an important archaeological monument. Where traffic and commercial roads, energy cables and pipelines, and agricultural property cross or overlay the Limes, localised destruction has occurred over small areas. The sections that have remained free of building cover have traditionally served agriculture as arable farmland, meadows or orchards (51 %), or are naturally overgrown as forestland.

The development of the modern settlement and culture landscape is demonstrated particularly at the fort locations. Here, the conditions for conservation at the various locations and properties are as a whole very non-uniform. Even once large fort settlements can today again lie in thick forest or open farmland. This unhistorical character of the settlement locations of antiquity arose over centuries, after the end of the Roman period, through collapse, erosion, and agricultural and forestry use. At other fort locations, selected in the Roman period because of conditions favourable for settlement, there exist – in many cases since the Middle Ages – human settlements. The Roman monuments here lie today within loosely or densely built-up

settlement or commercial areas. The state of conservation therefore extends from fort locations at which the forts and the associated civilian settlements are completely conserved as archaeological monuments, to installations at which post-Roman usage or building construction has destroyed the remains of the monument (photo 34).

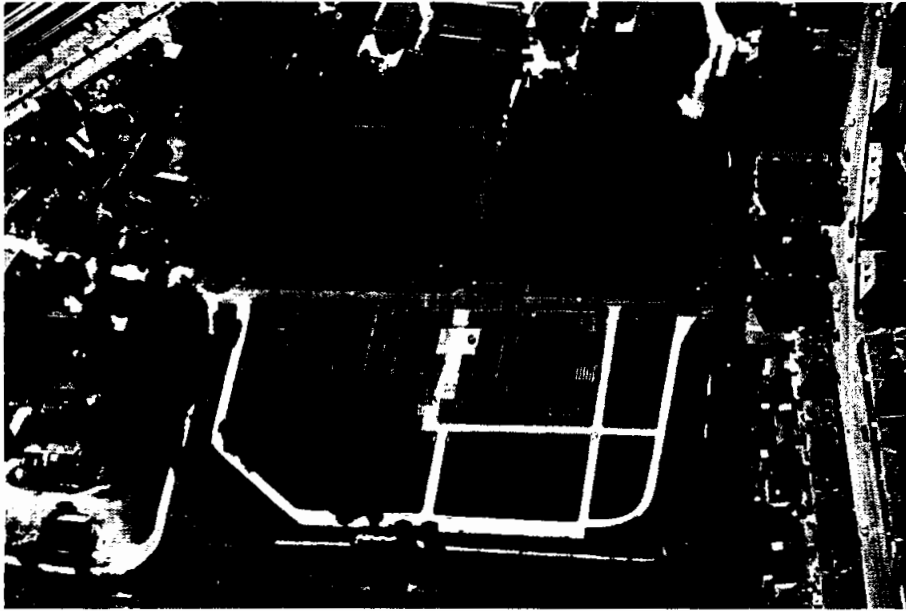
Almost all areas of the Upper German-Raetian Limes are freely accessible. In a few individual cases, ascending original substance forms an integral component of museums and open air facilities. Here, the access possibilities are determined by the opening times of the respective establishments.

Fort locations and the predominant part of the sections of the course, watchtowers and fortlets have for the most part been researched only in small areas, and are thus available as archaeological monuments, and thereby as authentic historical sources (photos 35 + 36). Even old excavated areas can still contain rich monument substance. Important finds are exhibited in the numerous museums, as a rule at the location of, or near, the place where they were found [Appendix A 12]. Further archaeological discoveries are to be expected within the stated areas of the monument (photo 37).

e) *Policies and programmes related to the presentation and promotion of the property*

Publications on history, function and appearance of the Upper German-Raetian Limes appear continually in archaeological specialist literature. Limes research forms a central field of activity at numerous universities [Appendix A 5]. Exchange between scientists both in Germany and abroad is served, for example, by the International Congress of Roman Frontier Studies, held every three years since 1949, which met directly on the Obergermanisch-Raetische Limes itself in 1964 (Arnoldshain in the Taunus) and 1983 (Aalen). This congress has also been the basis for continuous scientific exchange about the whole of the Roman Frontiers.

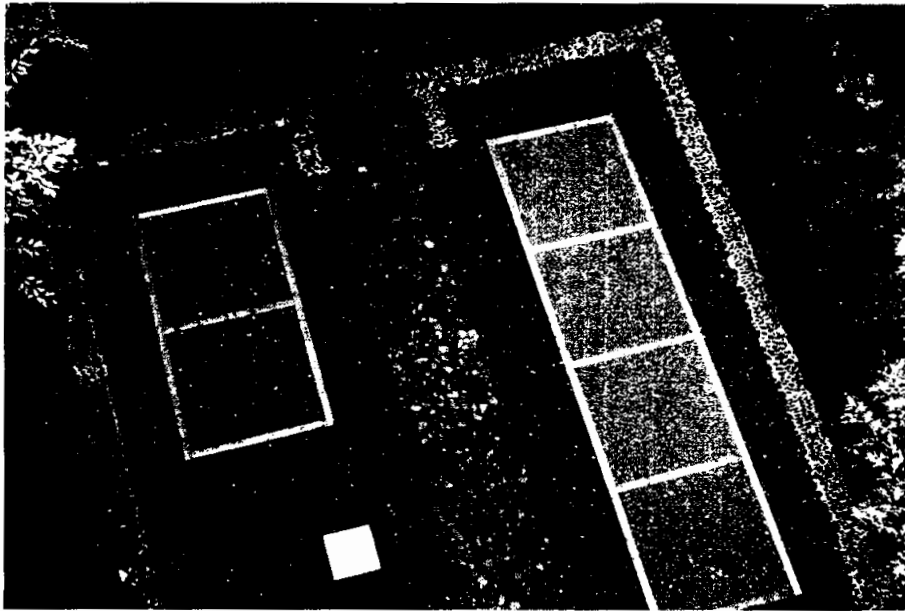
The Limes has been for decades a traditional special focus of research at the universities of Freiburg and Munich. Other institutes that are engaged with archaeological research and the study of the Roman imperial border in Germany are at the universities of Frankfurt am Main, Cologne, Mainz and Passau. With funds of the "Deutsche Forschungsgemeinschaft" (German Research Foundation), research is presently being sponsored at various universities, for example at the University of Freiburg, on the archaeology and history of the Upper German-Raetian Limes area between the years 244 and 305 AD. Documentation and evaluation of larger scientific excavations or find complexes for the Limes forts Eining, Jagsthausen, Rainau-Buch, Ruffenhofen and Saalburg are presently in progress or already in print. The examples quoted are intended to show that continuous examination and expansion of our knowledge of the Limes is ensured on the scientific side.



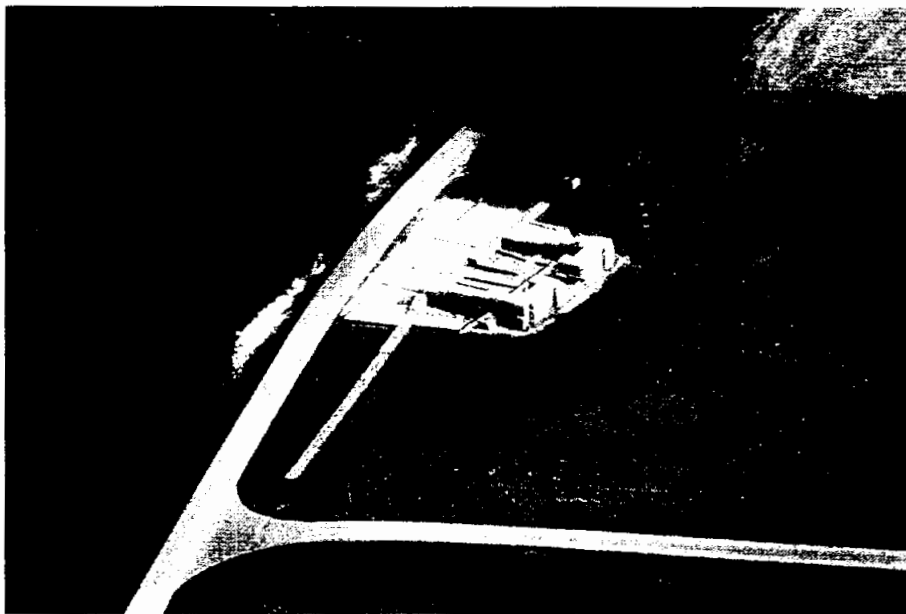
026 - Weißenburg, Landkreis Weißenburg-Gunzenhausen. Site of the fort.
(Bayerisches Landesamt f. Denkmalpflege L6930/009 KL 09.09.00).



027 - Welzheim, Rems-Murr-Kreis. Reconstructed western gate of the so-called East-fort.



028 - Pohlheim-Holzheim, Landkreis Gießen. Preserved outer walls and ground-plan of the fortlet. (Landesamt f. Denkmalpflege Hessen).



029 - Rainau, Ostalbkreis. The preserved Limes-gateway in the form of a triumphal arch near Dalkingen. View from the west. (Landesdenkmalamt Baden-Württemberg L7126/010-01 BR 26.08.2002).

Building on this, future measures for presentation and sponsorship of the Upper German-Raetian Limes are supported by many pillars.

Almost all the cities, towns and districts along the Obergermanisch-Raetische Limes have joined together in the "Verein Deutsche Limes-Strasse" (association German Limes Route), founded specifically for the purpose. The tasks and objectives of this tourism community are, according to its constitution, the improvement and continuous expansion of the presentation of individual locations and of Limes sections [cf. Appendix A 13]. At the same time, numerous municipal and state museums are entrusted with communication work on the Roman imperial border. The Limes Museum in Aalen and the Saalburgmuseum possess their own positions for scientific and pedagogical care of the permanent exhibitions on the subject of the Roman imperial border in Germany [cf. the compilation in Appendix A 12]. Their activities and responsibilities also include partial areas of the nominated property constituted as open air museums and reconstructed monuments. The "Museums-Entwicklungsplan Obergermanisch-Raetischer Limes" (Museum Development Plan for the Upper German-Raetian Limes) gives information on discussions of future co-operation, and plans for medium-term expansion of the museum presentation [Management Plan - Appendix A 9, attachment 2]. Finally, the establishment of walking trails, signposting, and care of the openly accessible site monuments have been for many decades integral parts of the work of the four responsible State Offices for Monument Conservation. Measures for presentation on site have been and are being agreed and developed with nature parks, forestry offices, and hiking associations. With the newly created

Limes database on the internet, an additional aid will in the future be available for this purpose.

4. Management

a) Ownership

The locations of the forts with the most extensive preserved monument stock and the most attractions for visitors are the property of the respective *Land* (state) governments or of local authorities. Private individuals usually own monuments that are situated on agricultural land while the greater part of the land used for forestry is in public ownership (the state or local authorities). Transfer to public ownership of additional selected monument areas is aimed for in the framework of the future management system.

Where required the owners of other properties are to be determined with the help of the plot numbers in the maps [as shown in Volume II, Enclosure B VI and in the Limes database on the internet] through the land register in each state or through the competent local authority.

b) Legal status

The Federal Republic of Germany has a federal constitution. Under the allocation of responsibilities between the federal government and the states, monument conservation and preservation are in the first place a matter for the individual states. They are responsible for enacting and implementing the Monument Protection Acts. This means that each state through which the Obergermanisch-Raetische Limes runs has its own monument protection regulations. There is no federal Monument Protection Act but in the range of protection that they provide the Monument Protection Acts in each state display a very similar approach.

Protection of monuments is based on the Monument Protection Acts of the states of

Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate. However, other statutes may affect the protected sites as well (cf. below 4c).

Baden-Württemberg

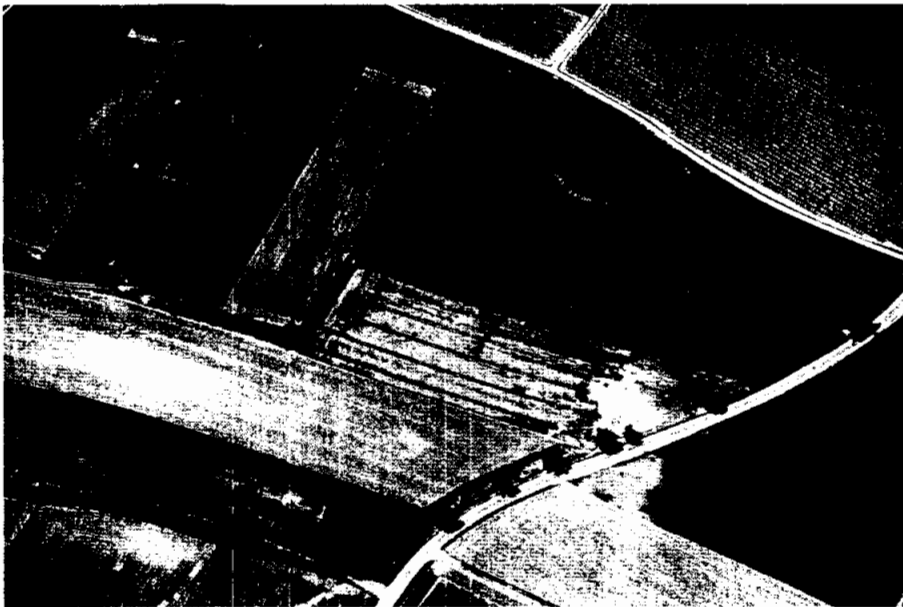
The legal basis here is the "Gesetz zum Schutz der Kulturdenkmale", Protection of Cultural Monuments Act (Monument Protection Act – MPA BW), as enacted 6.12.1983, last amended on 14.03.2001. The text of this Act can be obtained from the Internet under:

<http://www.landesdenkmalamt-bw.de/denkmalenschutzgesetz.html>.

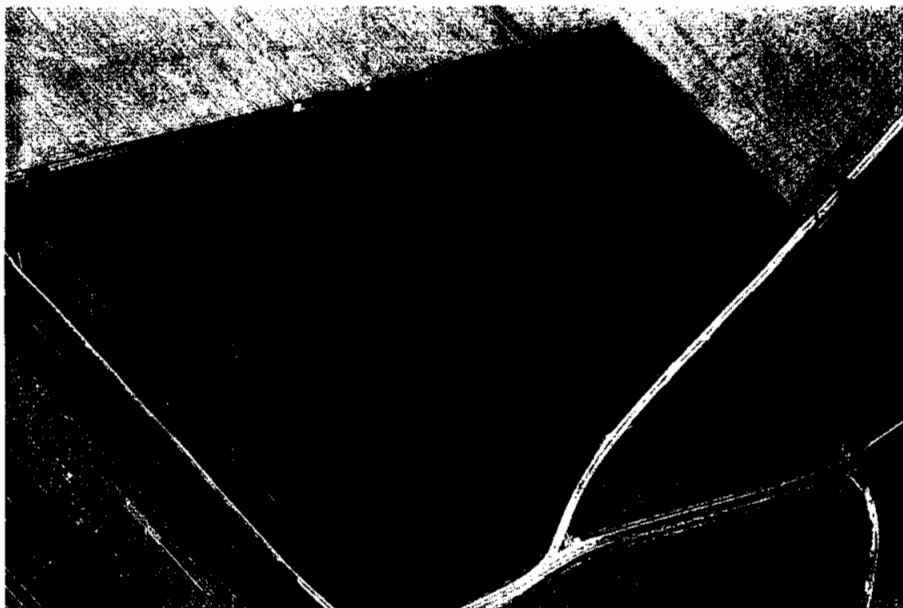
Under the provisions of the Monument Protection Act for Baden-Württemberg all the parts of the Obergermanisch-Raetische Limes that are still in existence, together with its attachments (watchtowers, forts, fort vici), are cultural monuments under section 2 of the MPA BW. Section 8 of the MPA BW makes the destruction, elimination or encroachment onto a monument subject to the prior approval of the competent authority.

Some sections of the Obergermanisch-Raetische Limes have already been registered in the monuments register as cultural monuments of special significance. The effect of the registration is that even an alteration to the appearance has to be approved. In addition, measures in the surroundings of the cultural monument require the approval of the competent authority in so far as the surroundings are of great significance for the appearance of the cultural monument (section 15 (3) of the MPA BW).

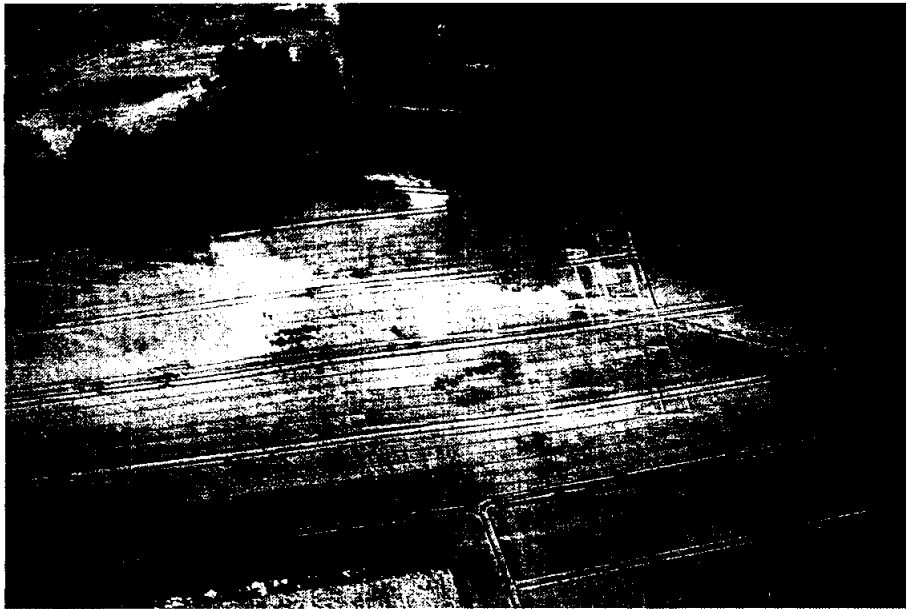
Some sections of the Obergermanisch-Raetische Limes have already been designated by the subordinate Monument Protection Authorities by way of statutory



030 - Pförring, Landkreis Eichstätt. Site of the fort and the Vicus. The shapes of buildings and streets are visible in the fields as light structures. (Bayerisches Landesamt f. Denkmalpflege L7136/068b-5,6 KL 10.06.97).



031 - Hungen-Inheiden, Landkreis Gießen. Site of the south-front of the fort and part of the Vicus. A row of long rectangular buildings flanks a street leaving the southern gate of the fort. (Landesamt f. Denkmalpflege Hessen).



032 - Lich-Muschenheim, Landkreis Gießen. Site of the fort Arnsburg. Ground-plan of a so-called villa rustica immediately north of the fort. (Landesamt f. Denkmalpflege Hessen L 5518/004-2 KL 01.07.93).



033 - Ober-Mörlen-Langenhain-Ziegenberg, Wetteraukreis. Building inscription of the LEGIO XXII in the foundation of the modern church. (Landesamt f. Denkmalpflege Hessen).

instruments. In protected excavation areas work that can bring hidden cultural monuments to light or endanger them may only be carried out with a permit from the state Monument Protection Authority (section 22 (2) of the MPA BW). The designation of a protected excavation area is planned for all significant preserved parts of the Obergermanisch-Raetische Limes that are still in the ground and the appropriate localities. The designation of a protected excavation site means lasting protection for the Obergermanisch-Raetische Limes. According to the MPA all finds from protected excavation areas as well as objects of excellent scientific value become property of the state ("Schatzregal").

Bavaria

The basic regulations for Bavaria are contained in the "Denkmalschutzgesetz", Monument Protection Act 1973, as amended 2003. In Bavaria monuments are defined as "objects or parts thereof from the past that were made by people, whose conservation is in the public interest because of their historical, artistic, urban development, scientific or folkloristic significance" (Art. 1 (1) of the BMPA), whereby, among other things, the Act differentiates between building monuments and archaeological monuments (Art. 1 (4) of the BMPA). A list is planned to record the monuments (Art. 2 of the BMPA), but this is of an informative nature only. This means that the protection of the monuments emanates directly from the Act. Interference with archaeological monuments, in particular through excavations, but also through constructions, requires a permit (Art. 7 (1) of the BMPA), and a permit may be refused to protect the monument. The competent authorities are the subordinate Monument Protection Authorities (the local authorities), which are obliged to consult the conservation authority, the Bavarian

State Office for Monument Protection (Art. 15 of the BMPA).

The regional councils may designate areas in which the existence of archaeological monuments is suspected as protected excavation sites (Art. 7 (2) of the BMPA). The degree of protection for these areas is extended in that not only excavations but also all work that might affect the archaeological monuments is subject to approval. However, this protection is limited in time and has to be renewed where required. However, regional councils make little use of this instrument.

Hesse

The legal foundation is the "Gesetz zum Schutze der Kulturdenkmäler", Protection of Cultural Monuments Act (Monument Protection Act - HMPA) as amended on 5 September 1986, Gazette I, p. 269 ff. The text of the Act can be obtained from the Internet in German and English under:

http://www.denkmalpflege-hessen.de/LFDH4_Recht/index.html.

Under section 2 (2) No. 2 of the HMPA in combination with section 19 of the HMPA the remains of the Upper German-Raetian Limes in Hesse are automatically cultural monuments within the meaning of the Act because of the statutory definition and therefore fall under the protection of the Act. All remains of the Roman Limes that are found in Hesse are therefore protected monuments.

The special provisions of section 19 ff. of the HMPA apply to archaeological and palaeontological monuments, such as the remains of the Upper German-Raetian Limes. Under these provisions, finders of archaeological and palaeontological monuments are under an obligation to notify the find; the state conservation office

is authorised to excavate a find, to evaluate and to carry out scientific work on it. Field research (i.e. not just excavations) for archaeological remains requires approval; protected excavation sites may be designated and restrictions imposed on the use for archaeologically relevant sites. There is an approval requirement for cultural monuments in general that includes archaeological and palaeontological monuments, if these are to be redesigned or demolished. The surroundings of immovable cultural monuments are also protected (section 16 (1) and (2) of the HMPA).

The subordinate Monument Conservation Authorities are responsible for issuing approvals to alter cultural monuments. These authorities are the district committees in rural districts and the town councils of towns with their own building authority through which the Limes line runs. The supervisory authority for the subordinate Monument Conservation Authorities is the upper Monument Conservation Authority, namely the Ministry of Science and the Arts of the state of Hesse. Subordinate Monument Conservation Authorities may only approve alterations if the Monument Protection Authority, the State Office for Monument Conservation, has agreed to them. The latter office is also responsible for approving field research for archaeological and palaeontological monuments (section 5 of the regulations governing the spheres of responsibility under the Monument Conservation Act of 7 March 1987, Gazette I, p. 36, amended by the Amendment Regulations of 9.11.1998, Gazette I, p. 485).

Rhineland-Palatinate

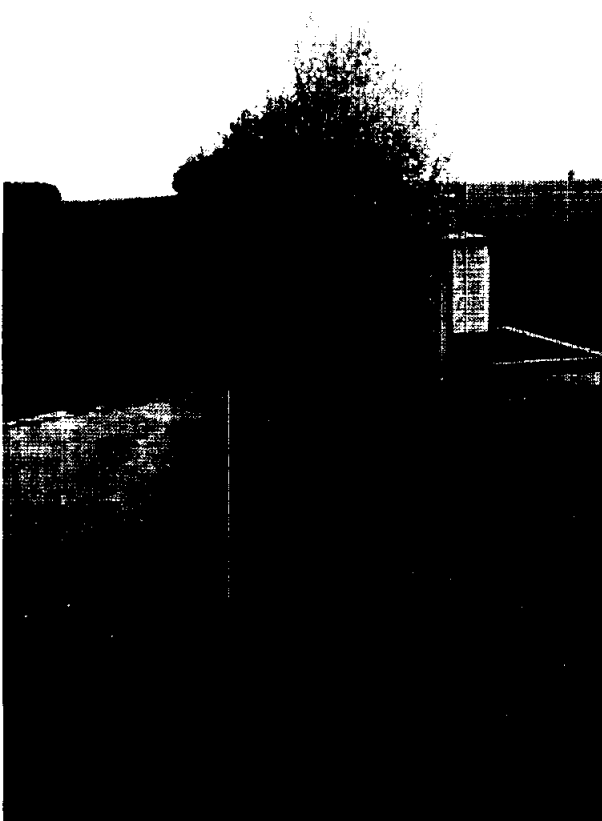
The legal basis is formed by the "Landesgesetz zum Schutz und zur Pflege der Kulturdenkmale", Protection and

Conservation of Cultural Monuments Act 1978 (PCCA), as amended in 1986. Under this Act all parts of the Limes that are still in existence and its watch towers, forts and fort vici as monument zones, are protected as listed cultural monuments under statutory regulations issued in accordance with section 8 of the PCCA. They may not be demolished or their appearance impaired or altered without the approval of the subordinate Monument Conservation Authorities. The Monument Conservation Authorities keep an inventory for their area in which the listed cultural monuments must be entered (section 8 (1)). Some sections of the Limes, in particular those that cannot be seen above the ground but are still present below the surface, are designated protected excavation areas by statutory regulations. Alterations or measures that might destroy or impair the archaeological find require the approval of the subordinate Monument Conservation Authority after consultations with the Monument Protection Authority.

This means that the greatest degree of protection that is possible under the current Monument Conservation Act is available as a whole for both those parts of the Limes that are visible above ground and for the parts that are still underground, including the locations of the finds.



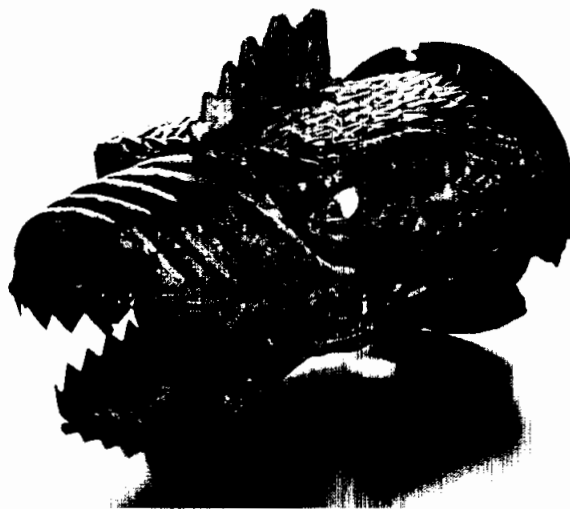
034 - Mainhardt, Kreis Schwäbisch Hall. Modern village and general view looking north in the direction of the Limes-line. (Landesdenkmalamt Baden-Württemberg L6922/003-00 BR 04.01.1995).



035 - Höttingen, Landkreis Weißenburg-Gunzenhausen. Limes-hedge between watchtowers WP 14/33 and 14/34 and commemorative stone for the "Pfahlgraben" erected by the Bavarian King Max II in 1861. (Bayerisches Landesamt f. Denkmalpflege).



036 - Ellingen, Landkreis Weißenburg-Gunzenhausen. Visitor information panel and reconstructed corner-tower of the fort. View from the west. (Bayerisches Landesamt f. Denkmalpflege).



037 - Neuwied-Niederbieber, Kreis Neuwied. Bronze field-sign in form of a dragon's head found in the Vicus of the fort. (Landesamt f. Denkmalpflege Rheinland-Pfalz).

c) Protective measures and means of implementing them

Thanks to local, regional and national statutory regulations, plans and guiding principles, and to expert administrative authorities, the Limes enjoys the greatest level of protection, which guarantees its preservation (shown in part in Section 4b).

1. Paramount measures

Above and beyond pure legal protection practical opportunities for protection have been successfully used for many years. The best and most enduring protection for an archaeological monument is for the site to be taken into public ownership (photo 38). This is linked to the guarantee that it will be used in a way that is compatible with its status as a monument. This has already been done with numerous properties; additional efforts to buy archaeological sites are underway in all four states. However, for reasons of cost this protective measure can only be used gradually and only for the most important parts of the Obergermanisch-Raetische Limes and its components.

2. Regional Planning Act

Under section 2 (2) No. 13 of the Regional Planning Act (RPA) among other things the historical and cultural circumstances must be safeguarded and mature cultural landscapes preserved in their characteristic features and with their cultural and natural monuments (photo 39). All public agencies and authorities (federal and state authorities, federal corporations and corporations under the supervision of a state, public institutions and foundations) must take this principle of regional planning into account in accordance with the applicable regulations in regionally significant plans and measures when considering the facts and

circumstances or when exercising a discretion.

Under section 4 of the RPA public authorities and private companies and individuals must take account of the goals of regional planning in regionally significant plans and measures. Regional development plans issued by each state (state development plan/programme and regional plans) can take the need for protection of the Upper German-Raetian Limes from competitive demands for regional use into consideration by stipulating area use with the character of an objective. A target of this kind may be safeguarded by means of a prohibition on contrary regional plans and measures, restricted in the run up to stipulating the targets and then without restriction (section 12 of the RPA and the respective state planning regulations).

3. Development planning and landscape protection

The task of development planning, which is regulated in the Federal Building Code (FBC), is the use of property of a local authority for building and other purposes. The development plans (municipal development plans and building plans) must be adapted to the goals of regional development and are to contribute to securing a humane environment and to protecting and developing a natural basis for living. When municipal development plans are drawn up, planners must take into account the demands of monument protection and monument preservation (building and cultural monument preservation and archaeological monument preservation) as well as those locations, roads and sites that are of historical or cultural importance, or under the aspect of urban planning, and are worthy of preservation (section 1 (5),

clause 2, 5 of the FBC). Authorities and other agencies entrusted with public works must point this out at an early stage in planning (section 4 of the FBC).

The whole course of the Limes, including the appropriate fort locations, is contained, with just a few exceptions, in the municipal development plans of local authorities. The stock of monuments is to be integrated as information in the building plans, which are to be developed from the municipal development plans (section 9 (6) of the FBC). This is why all those who come into contact with urban development planning are aware at an early stage of the realisation of the building plans of the existence of the archaeological monuments. By means of a restrictive allocation of use for building and other purposes in the building plan local authorities are able to secure the Limes in the long-term as an archaeological monument. Building projects outside the areas assigned for building in the outer areas of a local authority, which are only permitted in very restricted individual cases, have to take the demands of monument conservation into account in an adequate form (section 35 (3), clause 1, no. 5 of the FBC).

Under the provisions of the Federal Nature Conservation Act (FNCA) historical cultural landscapes and parts of landscapes of a unique type, including those of special importance for the characteristic features or beauty of protected cultural, building and archaeological monuments, and of those worthy of protection, must be preserved (section 2 (1), No. 14 of the FNCA). Corresponding provisions have been integrated in the Nature Conservation Acts of the respective regions (photo 40).

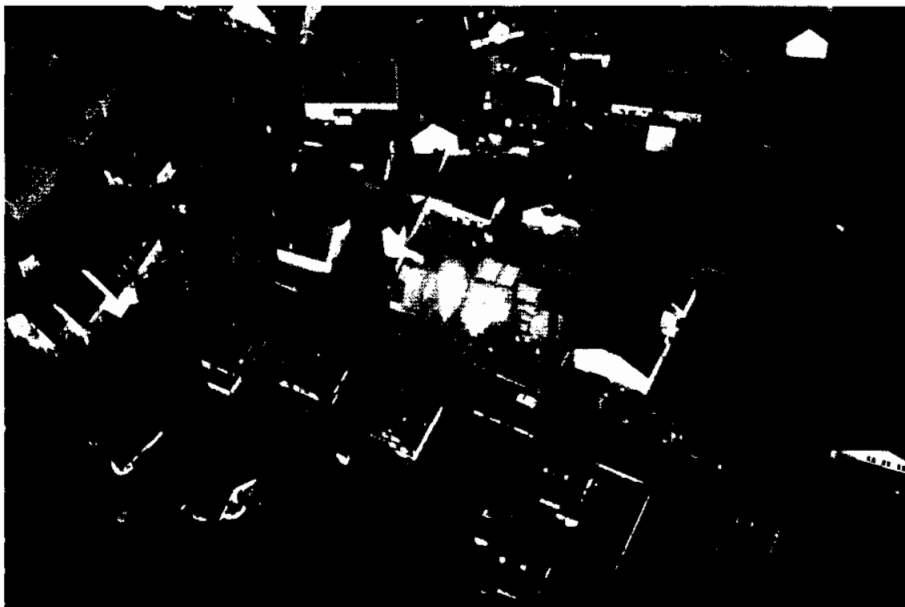
4. Monument protection

The different Monument Protection Acts of the various states result in different protective measures in the four states taking part. In general, the Obergermanisch-Raetische Limes is defined as a monument in accordance with the Monument Protection Acts and is protected in accordance with the regulations referred to above under 4b. Information on the application of future monument protection measures is found in the explanations in 4f, which were drawn up by the competent ministries and monument protection authorities, which also prepared this application.

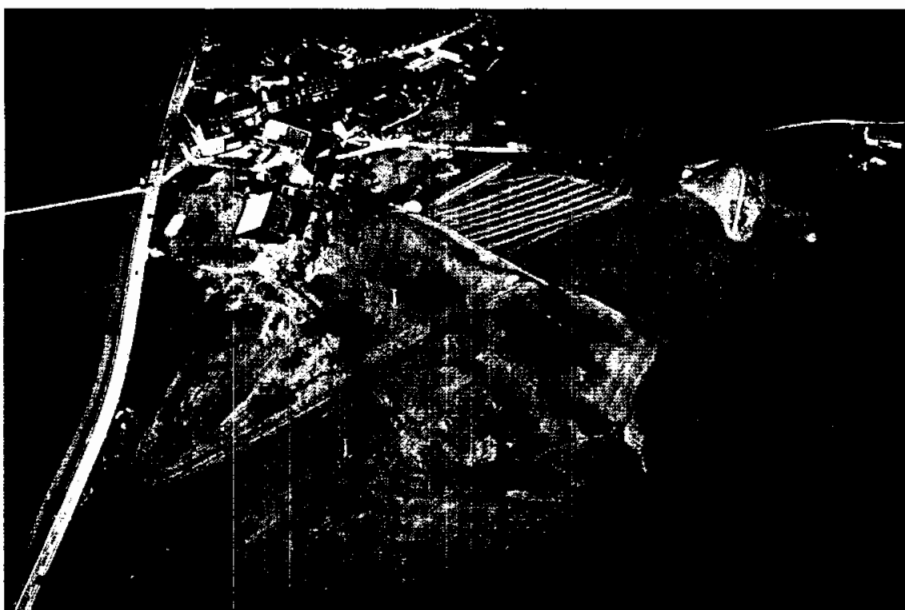
There is a description for the whole course of the Limes and for each of the 58 fort locations which presents the sections that are listed as World Heritage sites individually. This substantiation of each individual case is co-ordinated to the local situation where a differentiation is necessary, in particular with sites that are (partly) built on. The extension of the targeted World Heritage corresponds to the site for which full use of the protective legal regulations shown here is being pursued (photo 41).

Two substantiated protection approaches are being pursued with regard to the stipulation of a buffer zone. Firstly, the buffer zone contains sites where the existence of items of archaeological interest is suspected and, secondly, it includes the area that is necessary to experience the monument (visually). As far as the idea of environmental protection in the Monument Protection Acts takes effect, this area is legally protected as well.

The monument protection provisions cover even those sections of the Limes route in which individual components of the



038 - Jagsthausen, Kreis Heilbronn. Open-air park with the fort baths. The original Roman structures are preserved under the reconstructed foundations of the building. View from the west. (Landesdenkmalamt Baden-Württemberg L6722/010-03 BR 21.10.2000).



039 - Alfdorf, Rems-Murr-Kreis. Line of the Limes-ditch in the east of the Haghof. View from the south. (Landesdenkmalamt Baden-Württemberg L7122/028-01 BR 06.07.2000).



040 - Ellwangen-Röhlingen, Ostalbkreis. Hedge - planted along the rubble wall - and pathway following the Limes-line in the south-west of watchtower WP 12/87. (Landesdenkmalamt Baden-Württemberg).



041 - Jagsthausen, Kreis Heilbronn. The elevation of the so-called Götzenruhe, site of the northern gates of the fort. (Landesdenkmalamt Baden-Württemberg).

Obergermanisch-Raetische Limes were completely destroyed as a result of large-scale changes to the landscape in the past. However, there are no legal foundations for keeping the views free along the course of the Limes. In the case of locally closely limited sections, only environmental protection applies between two visible Limes sections.

- d) Agency/agencies with management authority**
- e) Level at which management is exercised and name and address of the responsible person for contact purposes**

Baden-Württemberg

The monument protection authorities are the Economic Affairs Ministry as the upper monument protection authority, the Chief Administrative Officers as the higher monument protection authorities, the lower building authorities as the subordinate monument protection authorities and the State Office for Monument Conservation as the upper state authority for monument protection.

The upper and subordinate monument protection authorities take decisions after hearing the State Office for Monument Conservation. If the subordinate monument protection authority wishes to deviate from a declaration by the State Office for Monument Conservation, it must inform the State Office for Monument Conservation of this. In exceptional cases, where a serious impairment of the cultural monument is threatened, the President of the State Office for Monument Conservation has the right to submit the matter without delay to the upper monument protection authority. The latter has the right to decide itself on the

deviation or to return the matter to the subordinate monument protection authority (section 3 (3) 3 of the MPA BW).

In principle, the right to take decisions lies with the subordinate monument protection authority. This also applies where the state is concerned as owner or occupier. In this case the subordinate monument protection authority decides after hearing the State Office for Monument Conservation after agreement with the state agency that is responsible for the administration of the cultural monument (s 3 (4) of the MPA BW). If a municipal corporation is involved as the owner or occupier, under the provisions of section 7 (5) of the MPA BW a decision is taken by either the higher monument protection authority or the district administrator's office acting as the subordinate monument protection authority.

[See Appendix A 14, No. 1 for a list of the competent administrative authorities.]

Bavaria

The competent authorities are the subordinate monument protection authorities, i.e. the rural district councils, autonomous towns and the large district towns, which have to consult the specialist conservation office, i.e. the Bavarian State Office for Monument Conservation). The upper monument protection authorities are the regional councils; the chief monument protection authority is the Bavarian Ministry of Science, Research and Art.

[See Appendix A 14, No. 2 for a list of the competent administrative authorities.]

Hesse

The chief monument protection authority is the Ministry of Science and Art of the state of Hesse. This supervises the monument protection authorities in the state of Hesse. The subordinate monument protection authorities are the district committees in the rural districts and the municipal

councils in town and cities with building authorities of their own. They are directly subordinate to the chief monument protection authority and, with a few exceptions, are competent when something is to be changed on a cultural monument.

The State Office for Monument Conservation Hesse is a conservation authority. The subordinate monument protection authority must obtain its agreement when it wishes to take a decision. The State Office for Monument Conservation Hesse is also responsible for approving field research for archaeological monuments (section 5a of the Regulations governing Competencies under the Monument Protection Act of 7th March 1987, Gazette I, p. 485).

[See Appendix A 14, No. 3 for a list of the competent administrative authorities.]

Rhineland-Palatinate

The competent authorities are the district councils as the subordinate monument protection authorities, the Supervisory and Service Directorates (SSD) (former administrative districts) as the upper monument protection authorities and the Ministry of Science, Further Education, Research and Culture as the chief monument protection authority. Decisions are taken in each case by agreement with the competent conservation authority (State Office for Monument Conservation, Department of Archaeological Monument Conservation, Koblenz).

[See Appendix A 14, No. 4 for a list of the competent administrative authorities.]

f) *Agreed plans relating to property*

All measures are based on the desire and the aim of enabling the Limes to be experienced again in the long term by means of protection, development and

presentation measures going beyond the preservation of an archaeological monument.

The monument protection concepts of the four German states serve this goal:

Baden-Württemberg

In the future, the systematic development and the application of the following general protection measures which are already in place in individual objects and which result from the Monument Protection Act is planned for the Limes and its components:

1. Designation as a protected excavation site in accordance with section 22 of the MPA BW. As the responsible conservation authority the State Office for Monument Conservation must approve all work involving the ground, moreover all finds become property of the state. This designation is planned for all essential parts of the Limes that are preserved in the ground and for the appropriate finds.
2. Registration in the monuments book in accordance with section 12 of the MPA BW. The effect of the registration is, above all, that pursuant to section 15 of the MPA BW changes to the appearance require the approval of the monument protection authority. Registration is planned in particular for some excellent monument areas that are preserved above ground.
3. Formation of reserves. In the protective measures that have been referred to up to now the previous agricultural use is not subject to any restrictions. The best and most permanent protection for an archaeological monument therefore consists of taking the land into public ownership by buying it combined with the possibility of creating a use that is compatible with the status of a monument. For reasons of cost this protective measure can only be applied to the most important parts of the Limes

and its attachments. The conservation authority will increasingly encourage the creation of such reserves in the future and provide ongoing support.

Bavaria

Not least because of the problems involving spatial demarcation the Limes in Bavaria has only been registered in the list of monuments in small section. As indicated above, this is irrelevant for the fundamental protection of the monument. In spite of this it is planned in 2004/05 to include the inventory data compiled for the application for the "World Heritage Limes" in the monuments list.

The best and most permanent protection for an archaeological monument therefore consists of taking the land into public ownership by buying it, in combination with the possibility of creating a use that is compatible with the status of a monument. For reasons of costs this protective measure can only be applied to the most important parts of the Limes and its accessories. The conservation authority will increasingly encourage the creation of such reserves in the future and provide ongoing support as well as subsidies where necessary.

Hesse

In the future, the systematic development and the application of the following protection measures, which result from the Monument Protection Act, are planned for the Limes and its components:

1. Registration in the monuments book in accordance with section 9 (1) of the HMPA. The effect of the registration is above all that the documentation in this public list indicates the importance of the cultural monument and this increases its protection.
2. Designation as a protected excavation site in accordance with section 22 of the HMPA. The chief monument

protection authority can declare archaeologically relevant areas to be protected excavation sites by means of statutory instruments.

In protected excavation sites work that might endanger archaeological and palaeontological monuments from prehistoric eras requires the approval of the chief monument protection authority. However, agricultural and forestry measures are exempt from this provision.

3. Restrictions on use in accordance with section 23 of the HMPA. The chief monument protection authority can restrict the industrial use of a property or of part of a property in which important archaeological and palaeontological monuments are found. This measure enables the prevention of damage from agricultural and forestry use as well.
4. In individual cases a check is made whether property which contains excellent evidence of the Roman Limes can be taken over under the sponsorship of the state of Hesse.
5. Under the leadership of the Department for the Conservation of Archaeological and Palaeontological Monuments in the Hesse State Office for Monument Conservation the working group "Limes in Hesse" is drawing up a Limes development plan in accordance with the guidelines for research, protection and tourism in the management plan. The work is being carried out in co-ordination with all authorities and institutions at the Limes in Hesse. The working group was constituted in September 2002 and consists at present of staff from the Department for the Conservation of Archaeological and Palaeontological Monuments, the Saalburgmuseum and the district archaeologists.

Rhineland-Palatinate

For the Limes in Rhineland-Palatinate it is planned to develop and continue the protective measures enabled by the Act and to secure them in combination with other legal measures (e.g. land consolidation and forest function plans and forestry laws respectively, development plans, etc.) and to guarantee long-term preservation and conservation.

The following have already been carried out to a great extent and will continue to be provided:

1. Protection as a cultural monument in accordance with section 8 of the PCCA and designation as protected excavation sites (section 22 of the PCCA).
2. In the course of land allocation or development planning procedures it is planned to survey and demarcate the protected sites so that they can be transferred to public ownership in the long term.
3. After a site has been placed under protection and transferred to public ownership it is essential for future preservation to bring about a restriction on the use or a withdrawal from the previous use in so far as this damages, impairs or will destroy the cultural monument in the long term (e.g. agriculture, quarrying for gravel or sand or similar uses). This will at the same time guarantee permanent security for the archaeological monument in terms of an archaeological reserve. Initially, these measures are only possible with particularly important and well-preserved parts of the Limes (for reasons of cost), but they are planned in the long term for all significant parts of the Roman Limes in Rhineland-Palatinate.

g) Sources and levels of finance

The conservation authorities in all four German states have their own budgets. These public funds are provided from the state budgets.

Financing for the establishment and management of tourism measures along the Obergermanisch-Raetische Limes was and will continue to be provided also by local authorities, or the state government, as the funding bodies of the respective installation.

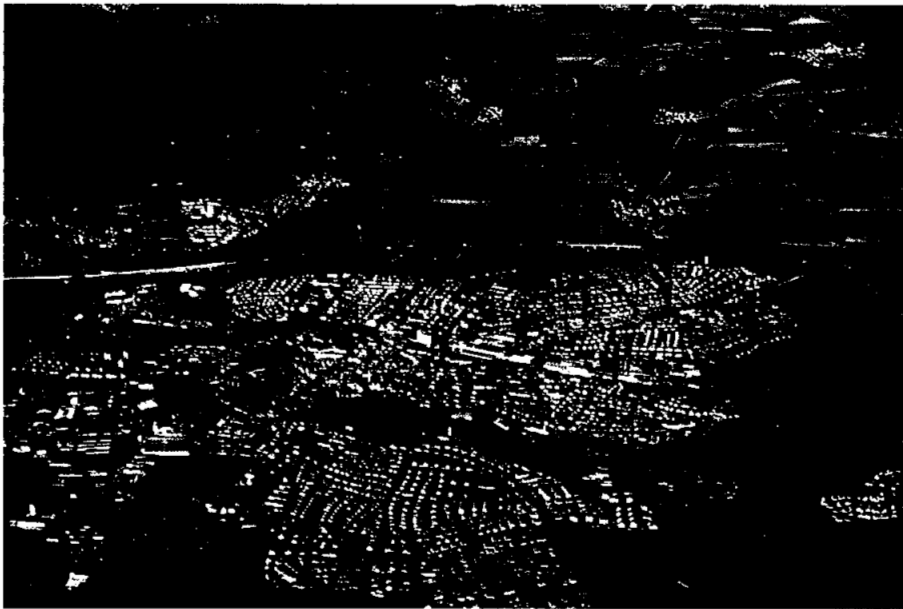
h) Sources of expertise and training in conservation and management techniques

Germany has a well-developed system for training experts in conservation and management techniques with courses at many universities. Within the site, the experts employed by the competent state conservation authorities will advise the lower tiers of responsible authorities and owners of sites as necessary.

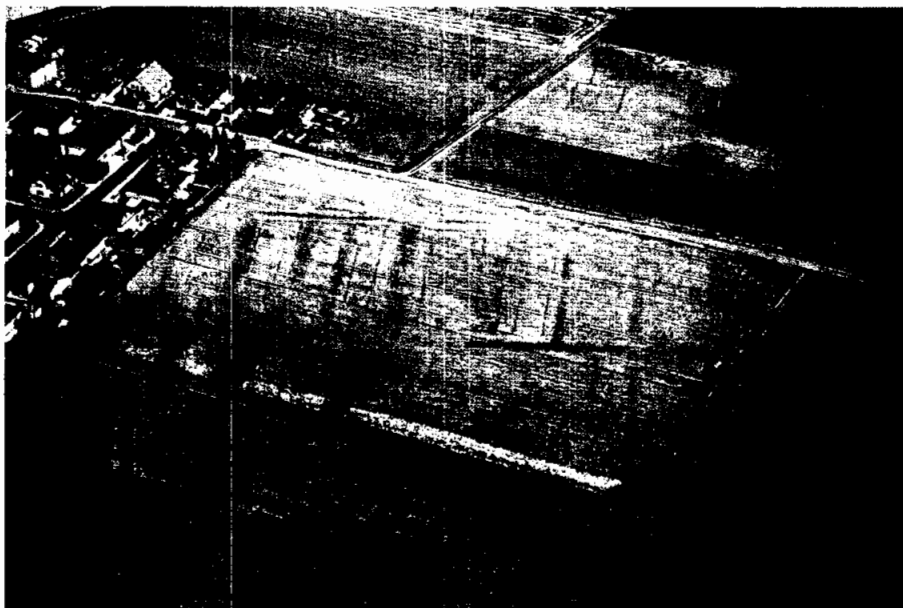
i) Visitor facilities and statistics

Along the Limes and at the locations of the forts there are numerous facilities for visitors in the form of signposted individual objects, preserved and reconstructed monuments, archaeological pathways, open-air museums and museum exhibitions. Appendix A 6 contains a list of the existing rebuildings; the most important archaeological museums along the Limes, in which original material is exhibited and the Obergermanisch-Raetische Limes is presented as a monument, are listed in Appendix A 12.

It is very difficult to compile statistics of visitors along the Limes because the monument is freely accessible and



042 - Öhringen, Hohenlohekreis. The modern town covers the former site of two forts and a Vicus between them. General view looking north. (Landesdenkmalamt Baden-Württemberg L6722/032-00 BR 20.11.1995).



043 - Florstadt-Ober-Florstadt, Wetteraukreis. The modern village reaches the site of the former fort which is clearly visible in the fields. (Landesamt f. Denkmalpflege Hessen L5718/025-1 KL 03.08.93).



044 - Erkertshofen, Landkreis Eichstätt. Limes between watchtowers WP 14/60 and 14/63. The straight line of the Limes is running up the centre of the picture towards the horizon. View from the east. (Bayerisches Landesamt f. Denkmalpflege L7132/021 KL 12.05.01).



045 - Würth am Main, Landkreis Miltenberg. Site of the fort near the outskirts of the modern town. (Bayerisches Landesamt f. Denkmalpflege).

stretches a great distance. The two large museums at the Limes, the Saalburg and the Limesmuseum in Aalen, together with their open-air sections in which monument substance is on display, attract 200,000 visitors per year. The number of visitors outside the museums along the freely accessible sections of the monument can only be estimated.

j) *Property management plan and statement of objectives*

cf. enclosed Management Plan [Appendix A 9].

k) *Staffing levels (professional, technical, maintenance)*

The competent state conservation authorities have professionally trained staff for protecting, advising on and preserving the cultural monuments along the Limes. Individual members of staff have acquired the appropriate qualifications. Internal staff is available at all times for the areas of archaeology, accompanying sciences and restoration work. In addition, staff are brought in from outside where required for individual projects or tasks, such as, for example, archaeology using aerial photographs or for the scientific evaluation of major archaeological investigations.

5. Factors affecting the Property

a) *Development pressures*

These factors severely affect the sites and must be taken seriously. Particular mention should be made here of the consumption of the countryside for new building, (industrial) companies and roads, as well as the creeping reduction in the quality of the monument caused by agriculture and forestry. With the exception of the most valuable sections of the Obergermanisch-Raetische Limes, which have already been removed from use for the above purposes, these pressures affect the complete monument. The descriptions of the individual monument sections in the Limes Database indicate the precise pressures locally (photos 42 + 43).

Nearly all the measures described in Section 4 serve to reduce these pressures to a level that is bearable for the monument as a whole. However, it is impossible to provide 100% protection for all part sections of the Upper German-Raetian Limes (photos 44 + 45).

b) *Environmental pressures*

Because of the circumstances described in Sections 3a, b and 4c no serious factors can be detected which affect the property.

c) *Natural disasters and preparedness*

Because of the circumstances described in Sections 3a, b and 4c no serious factors can be detected which affect the property.

d) *Visitor/tourism pressures*

It is assumed that there are no such pressures affecting the property both along the course of the Limes and at the individual fort sites, because this property does not consist of a single object but is a monument over a wide-ranging area. This means that the visitor flow is staggered. The larger visitor centres, e.g. the Saalburg and the Limes Museum in Aalen, have dealt for decades with the original substance in their care in a professional manner compatible with its status as a monument.

Individuals and groups of visitors are able to reach nearly every part of the Limes via public roads. There is also a network of paths and cycle paths already in existence along the whole of the Obergermanisch-Raetische Limes. In the past, paths for walkers were not always placed alongside the archaeological evidence of the earthworks and the wall but sometimes on top of them. In the long-term there is a threat here of gradual destruction caused by too many walkers on individual sections from which these paths have not been moved.

There is an indirect threat through tourism in the form of reproductions of ancient border elements, in particular watchtowers or smaller forts, close to the original remains of the monument. These installations serve as additional attractions for visitors. However, there is a danger of alienation of the appearance of the original ancient parts. While the existing Monument Protection Acts prescribe the prevention of damage to the substance of the monuments, such as would be caused by a construction of this type immediately on the Obergermanisch-Raetische Limes, projects of this type in the vicinity of the



046 - Neuwied-Wollendorf, Kreis Neuwied. Site of watchtower WP 1/22.
(Landesamt f. Denkmalpflege Rheinland-Pfalz).



047 - Rheinbrohl, Kreis Neuwied. The reconstructed stone tower commemorates the "first" watchtower WP 1/1 of the Upper German Limes, but does not stand in its original position. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



048 - Mainhardt, Kreis Schwäbisch Hall. Rebuilt watchtower WP 9/64. View from the west. (Landesdenkmalamt Baden-Württemberg).



049 - Schmitt-Niederreifenberg, Hochaunuskreis. Walkers on the public path (Limeswanderweg) near watchtower WP 3/47. (Landesamt f. Denkmalpflege Hessen).

Obergermanisch-Raetische Limes are not subject to the proviso of approval by the conservation authorities in all states (photos 46 – 49).

e) *Number of inhabitants within property, buffer zone*

The population within the designated World Heritage zone does not represent a danger to the Obergermanisch-Raetische Limes because of the separation of their areas for living and working from the archaeological monuments. Possible damage to the substance of the monument, for example through excavations for construction measures, is subject to the regulatory measures indicated in Section 4.

f) *Other*

There are local and temporary dangers along the Obergermanisch-Raetische Limes as a result of illegal excavations. These affect above all the sites of remote forts, with different levels of intensity in the different federal states. The Obergermanisch-Raetische Limes shares this problem with countless ancient sites all over the world. At present, 100% protection cannot be provided here either.

6. Monitoring

a) *Key indicators for measuring the state of conservation*

Monitoring indicators for the state of conservation of the Site will be developed by the Deutsche Limeskommission in conjunction with the relevant stakeholders and authorities over the next 12 months.

b) *Administrative arrangements for monitoring the property*

The statutory regulations listed under 4c guarantee constant monitoring of the property through the administrative authorities shown in 4d/e. In addition, the work of the state conservation authorities in the states of Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate has been supported locally for years by activities and collaboration with honorary representatives and with interested members of the public.

The work of the "Deutsche Limeskommission", which was instituted in June 2003, will be to co-ordinate the recommendations and strategies of the management plans for the Upper German-Raetian Limes in future, accompany protective measures and develop development and research strategies still further. The Commission is composed of representatives of the four State Offices for Monument Conservation, the competent ministries, the universities, the museums at the Limes, the "Römisch-Germanische Kommission" and the "Deutsche Limes-Strasse" association; the work of the Commission is coordinated by an expert specially employed for this purpose [cf. paragraph 7e) and Management Plan Appendix A 9].

c) *Results of previous reporting exercises*

7. Documentation

a) Photographs and slides

- See Appendix A 10: Documents on representative sections of the route
- See Appendix A 11: Documents on the fort sites
- See Limes Database on the internet
- Vol. II, Enclosure B VII: Selection of photographs from the application documentation in the form of slides, including a duly signed authorisation.

b) Copies of property management plans and extracts of other plans relevant to the property

- See Appendix A 9

c) Bibliography

- See Appendices A 4, A 7 and A 8.

d) Address where inventory, records and archives are held

Baden-Württemberg

Landesdenkmalamt Baden-Württemberg, Abteilung Archäologische Denkmalpflege (State Office for Monument Conservation Baden-Württemberg, Department of Archaeological Monument Conservation);

- Berliner Strasse 12; D - 73728 Esslingen am Neckar.
- Außenstelle Karlsruhe; Durmersheimer Strasse 55; D - 76185 Karlsruhe.

Bavaria

Bayerisches Landesamt für Denkmalpflege, Abt. Bodendenkmalpflege (Bavarian State Office for Monument Conservation, Department of Archaeological Monument Conservation);

- Zentrale und Referat Oberbayern: Hofgraben 4; D - 80539 München.
- Außenstelle in Mittelfranken: Burg 4; D - 90403 Nürnberg.
- Außenstelle in Niederbayern: Sigmund-Schwarz-Straße 4; D - 84028 Landshut.
- Außenstelle in Unterfranken: Residenzplatz 2, Tor A, D - 97070 Würzburg.

Hesse

Landesamt für Denkmalpflege Hessen, Abt. Archäologische und Paläontol. Denkmalpflege (Hesse State Office for Monument Conservation, Department of Archaeological and Palaeontological Monument Conservation);

- Schloss Biebrich – Ostflügel; D - 65203 Wiesbaden.
- Saalburgmuseum; Saalburg-Kastell; D - 61352 Bad Homburg v.d. Höhe.

Rhineland-Palatinate

Landesamt für Denkmalpflege Rheinland-Pfalz, Archäologische Denkmalpflege (State Office for Monument Conservation Rhineland-Palatinate, Archaeological Monument Conservation)
Amt Koblenz; Festung Ehrenbreitstein; D - 56077 Koblenz.

Others

Römisch-Germanische Kommission des Deutschen Archäologischen Instituts;
Limesarchiv; Jesuitenstraße 38; D - 85049 Ingolstadt.

Each of the municipal and state museums listed in Appendix A 12 holds materials found in the individual monuments along the Obergermanisch-Raetische Limes.

7e) Contacts

Landesdenkmalamt Baden-Württemberg, Abteilung Archäologische Denkmalpflege
(State Office for Monument Conservation Baden-Württemberg, Department of Archaeological
Monument Conservation)

Berliner Straße 12

D - 73728 Esslingen am Neckar

Tel. 0049 711 66463 0 Fax 0049 711 66463 444

Email: poststelle@landesdenkmalamt-bw.de

Bayerisches Landesamt für Denkmalpflege, Abt. Bodendenkmalpflege

(Bavarian State Office for Monument Conservation, Department of Archaeological and
Palaeontological Monument Conservation)

Hofgraben 4

D - 80539 München

Tel. 0049 89 2114 293 Fax. 0049 89 2114 300

E-Mail: linda.wendl@blfd.bayern.de

Landesamt für Denkmalpflege Hessen, Abt. Archäologische und Paläontologische
Denkmalpflege (Hesse State Office for Monument Conservation, Department of
Archaeological and Palaeontological Monument Conservation)

Schloß Biebrich - Ostflügel

D - 65203 Wiesbaden

Tel. 0049 611 690 6131 Fax. 0049 611 690 6137

E-Mail: archaeologie.wiesbaden@denkmalpflege-hessen.de

Landesamt für Denkmalpflege Rheinland-Pfalz, Archäologische Denkmalpflege (State Office
for Monument Conservation Rhineland-Palatinate, Archaeological Monument Conservation)

Amt Koblenz - Festung Ehrenbreitstein

D - 56077 Koblenz

Tel. 0049 261 73626 Fax. 0049 261 70 33 60

E-Mail: archaeologie-koblenz@t-online.de

Deutsche Limeskommission

Joint Commission of altogether twelve representatives of the State Offices for Monument Conservation in Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate, the competent ministries, the "Deutsche Limes-Strasse" association, the departments of Provincial Roman Archaeology of the German universities, the museums at the Limes and the Römisch-Germanische Kommission of the Deutsches Archäologisches Institut.

The Deutsche Limeskommission (German Limes Commission) was formed on 18 June 2003 in Esslingen am Neckar. Prof. Dr. Dieter Planck, President of the State Office for Historical Monuments of Baden-Württemberg was elected as the first Chairman.

It is anticipated that the Limeskommission will establish its permanent administrative office at the Saalburg, Bad Homburg, in June 2004. This is to be led by a full-time archaeologist.

The address is: **Deutsche Limeskommission**
c/o Römerkastell Saalburg – Archäologischer Park
D - 61350 Bad Homburg
Germany
info@saalburgmuseum.de

The administrative office of the Deutsche Limeskommission will be financed jointly by the four State Offices for Monument Conservation of Baden-Württemberg, Bavaria, Hesse and Rhineland- Palatinate.

The Deutsche Limeskommission has the following duties:

(extract from the official agreement of the states on the founding of the Commission)

- a) to continue the survey and documentation of the Limes cultural monument.
- b) to develop, update and co-ordinate recommendations and strategies for the Management Plan and the measures resulting from it.
- c) advisory functions in the further development of the conservation concept
 - harmonisation of the conservation provisions
 - provision of expert advice
 - contact point for all those involved with the conservation of the Limes, nationally and internationally.
- d) development, updating and strategic planning of the research
 - monitoring research projects
 - bundling and co-ordination of research questions
 - giving opinions on larger excavation projects
 - procurement of sponsorship resources.

- e) strategic planning of and advice on development projects
 - establishment and development of museum facilities
 - content and presentation in the area of new media
 - monitoring of and advice on projects for presentation
 - monitoring of and advice on projects for reconstruction, particularly those on and near the Limes
 - participation in the conception of tourism projects, such as the establishment of hiking and access routes and signposting
 - other tourist infrastructure.

- f) management of the Limes Database
 - maintenance of the data of the participating State Offices and third parties which was gathered during preparation of the UNESCO nomination and which is in the future to be gathered through the management and conservation of the cultural monument
 - inclusion of the archive of the Reichs-Limeskommission and other old sources
 - systematic collection of new data from excavations and research.

- g) public relations work
 - presentation of the Limes archaeological monument to the public
 - promotion of the concept of "World Heritage" and its appropriate use
 - promotion of the concept of archaeological monument conservation through the example of the Limes
 - contact point for questions on the Limes at the national and international levels
 - co-operation with the "Deutsche Limes-Strasse e.V." (German Limes Route) association, the relevant specialist museums on the Limes and other associations, parties and persons interested in the promotion.

- h) promotion of international co-operation.

7f) Editing CommitteeFor Baden-Württemberg

Landesdenkmalamt Baden-Württemberg
 Präsident Prof. Dr. D. Planck
 Berliner Straße 12
 D - 73728 Esslingen am Neckar

Wirtschaftsministerium
 des Landes Baden-Württemberg
 Leitender Ministerialrat Dr. R. Hermann
 Postfach 10 34 51
 D - 70029 Stuttgart

For the Free State of Bavaria

Bayerisches Landesamt für
 Denkmalpflege, Abt. Bodendenkmalpflege
 Hauptkonservator Univ. Doz. Dr. W. Czysz
 Hauptkonservator Dr. C. S. Sommer
 Hofgraben 4
 D - 80539 München.

Bayerisches Staatsministerium für
 Wissenschaft, Forschung und Kunst
 Regierungsdirektor Dr. A. Baur
 Salvatorstraße 2
 D - 80333 München

For Hesse

Landesamt für Denkmalpflege Hessen,
 Abt. Archäologische und Paläontologische
 Denkmalpflege
 Landeskonservator Prof. Dr. E.
 Schallmayer
 Schloß Biebrich – Ostflügel
 D - 65203 Wiesbaden

Hessisches Ministerium für Wissenschaft
 und Kunst
 Ministerialrat Dr. R. Dietrich
 Postfach 3260
 D - 65022 Wiesbaden

For Rhineland-Palatinate

Landesamt für Denkmalpflege Rheinland-
 Pfalz, Archäologische Denkmalpflege -
 Amt Koblenz
 Hauptkonservator Dr. H.-H. Wegner

Konservator Dr. C. A. Jost
 Festung Ehrenbreitenstein
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Ministerium für Wissenschaft,
 Weiterbildung, Forschung und Kultur
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 D - 55116 Mainz

Co-ordination and editing

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 Abt. Archäologische Denkmalpflege
 Dr. A. Thiel
 Berliner Straße 12
 D - 73728 Esslingen am Neckar

List of appendices*Volume I, Appendices A: Documentation*

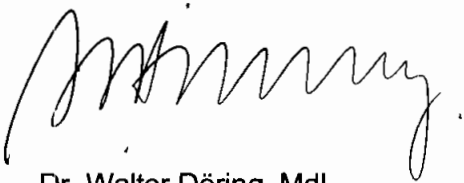
- A 1 Table of the fort sites considered in the application.
- A 2 Present state of conservation.
- A 3 References to the Upper German-Raetian Limes in contemporary sources.
- A 4 History of the research into the Limes.
- A 5 Documents on the position of the Limes in university teaching.
- A 6 Existing reproductions on the Limes and the date of their construction.
- A 7 Entries in international encyclopaedias and lexicons.
- A 8 Selective bibliography of technical academic literature (overviews).
- A 9 Management Plan (with two attachments).
- A 10 Presentation of representative Limes - sections.
- A 11 Presentation of the individual fort locations.
- A 12 List of state and municipal museums.
- A 13 Constitution of the German Limes Route Association.
- A 14 Lists of the competent administrative authorities.

Volume II, Enclosure B: Maps, plans and photographs

- B I Map of the Federal Republic of Germany on a scale of 1 : 3 000,000.
- B II Maps of the individual German states on a scale of 1 : 1 000,000.
- B III Maps of the individual German states on a scale of 1 : 500,000.
- B IV Topographical maps of the route and forts on a scale of 1 : 50,000.
- B IVa Topographical maps of the route and forts on a scale of 1 : 50,000 showing the World Heritage Zone and the Buffer Zone.
- B V Maps of the fort sites on a scale of 1 : 5,000.
- B VI Different maps of Schirenhof fort site as a typical example for mapping
On scales 1 : 10,000, 1 : 5,000 and 1 : 2,500)
Maps of representative Limes sections on a scale of 1 : 2,500
(see appendices A 10 and A 11 as well).
- B VII Slides including a duly signed authorisation (separate).

8. Signatures on behalf of the State Party

Stuttgart, 14th January 2004

A handwritten signature in black ink, appearing to read 'W. Döring', written in a cursive style.

Dr. Walter Döring, MdL
Minister of Economic Affairs
and Vice Minister-President of Baden-Württemberg

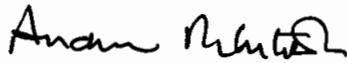
acting also on behalf of the states Bavaria, Hesse, Rhineland-Palatinate.


**ENDORSEMENT BY THE UNITED KINGDOM GOVERNMENT OF THE
NOMINATION OF UPPER GERMAN/ RAETIAN LIMES**

I endorse the nomination of the Upper German/ Raetian Limes as an extension to the Hadrian's Wall World Heritage Site which we are asking the World Heritage Committee to rename as the Frontiers of the Roman Empire World Heritage Site.

I confirm that the government of the United Kingdom believes that

1. this proposed extension has outstanding universal value within the terms of the World Heritage Convention, and falls within the proposals of the Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site.
2. the nomination demonstrates the authenticity of the proposed Site
3. the nomination demonstrates effective legal protection and management arrangements for the proposed Site
4. these management proposals conform with the Management Principles set out in the Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site.

Signed: 
Minister for the Media and Heritage


Tessa Jowell
Secretary of State for Culture, Media and Sport

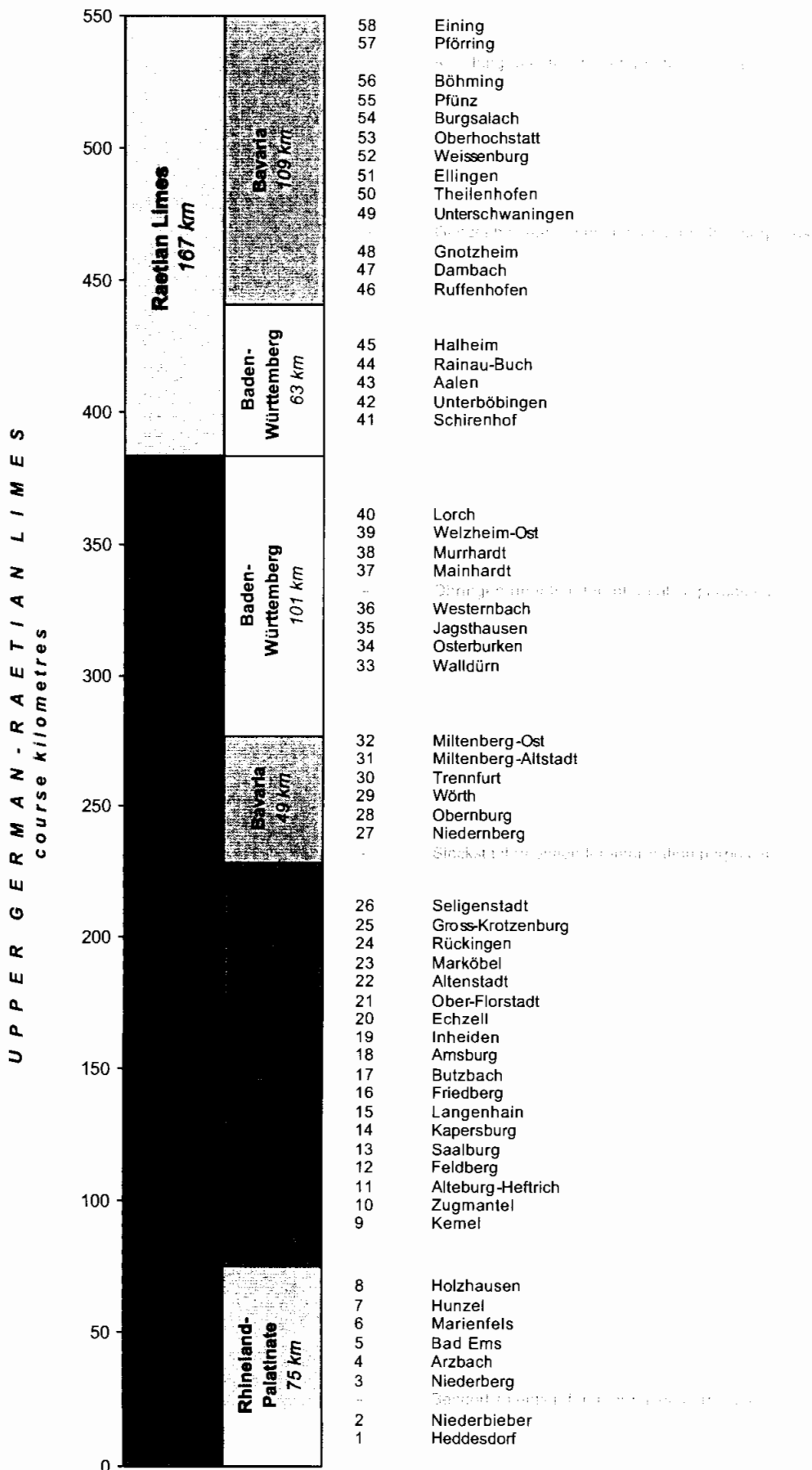
Date: 21 January 2004

Appendices

A photograph of a stone watchtower in a forest. The tower is a conical structure built from stacked stones, with a small opening at the top. It is surrounded by tall, thin trees and dense foliage. The ground in the foreground is covered with grass and fallen branches. The lighting suggests a bright day with shadows cast across the ground.

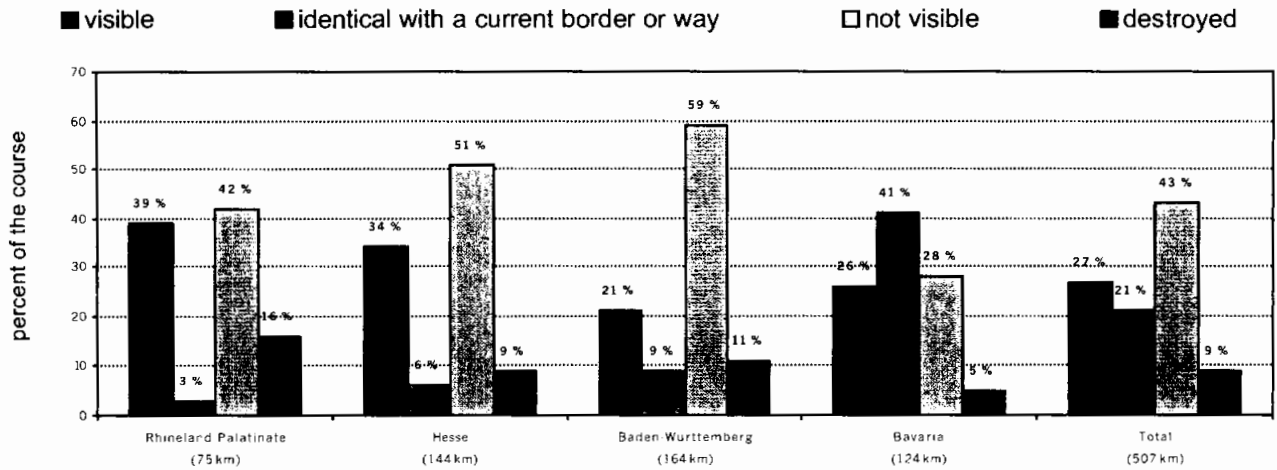
Murrhardt, Watchtower WP 9/96

Fort sites considered in the application



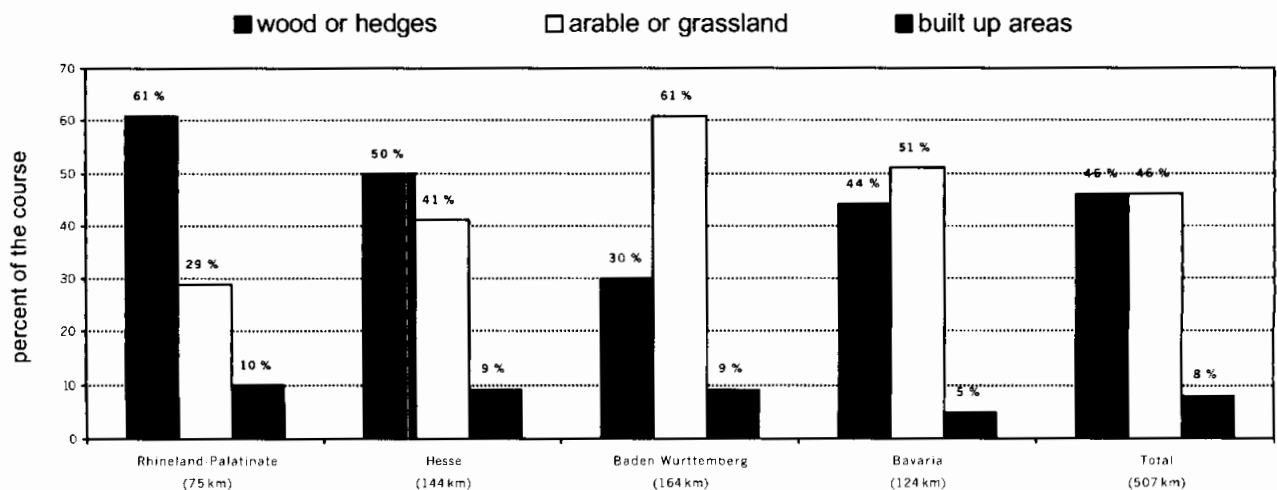
Course of the border line (without the section along the Main)

Bundesland	visible	not visible	identical with a current border or way	destroyed	total
Rhineland-Palatinate	39 %	42 %	3 %	16 %	75 km
Hesse	34 %	51 %	6 %	9 %	144 km
Baden-Württemberg	21 %	59 %	9 %	11 %	164 km
Bavaria	26 %	28 %	41 %	5 %	124 km
Total	27 %	43 %	21 %	9 %	507 km



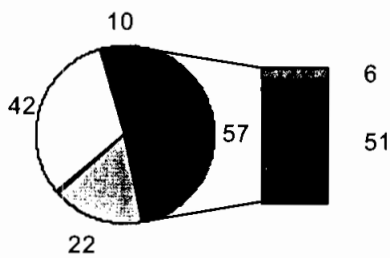
Course of the border line and land utilisation (without the section along the Main)

Bundesland	wood or hedges	arable or grassland	built up areas	total
Rhineland-Palatinate	61 %	29 %	10 %	75 km
Hesse	50 %	41 %	9 %	144 km
Baden-Württemberg	30 %	61 %	9 %	164 km
Bavaria	44 %	51 %	5 %	124 km
Total	46 %	46 %	8 %	507 km



Watchtowers						
Bundesland	v i s i b l e		not visible	presumed	destroyed	total
	reconstructions / rebuildings	archaeological remains				
Rhineland-Palatinate	6	51	22	42	10	131
Hesse	5	92	28	98	8	231
Baden-Württemberg	6	54	96	173	8	337
Bavaria	8	38	68	81	2	197
Total	25	235	214	394	28	896

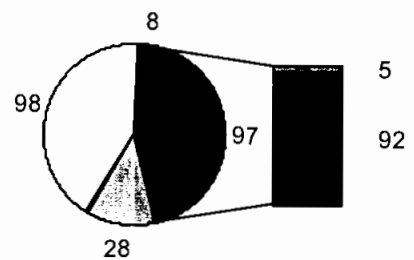
Rhineland-Palatinate
(131)



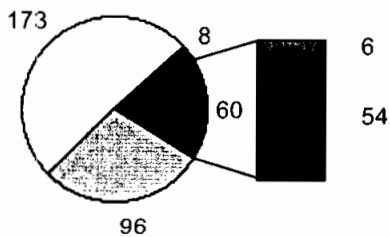
Watchtowers

- not visible
- presumed
- destroyed
- ▨ visible (reconstructions / rebuildings)
- visible (archaeological remains)

Hesse
(231)



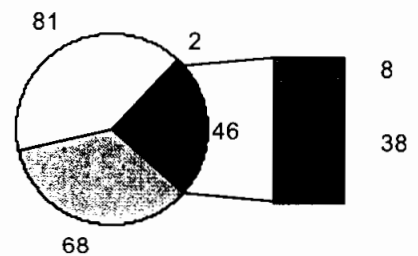
Baden-Württemberg
(337)



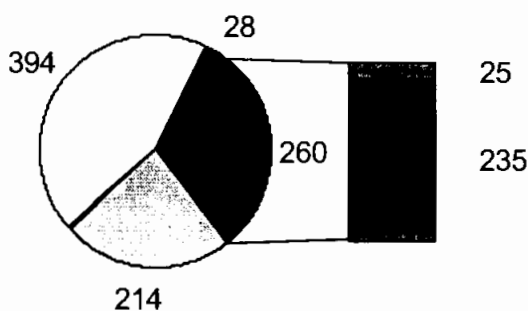
Watchtowers

- not visible
- presumed
- destroyed
- ▨ visible (reconstructions / rebuildings)
- visible (archaeological remains)

Bavaria
(197)



Total
(896)



- not visible
- presumed
- destroyed
- ▨ visible (reconstructions / rebuildings)
- visible (archaeological remains)

The Upper German-Raetian Limes in contemporary sources**Tacitus (um 56 – nach 118), AGRICOLA 41,2**

ET EA INSECUTA SUNT REI PUBLICAE TEMPORA, QUAE SILERI AGRICOLAM NON SINERENT: TOT EXERCITUS IN MOESIA DACIAQUE ET GERMANIA ET PANNONIA TEMERITATE AUT PER IGNAVIAM DUCUM AMISSI, TOT MILITARES VIRI CUM TOTIS COHORTIBUS EXPUGNATI ET CAPTI, NEC IAM DE LIMITE IMPERII ET RIPAE SED DE HIBERNIS LEGIONUM ET POSSESSIONE DUBITATUM.

Tacitus (um 56 – nach 118), GERMANIA 29,3

NON NUMERAVERIM INTER GERMANIAE POPULOS, QUAMQUAM TRANS RHENUM DANUVIUMQUE CONSEDERINT, EOS QUI DECUMATES AGROS EXERCENT; LEVISSIMUS QUISQUE GALLORUM ET INOPIA AUDAX DUBIAE POSSESSIONIS SOLUM OCCUPAVERE; MOX LIMITE ACTO PROMOTISQUE PRAESIDIIS SINUS IMPERII ET PARS PROVINCIAE HABENTUR.

Aelius Aristides (117 – um 180), Εἰς Ῥώμην 80-84

Τειχῶν γε μὴν οὐκ ἡμελήσατε, ταῦτα δὲ τῇ ἀρχῇ περιεβάλετε, οὐ τῇ πόλει· καὶ ἐστήσατε ὡς πορρωτάτω λαμπρά τε καὶ ἡμῶν ἄξια, ὁρατὰ τοῖς εἰσῶ τοῦ κύκλου, ἢ δὲ πορεία ἐπ' αὐτά, εἴ τις βούλοιο ἰδεῖν, μνηῶν τε καὶ ἐνιαυτῶν ἀρξαμένῳ βαδίζειν ἀπὸ τῆς πόλεως.

ὑπὲρ γὰρ τὸν ἔξωτάτῳ κύκλῳ τῆς οἰκουμένης ἀτεχνῶς οἷον ἐν τειχισμῷ πόλεως δεύτερον ἀγαγόντες ἕτερον εὐκαμπέστερον τε καὶ εὐφυλακτότερον, ἐνταῦθα τείχη τε προῦβάλεσθε καὶ πόλεις ἐφορίας ἐδεῖμασθε, ἄλλας ἐν ἄλλοις μέρεσι πληρώσαντες οἰκητορῶν, τέχνας τε ὑπουργοῦς δόντες αὐτοῖς καὶ τᾶλλα κοσμήσαντες.

ὥσπερ δὲ τάφος κύκλῳ περιεῖργει στρατόπεδον, ὥστε οὐ[δὲ] δέκα παρασάγγαι λογιζομένη τοῦ περιβόλου τούτου τὸ περίμετρον, οὐδ' εἴκοσιν, οὐδ' ὀλίγῳ πλείους, οὐδ' εἴποις ἂν εὐθύς ὀπόσον, ἀλλ' ὅσον Αἰθιοπίας τὸ ἐποικουμένον καὶ Φᾶσις ἐνθένδε καὶ Εὐφράτης ἄνω καὶ πρὸς ἐσπέραν ἢ μεγάλη τελευταία νῆσος ἐντὸς ἀποκλήρουσιν, τοῦτο πᾶν ἕξεστι κύκλον καὶ περίβολον τῶν τειχῶν εἰπεῖν.

τὰ δὲ οὐκ ἀσφάλτῳ οὐδὲ πλίνθῳ ὀπτῇ δέδιμηται οὐδὲ κόνει στιλπνὰ ἔστηκεν, ἀλλ' ἔστι μὲν καὶ ταῦτα (τὰ) νομιζόμενα ἐφ' ἐκάστων τῶν τόπων καὶ μάλα πολλά, καὶ τοῖς λίθοις, ὥσπερ "Ὀμηρὸς ἔφη τὸν κατ' οἰκίαν τοῖχον, (πυκνῶς) ἅμα καὶ ἀκριβῶς ἡρμοσμένα ἄπειρά τε μεγέθει καὶ λάμποντα χαλκοῦ στιλπνότερον.

ὁ δὲ δὴ πολὺ μείζων καὶ σεμνότερος κύκλος πάντη παντάπασιν ἀρραγῆς καὶ ἄλυτος πολὺ πάντας ὑπερλάμπων καὶ οὐδεὶς τῶν πώποτε οὕτω παγεῖς, τούτων τῶν τειχῶν προασπίζουσι ἄνδρες φυγῆν οὐ νομίζοντες, ἡρμοσμένοι πρὸς ἀλλήλους ἐκείνη τῇ ἀρμονία, ἢ τοὺς Μυρμιδόνας "Ὀμηρὸς φησι, πρὸς ὃν εἶπον τοῖχον τότε εἰκάζων, πᾶσι τοῖς ὄργανοις τοῦ πολέμου· συνεχῆ μὲν οὕτως ἀλλήλοις τὰ κράνη ὡς μὴ εἶναι μέσον οἶστον διεξελεθῆν, ἀσπίδες δὲ ὑπὲρ κεφαλῆς ἐξαρθεῖσαι μετεώρους ἂν δέχοιντο δρόμους, τοσοῦτῳ στερροτέρους τῶν κατ' ἄστῳ ποιητῶν ὥστε καὶ ἰππεύσιν ἕξεστιν ἐπιθεῖν, καὶ τοῦτο δὴ τὸ Εὐριπίδου, κατάχαλκον ὄραν πεδίον τότε φήσεις ἀληθῶς. θύρακες δὲ οὕτως ἀλλήλων ἔχονται ὥστε, εἰ καὶ γυμνὸν τάξαις τὸν μέσον, ἀρκεῖν αὐτῷ τὰ ἐκατέρωθεν ἀπαντῆσαι μέχρι τοῦ μέσου· οἱ δὲ ἄκοντες οἷον ἐκ Διὸς περιπίπτοντες ἀλλήλους ἐγκαταλαμβάνουσιν· τοιαῦδε ἄρ' ἀρμονία συνέκληνται ὅ τε τῶν διεξόδων κύκλος τειχῶν τε καὶ ὁ τῆς πάσης ἔφορος γῆς.

Tertullianus (um 160 – nach 220), ADVERSUS IUDAEOS 7,8

...; SI ALEXANDER MACEDO, NON AMPLIUS QUAM ASIAM UNIVERSAM ET CETERAS REGIONES QUAS POSTEA DEVICERAT TENUIT; SI GERMANI, ADHUC USQUE LIMITES SUOS TRANSGREDI NON SINUNTUR. BRITANNI INTRA OCEANI SUI AMBITUM CLAUSI SUNT, MAURORUM GENTES ET GAETULORUM BARBARIAE A ROMANIS OBSIDENTUR, NE REGIONUM SUARUM FINES EXCEDANT.

Acta Fratrum Arvalium 213 n. Chr. = Corpus Inscriptionum Latinarum VI 2086 (214)

III IDUS AUGUSTAS IN CAPITOLIO ANTE CELLAM IUNONIS REGINAE FRATRES ARVALES CONVENERUNT, QUOD DOMINUS NOSTER IMPERATOR SANCTISSIMUS PIUS M. AURELIUS ANTONINUS AUGUSTUS PONTIFEX MAXIMUS PER LIMITEM RAETIAE AD HOSTES EXSTIRPANDOS BARBARORUM TERRAM INTROITURUS EST, ...

Anonymus (4./5. Jh.), HISTORIA AUGUSTA, HADRIANUS 12,6

PER EA TEMPORA ET ALIAS FREQUENTER IN PLURIMIS LOCIS, IN QUIBUS BARBARI NON FLUMINIBUS SED LIMITIBUS DIVIDUNTUR, STIPITIBUS MAGNIS IN MODUM MURALIS SAEPIS FUNDITUS IACTIS ATQUE CONEXIS BARBAROS SEPARAVIT. GERMANIS REGEM CONSTITUIT, MOTUS MAURORUM COMPRESSIT ET A SENATU SUPPLICATIONES EMERUIT.

Anonymus (4./5. Jh.), HISTORIA AUGUSTA, TRIGINTA TYRANNI 3,9

SI QUIS SANE POSTUMI MERITUM REQUIRIT, IUDICIUM DE EO VALERIANI EX HAC EPISTULA, QUAM ILLE AD GALLOS MISIT, INTELLEGET: “TRANSRHENANI LIMITIS DUCEM ET GALLIAE PRAESIDEM POSTUMUM FECIMUS, ...

Anonymus (4./5. Jh.), HISTORIA AUGUSTA, AURELIANUS 13,1

CUM CONSEDISSET VALERIANUS AUGUSTUS IN THERMIS APUD BYZANTIUM, PRAESENTE EXERCITU, PRAESENTE ETIAM OFFICIO PALATINO, ADSIDENTIBUS NUMMIO TUSCO CONSULE ORDINARIO, BAEBIO MACRO PRAEFECTO PRAETORII, QUINTO ANCHARIO PRAESIDE ORIENTIS, ADSIDENTIBUS ETIAM A PARTE LAEVA AVULNIO SATURNINO SCYTHICI LIMITIS DUCE ET MURRENTIO MAURICIO AD AEGYPTUM DESTINATO ET IULIO TRYPHONE ORIENTALIS IIMITIS DUCE ET MAECIO BRUNDISINO PRAEFECTO ANNONAE ORIENTIS ET ULPPIO CRINITO DUCE ILLYRICIANI LIMITIS ET THRACICI ET FULVIO BOIO DUCE RAETICI LIMITIS, ...

Rufius Festus (um 320 – um 390), BREVIARIUM RERUM GESTARUM POPULI ROMANI 8

MARCOMANNI ET QUADI DE LOCIS VALERIAE, QUAE SUNT INTER DANUVIUM ET DRAUUM, PULSI SUNT ET LIMES INTER ROMANOS AC BARBAROS AB AUGUSTA VINDELICUM PER NORICUM, PANNONIAS AC MOESIAM EST CONSTITUTUS. TRAIANUS DACOS SUB REGE DECIBALO VICIT ET DACIAM TRANS DANUVIUM IN SOLO BARBARIAE PROVINCIAM FECIT, ...

Ammianus Marcellinus (um 330 – nach 395), RÖMISCHE GESCHICHTE 18, 2,15

POSTQUE SAEPIMENTA FRAGILIUM PENATIUM INFLAMMATA, ET OBTRUNCATAM HOMINUM MULTITUDINEM, VISOSQUE CADENTES MULTOS ALIOSQUE SUPPLICANTES, CUM VENTUM FUISSET AD REGIONEM, CUI CAPELLATI VEL PALAS NOMEN EST, UBI TERMINALES LAPIDES ROMANORUM ET BURGUNDIORUM CONFINA DISTINGUEBANT, CASTRA SUNT POSITA, ...

History of Research into the Upper German-Raetian Limes

Slightly abbreviated and altered extract from: E. Schallmayer / W. Schmidt in: M. Landfester (ed.) Der Neue Pauly. Enzyklopädie der Antike. Rezeptions- und Wissenschaftsgeschichte Vol. 15 (Stuttgart and Weimar 2000).

Limes, Limes research. Nearly 550 km long, the Upper German-Raetian Limes represents one of the most significant monuments of pre- and early history. Starting at Rheinbrohl, it passes through the present-day German states of Rhineland-Palatinate, Hesse, Baden-Württemberg and Bavaria. The term “Upper German-Raetian Limes” itself is a creation of the 19th C and is derived from the two Roman provinces *Germania superior* (Upper Germany) and *Raetia*, whose eastern and northern borders the Limes marked, with many alterations, by the middle of the 2nd C.

...

That the course, nature, and the dating of the individual installations is still known today is above all due to the fundamental centralised research of the *Reichs-Limeskommission* (Imperial Limes Commission), founded in 1892 under the chairmanship of the historian of antiquity and winner of the Nobel Prize for Literature, Theodor Mommsen [20]. But even the successful work of this institution would have been unthinkable had it not been possible to rely on the remarkable preliminary work of the Kingdom of Württemberg, the Grand Duchy of Baden, the Grand Duchy of Hessen (Darmstadt) and the Kingdom of Bavaria. The road that had to be travelled to reach the current state of research was, however, long and arduous.

In Germany, interest in serious engagement with the Roman heritage awoke in the 14th and 15th centuries, in the age of Humanism [69; 27. 4–23; 53. 6–11; 54. 9–16]. Increasing interest in the literary, numismatic and epigraphic products of antiquity soon led, after a period of strong influence of the Italian Renaissance movement on German Humanism, to a turning to research into German early history. This was, however, seen as a part of the *Imperium Romanum*. Evidence of the power of Rome became evidence of the area’s own great past. It was above all the Roman monuments that still remained which engaged the interest of humanistic historical research in the treatment of the early history of Germany. It was not least the rediscovery of Tacitus’ *Germania* in Kloster Hersfeld in 1455, and its publication in print shortly thereafter in 1473, that played a significant part in this.

The search for new, reliable documents soon directed the interest of the German Humanists to inscriptions, which they collected on their far-flung journeys. Particularly the Roman cities, found their attention [69. 22–29]. The first collection of Roman inscriptions was published in 1505 by Konrad Peutinger, who became known above all through the *Tabula Peutingeriana*, named after him. At the instigation of Emperor Maximilian I, a great lover of antiquity, Peutinger published a collection of inscriptions from Augsburg, which was followed in 1520 by a second, extended edition under the title *Inscriptiones vetustae Romanorum et eorum fragmenta in Augusta Vindelicorum et eius dioecesi. . . nunc denuovo revisae castigatae simul et auctae...*, and which,

as the title says, dealt only with inscriptions found in the urban area of Augsburg. However, there is no information on possible locations for the finds; antiquarian interest was predominantly focused on collecting activities.

Beatus Rhenanus (1485–1547), who had already published a commentary on Tacitus' *Germania* in 1519, described Roman remains in Wimpfen, Rottenburg, and other places, in 1531. Thus he mentioned in his *Rerum Germanicarum libri tres* in 1531 underground walls in long stretches near Aalen, by which he meant the walls of the Aalen fort. In his efforts to find reliable sources, he drew to a significant extent not only on old documents, but also on epigraphic material that he found on his journeys in cloister walls and churches [69. 30-34]. In Augsburg, he visited the important antiquities collections of Konrad Peutinger and Raimund Fugger, and thus became one of the greatest experts of his time on Roman inscriptions in southwest Germany. The often highly fanciful rendering in the editing of this collection of inscriptions is demonstrated among other things in Huttich's collection of inscriptions from Mainz, which went into print in 1520: a legionary soldier depicted on a military gravestone was represented as a serf of the 16th C. Generally an inaccurate rendering both of inscriptions and of the reliefs shows that the publishers were not concerned with an accurate representation of the monuments [69. 22f]. This is made clear, for example, by the first pictorial representation of the defeat of Varus on the title page of the Velleius Paterculus of Beatus Rhenanus, edited in 1520, which depicted the Romans and Germans in typical country serf costume [69. Tab. II, Fig. 3]. It was not until the historical research of the following

generations that critical and historical evaluation was seen as a responsibility.

A comprehensive edition of Roman inscriptions from different collections, which included finds from the Limes forts, was published in 1534 by the Ingolstadt mathematics Professor Peter Apian (1495–1552) and the jurist Bartholomäus Amantius (died c. 1556) [2; 69. 28f]. The core of the largest collection of Roman stone monuments in south-west Germany goes back to the Preceptor at the Latin School in Marbach, Simon Studion (1543–1605), who by chance came across a build-in dedication altar of the Vicani Murrenses from the 2nd C. AD in a wine cellar in Benningen, and subsequently discovered further stone monuments which he presented to Duke Ludwig in Stuttgart, causing him to create a collection of Roman inscriptions and images [69. 63; 14. 15f.]. Studion was justifiably called the father of Roman archaeology and preservation in Württemberg [27. 9]. In 1597, he was even able to win the Duke for excavations in the former Benningen fort, which were carried out to what were, for the time, exemplary standards [69. 65 and Tbl. XI, Fig. 15]. In 1518/1519, Aventin (actually Johannes Turmair, 1477 – 1534) was the first humanist to occupy himself with the former Limes in Germany [13. 32–37; 14. 11]. He had the task, on commission from the Duke of Bavaria, of writing a history of Bavaria, for which he carried out extensive studies in archives and libraries. In the *Bayrischen Cronick* (Bavarian Chronicle), which was not published until after his death in 1566, he speaks of a Roman *landwer* (land defence) with excavated *graben* (ditches) and *aufgeworfner were* (earthwork defences), and states in the *Annales Ducum Boiariae*, published in 1534, that the population called this installation "Pfal". In the foreword to his

Chronicle, he emphasises: “Demnach habe ich mir... allerley handschriften, briefe, chronica. . . durchlesen und absehriben; heiligtumb, monstranzen, seulen, creuz, alte stein, alte münz, gräber ... besucht” etc. (I have accordingly ... read through and copied all kinds of manuscripts, letters, chronicles, ... inspected holy places, monstrences, columns, crosses, old stones, old coins, graves ...). He thus expressly emphasises that archaeological finds also served as sources for his investigations [69. 33]. However, he regarded this installation as a work of the Roman Emperor Probus (276-282) and mistook the Raetian Limes for the causeway of a Roman road that led from the Altmühl River to the Neckar. The roots of the popular description “Pfa(h)” (stake) can be clearly recognised in the Latin *palus*, and the oldest place-names composed with Pfahl-, such as Pfahlheim, near Ellwangen, acknowledge in this way their location on the Limes. The course, dating and nature of the Limes remained, however, largely obscure. In 1595, Marcus Welser reported on prehistoric grave mounds in his Augsburg Chronicle in a discourse on the Roman border demarcation, although he viewed these as Roman border markings [69. 47-50]. New approaches to research into the Roman Limes did not arise until the 18th C.

In 1712, the priest Christoph Wagemann (1666–1753) made the decisive step towards the Raetian Limes in the area of Gunzenhausen [13. 11f.]. Taking account of the *Historia Augusta*, he came to the conclusion that the *Teufelsmauer* (Devil’s Wall) or *Pfalrayn* (stake array) were erected under Hadrian, and expanded to stonework under Probus. His death prevented a thorough written treatment of his investigations. In 1748, a prize was offered by the Prussian Academy of Science in Berlin for the

investigation “*Wie weit der Römer Macht, nachdem sie über den Rhein und die Donau gesetzt, in Deutschland eingedrungen, was vor Merkmale davon ehemals gewesen und etwa noch vorhanden seien*” (How far the Roman might extended into Germany after it crossed the Rhine and the Danube, and what features of it once existed and perhaps still exist). The learned men who took part included Christian Ernst Hanßelmann (1699-1775), Archivist of the Count of Hohenloh and Councillor in Öhringen, who realised that the question posed could only be answered through excavations [43]. He was the first to see the connection between the remains of the Limes in the Taunus Mountains, the “Devil’s Wall”, and the rubble rampart of the Raetian wall in Bavaria, and researched the Limes between Mainhardt and Osterburken. He is justly counted as the first researcher of the Limes. He collected the results of his own archaeological investigations and of previous reports in two volumes which appeared in 1768 and 1773, succeeded in demonstrating parts of the course of the Odenwald Limes, and proposed a date between the early 1st C and the early 3^d [28; 29].

With regard to the Roman monuments in Germany, the second half of the 18th C is to be regarded as a time which signified the beginning, at least in some areas, of scientific research. In 1760, C.P. de Biebourg, son of Prince Carl of Nassau-Usingen, published a document which was completely dedicated to one section of the Limes in the Taunus in front of the Zugmantel fort, and to the fort itself [9]. In 1777 the *Nachricht von den Alterthümern in der Gegend und auf dem Gebürge bey Homburg vor der Höhe* (Report on the antiquities in the region of and on the mountain near Homburg vor der Höhe)

was published by the Councillor to the Prince of Hessen-Homburg Elias Neuhof (1724–1799), who was the first to recognise the Saalburg as a Roman “*Schantze*” (redoubt) [31. 18; 53. 15]. The increasing interest in Roman monuments also led regionally to the first ordinances which were intended to put an end to stone removal and plundering of the monuments. Thus, in 1818, the Homburg Margrave Friedrich V issued an ordinance against uncontrolled quarrying on the Saalburg [53. 23].

Fascinated by classical antiquity, Count Franz I of Erbach-Erbach (1743 – 1823) in 1775 brought many valuable antiquities back from his educational journey through Italy and thus laid the groundwork for the Erbach Collection [31. 20ff.; 14. 21f.]. Spurred on by Hanßelmann’s writings, he turned his attention to the Roman monuments of the Odenwald, and had a number of watchtower mounds near the Würzburg fort examined. These were at that time held to be burial works. From 1802, he began to lay out an English park with classical monuments next to his summer residence Eulbach. At the same time, he extended his excavation activities to the section of the Odenwald Limes from Obernburg to Schlossau, and had sections of architecture from Roman settlements and fort locations, such as the reconstructed fort gates from Eulberg and Würzburg, again reconstructed in his park in accordance with the original finds. His activities were supported by his Councillor Johann Friedrich Knapp, who presented the discoveries and finds of Count Franz in 1813 in the document “*Röm. Denkmale des Odenwaldes, insbes. der Grafschaft Erbach*” (Roman Monuments of the Odenwald, Particularly in the County of Erbach), and recorded, largely correctly, the course of the Odenwald Limes, which he dated to the time of the Emperor Trajan

(98 – 117) [35. 22: 14. 22f.].

If Hanßelmann, in his work was concerned with the connection to the Raetian Limes, and saw the Devil’s Wall 20 km too far north, between Mainhardt and Murrhardt, Heinrich Prescher (1749 – 1827), priest of Gschwendt in the Ostalb District, considered in his publications between 1789 and 1818 a sharp bend in the Limes at Welzheim and Pfahlbronn which came very close to the actual course in the South [13. 18f.]. In the years around 1800, the castle preacher and consistory councillor Johann Michael Redenbacher (1764–1808) from Pappenheim discovered both the start of the Limes at the Danube and the change of direction to the east at Lorch [53. 20f.]. At the same time, he recognised the change from earthwork and ditch to the stone wall of the Raetian Limes. Since these achievements were never publicised, research passed them by. The Regensburg professor of history, Andreas Buchner (1776-1854), encouraged by extensive studies in the area, was the first finally to resolve the question of the bend in the Limes. In his volumes *Reisen auf der Teufelsmauer I-III* (Travels on the Devil’s Wall I-III), which appeared between 1818 and 1835, he succeeded in tracking down the change of direction to the north at the Lorch monastery, and following the Limes on to Mainhardt [14. 24f.]. On the basis of a gravestone of a member of the 22nd legion, he was even able to localise the provincial boundary between Upper Germany and Raetia at Lorch. Nevertheless, even the map of the Limes which he prepared still showed numerous inaccuracies.

Further research after the first half of the 19th C was carried out principally by the History and Antiquity associations

which arose in Bavaria, Hesse, Baden and Württemberg, and spurred on local excavation activity everywhere [59. 163–191; 13. 29–34; 14. 34–42]. Ludwig Lindenschmit described this local and landscape-oriented research accurately in his paper for the 50th anniversary of the foundation of the *Römisch-Germanischen Centralmuseums* (Roman-German Central Museum), in which he pointed out that one would think that a separate cultural development could be proven for every state and statelet of the German Federation. The strongly regionally characterised research of this time was determined by the recognition that it cannot be accomplished by antiquarian collecting, but that investigations on the sites themselves were necessary for further knowledge in Limes research.

In 1801, the Society for Useful Research was formed in Trier. In 1819, on the suggestion of Reichsfreiherr von Stein, the Society for Germany's Older History was founded in Frankfurt, and in 1825, the *Verein für nassauische Alterthumskunde und Geschichtsforschung* (Association for the Study of Antiquity and Research of History in Nassau) was constituted in Wiesbaden. Among others it set itself the goal of describing and researching the Limes [70. 98–144; 30. 59f.]. Of greater significance for the research of the Roman Rhineland was the foundation in 1845 of the Association for Friends of Antiquity in Bonn. The associations, in addition to their excavation work, founded museums, systematically collected material findings, and published the results of their activities in publications and magazines such as the *Nassauischen Annalen des Vereins für Nassauische Altertumskunde* (Nassau Annals of the Association for Nassau Study of Antiquity), which continue to appear to the present day, and the *Bonner Jahrbücher* (Bonn Yearbooks), which

have been appearing since 1842.

Napoleon's new political structures caused the majority of small lordships to be replaced by large states such as the Kingdoms of Württemberg and Bavaria and the Grand Duchies of Baden and Hesse, which included significant proportions of the Roman Limes. This at the same time awakened state interest in the Roman heritage, as was shown by numerous protection provisions and research commissions to state bodies. The traces still visible of the Roman Limes in the form of old military roads, redoubts, monuments and antiquities were also in part recorded during land surveys for official cartography work. Outstanding for archaeological research were the official district descriptions begun in 1820 by Johann Daniel Memminger (1773 –1840), the founder of the Statistical-Topographical Bureau of the Kingdom of Württemberg, in which the sites of Roman finds and ground monuments found mention [21. 17; 14. 30–32]. After his death, this work was continued by the topographer Eduard Paulus the Elder (1803 – 1878), to whom an archaeological map of Württemberg with entries of the sites of Celtic, Roman and Alemannic finds is due.

Documentation of the course of the Limes and the recording of its ground monuments was also served by the *Commission für die Erforschung des Limes imperii romani*, (Commission for the Research of the Imperial Roman Limes), founded under the chairmanship of the Wiesbaden archivist, Friedrich Gustav Habel (1792–1867), which was particularly concerned with the investigation of the remains of the Limes and was intended to co-ordinate the activities of the associations concerned with this, as well as sponsoring the scientific examination of

the Saalburg [66. 186ff., 328ff.; 53. 22ff.]. A lack of co-operation on the side of governments and the historic associations, however, led inevitably to the failure of this cross-border research project. The next step on from this commission was a combination of all German historical and antiquarian associations into an overall association in the year 1852. On the occasion of the first meeting in the Electoral castle in Mainz, the important decision was taken to create a collection in replicas of the antiquities of the prehistory and early history of Germany. Thus the foundation was laid for the Roman-German Central Museum in Mainz, which placed substantial weight on the antiquities of the fatherland with the emphasis on the German as well as the provincial Roman elements [40. 1ff.; 65. 53–88; 7. 182–193; 45. 194–200].

Until the foundation of the Reichs-Limeskommission in 1892, associations as well as individuals decisively shaped the continuation of the work. Wilhelm Conrady (1829-1903), honorary member of the *Hanauer Geschichtsverein* (Hanau Historical Association), founded in 1844, in particular, dedicated himself deeply to the research of the Limes and the Roman fort installations [39. 22f., 265f.]. The Historical Association for the Grand Duchy of Hesse in Darmstadt contributed decisively with its discoveries along the Odenwald Limes to the creation of an archaeological map by Councillor Friedrich Kofler (1830-1910) which accurately listed the positions of the forts in the Grand Duchy of Hesse [37; 35. 29; 52. 14f.]. The members of the Historical Association of Bavaria included two men who, at the end of the 19th C, set the essential tone for the investigation of the Raetian Limes: the grammar school teacher Friedrich Ohlenschlager (1840-1916) and the retired Major-General Karl

Popp (1825–1905), later a member of the Reichs-Limeskommission. Popp was fully familiar with surveying methods, and began to research the road network and the course of the Limes by means of extracts from the Land Register and his own examination of the land.

Ohlenschlager made an exemplary summary of the status of this research a few years before the foundation of the Reichs-Limeskommission, and published by that time a map of the Roman Limes in Raetia under the title *Die Röm. Grenzmark in Bayern* (Roman Border Marks in Bavaria) which surpassed all others in accuracy [46. 59-144]. This was supplemented after 1899 by the discovery of the Roman military installations on the Lippe at Haltern, which were investigated by the Antiquities Commission for Westphalia. The excavations in Haltern opened a new epoch for excavation technique and the archaeological documentation of wooden constructions [58. 1ff.; 32. 23].

In spite of the considerable success which the activities of the Associations and the research of individuals had for the Limes research, a series of questions remained unanswered. The course of some sections of the Limes was still unclear, and the dating and temporal sequence of the constructions on the Limes were also just as uncertain as the number of military camps which had been erected there. The ground plans and internal buildings of the forts were not documented anywhere, and there was no summarising publication which presented the individual installations on the Limes, the roads and the auxiliary establishments as a whole in their historical context. However, the realisation grew that only centralisation of Limes research into a unified organisation could overcome the fragmentation caused by local research.

In the end it was thanks to the tenacity of the Berlin historian of antiquity, Theodor Mommsen (1817–1903), that the Reichs-Limeskommission was founded in 1892, the chairmanship of which Mommsen himself took on [15. 9-32]. Ever since the foundation of the Empire in 1871, Mommsen missed no opportunity to point out the deficiencies and to emphasise the urgent necessity of systematic and national investigation of the Roman Limes. Mommsen's goal was to create a record of all installations and roads between northern Switzerland and the mouth of the Rhine, with the help of people and officers familiar with the areas. The latter should in particular provide a decisive contribution to the description and assessment in terms of military history. Plans were limited to five years, and costs of 50,000 marks were estimated. An initial attempt by Mommsen failed in 1878 due to the mistrust of Württemberg and Bavaria for central direction of the project by the Prussian General Staff in Berlin. It was not until the nomination of many leading members of local Historical Associations as sector commissioners of the Reichs-Limeskommission, such as Georg Wolff from the Hanau Historical Association and Friedrich Kofler from that of Darmstadt, and co-operation on equal terms of all participating states, that general agreement among all the states affected could be reached. On 28 December 1890, a Limes conference was held in Heidelberg, to which all five states sent delegates who had already distinguished themselves with research on the Limes. Participants from Baden were the Heidelberg professor and librarian Karl Zangemeister (1837–1902) and the curator Dr. Ernst Wagner (1832–1920). From Bavaria came Major-General Ernst Popp (1825–1905) and, as representative of the Bavarian Academy of Science, Heinrich von Brunn (1822–1894). Hesse

sent Friedrich Kofler (1830–1910), and Prussia, Major Friedrich Wilhelm von Leszcynski (1842–1929), the Bonn ancient history expert Heinrich Nissen (1839–1912) and Mommsen himself. Participants from Württemberg were Ernst Herzog and Professor Eduard Paulus (1837–1907), the initiators of the Württemberg Limes Commission founded in 1877. In addition, the District Judge a.D. Wilhelm Conrady (1829–1903) and the building commissioner and later first Saalburg Director Louis Jacobi (1836–1910) took part as invited experts. The conference established the basics for common research of the Limes installations in Germany and prepared a five-year plan.

After a heated debate, the Reichstag approved the draft on 16 January 1892, and authorised the financial means. On 6th and 7th June 1892, the first meeting of the Reichs-Limeskommission took place in Heidelberg, at which Mommsen was elected chairman and von Brunn his deputy. Zangemeister, Herzog and Popp were nominated for the administrative committee, the Director of the Trier Museum Felix Hettner (1851–1902) was appointed Archaeology Director, replaced from 1902 by the Freiburg University professor Ernst Fabricius (1857–1942), and Lieutenant General a.D. Oskar von Sarwey (1837–1912) as Military Director. It was thanks to Fabricius' tireless energy and creative force into a late age that it was possible to bring these formidable proceedings to any conclusion at all [26. 12ff.; 68. 225 ff.]. With Ernst Fabricius, who had taught at the University in Freiburg since 1888, Limes research gained access to the universities, a circumstance that was to have a seminal effect on the archaeology of the Roman provinces [45. 397–406].

The archaeological work of the Reichs-Limeskommission was to be carried out on site by honorary sector and route commissioners. In August 1892 Louis Jacobi was nominated sector commissioner for the Taunus.

As a reaction to the founding of the Reichs-Limeskommission, representatives of historical and antiquities research associations from West Germany gathered on 19 April 1900 in Frankfurt am Main to found the West and South German Association for Antiquarian Research, with the objective of a compilation of Roman-German antiquarian research and the prehistoric and Frankish-Alemannic research connected with it. [1. 13ff.].

The mighty scope of the work and the continuous obligation of the Reichs-Limeskommission to publication led to it being impossible to keep to the planned timescale of five years. The first delivery of publications was made in 1894, but it was not until 1937, 45 years after the foundation of the Reichs-Limeskommission, that it was possible to complete the last of the fourteen volumes of the work, which is divided into two sections (section A: the sectors, section B: the forts). When the 56th and last instalment of the *Obergermanisch-raetischen Limes* (ORL, Upper German-Raetian Limes) appeared in 1937, more than 90 forts and some 1,000 watchtowers had been located from the beginning of the Limes at Rheinbrohl to Eining on the Danube, including all the Limes not part of the nomination. The problem of where to house the finds to be expected from the excavations had from the beginning caused many discussions. Should the finds be divided among the states involved, or kept at a central point – here the Roman-German Central Museum in

Mainz came more than any other location into question. However, with the decision of Kaiser Wilhelm II in November 1897 to reconstruct the Saalburg, the discussion took a new turn. Nevertheless, the federal principle was maintained in a final decision of the year 1905:

The Saalburg Museum received the original finds from the Taunus forts, while the material from the other sections of the Limes was distributed between numerous regional museums [17. 55–59].

The *Römisch-Germanische Kommission* (RGK, Roman-Germanic Commission) of the Deutsches Archäologisches Institut (DAI, German Archaeological Institute), founded in 1902, provided substantial support in researching the Roman remains, as in the case of the excavations in Haltern, and many of its later directors participated effectively in the evaluation and publication of the extensive work undertaken. The RGK was set up as a branch organisation of the Imperial DAI with the objective of participating in Roman-German state research, after Theodor Mommsen had worked towards completely excluding the Archaeological Institute from Limes research. At the celebration of the 50th anniversary of the foundation of the Archaeological Society of Berlin, Mommsen gave the keynote speech under the title *Die einheitliche Limesforschung* (Uniform Limes Research). In this speech he suggested, analogous to the Imperial Institute in Rome and Athens, calling something similar into life in Germany for Roman-German antiquity. Mommsen's proposal was made a reality twelve years later, although the new institution was assigned to the Archaeological Institute, which Mommsen had opposed with all means at his disposal [42. 1ff.; 38. 5ff., partic. 9f.]. An important organ of publication for

excavations financed by the Roman-Germanic Commission or carried out by it, was the annual appearance of the *Bericht über die Fortschritte der röm.-german. Forsch.* (Report on Advances in Roman-Germanic research) (from 1908 *Bericht der Röm.-German. Kommission*, Report of the Roman Germanic Commission).

From 1917, there also appeared, as a publication of the commission, the magazine *Germania* in place of the *Röm.-German. Korrespondenzblattes* (Roman-Germanic Correspondence Gazette), published in Trier since 1908.

In the time of the National Socialist despotism, Limes research became almost completely quiescent and the research area of the archaeology of the Roman provinces was largely hushed up [11; 44. 115; 48. 49–60]. It was not until the end of the Second World War, with the founding of the Federal Republic of Germany and the economic turn of the 50s, that new impetus could be given to Limes research, which in content relied heavily on the achievements of the pre-war period [10. 9–17; 33. 33–70; 44. 116ff.; 54].

It was in particular thanks to the engagement of the Roman-Germanic Commission and its second director, Wilhelm Schleiermacher, that open questions and objectives in Limes research were addressed [59. 133–184; 60. 94–110]. In 1949, the first Limes congress was held in Newcastle, and from 1959 the Roman Germanic Commission provided continuing publication of research results with the series *Limesforschungen - Studien zur Organisation der Röm. Reichsgrenze an Rhein und Donau* (Limes Research – Studies on the Organisation of the Roman Imperial boundary on the Rhine and the

Danube) [61. 69–134]. As well as the earlier construction phases of the Limes forts, the research of the wooden internal buildings, and the single-phase earth and timber fort, it was increasingly not only the pure military aspect which stood in the foreground. Open questions arose with respect to, among other topics, the civilian settlement of the Limes hinterlands and the relationships of the Roman border provinces with their neighbours. In spite of a series of direction-setting excavations and research results, archaeology was only partly able to keep up as a consequence of the construction boom of the 50s and 60s. Only in very rare cases was it possible to avert threats to build over the forts and civilian settlements. One of the sad highlights of this trend was represented by the destruction of the military staging post and later civilian city of Nida, over which the commuter housing estate Nordweststadt near Frankfurt am Main was built in the 60's [22. 7f.; 34. 5–38; 35. 9ff.]. Nevertheless, it was possible during this time, in consequence of the close co-operation of the Saalburg Museum, the Roman-Germanic Commission, the State Offices for Monument Conservation, and the financial support of the German Research Foundation, to make decisive contributions to further understanding of Roman military and civilian history on the Limes and its hinterland [4. 361–371; 62. 372–383; 63; 67. 457–707]. The existence of earlier wooden installations was proved in the newly researched forts, as for example in the Hesselbach numerous fort on the Odenwald Limes [3], while in Aalen, the fort area was saved from threatened over-building and received, with the Limes Museum, an establishment which has since then presented the work and results of Limes research to a broad public [21. 203–212; 50. 247–255].

... A critical re-evaluation of the numismatic material proved to be just as important in questions of dating important military and settlement locations, of money circulation, and of the associated economic and political problems. The research organisation, founded in 1953, *Die Fundmünzen der röm. Zeit in Deutschland* (Coin finds from the Roman period in Germany) therefore represented a necessary supplement to results in Limes research. From 1960, coin finds were published in the volumes *Fundmünzen der röm. Zeit in Deutschland* (FMRD, Coin Finds from the Roman period in Germany), to which important work on money history and coin circulation were added in the series *Studien zu Fundmünzen der Antike* (SFMA, Studies of Coin Finds of Antiquity) [25. 7–17; 36. 9–71]. The excavations of recent decades produced a multitude of additional details on circulation and the successive development phases of the Limes in the individual regions, together with a clearer chronological structure. An exemplary summary of the current status of research of all the larger military camps up to the fall of the Limes is found in the study by Hans Schönberger, published in 1985 [63].

An attention-catching find of the 1980's was the discovery of the consecrated area of a *beneficarii* station, with very well-preserved remains of its wooden constructions, in the Osterburken cohorts fort [55]. Research of the Roman Limes was also increasingly served by new methods: archaeological aerial views

came increasingly into play, with the help of which new military locations were discovered which made possible a clearer picture of the individual phases of the occupation, and, by localising numerous *villae rusticae*, enabled a differentiated view of the history of settlement in Roman times [12. 149–155]. Magnetic measurement techniques and scientific techniques such as dendro-chronology, archaeobotany, anthropology and chemical analysis also contributed significantly to new research results. Thus, for example, a dendrochronological examination of the Limes palisade of Schwabsberg (Gemeinde Rainau, Ostalbkreis) yielded a felling date of 165 AD [21. 488; 49. 37–40; 5. 132]. ...

Particularly in the research area of "Germanisation", questions of Roman-Germanic interaction were also investigated from 1993 from various points of view [23. 5–11; 24. 161–167]. A series of standard works, consciously directed at interested lay people, contributed to deepened sensibility of the general public with respect to the monuments of the Roman Limes which still exist. H-J. Kellner made a start in 1971 with *Die Römer in Bayern* (The Romans in Bavaria), and thus became the model for a further series of summarising representations, which began in 1976 with *Die Römer in Baden-Württemberg* (The Romans in Baden-Württemberg).

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Documents on the position of the *Limes* in university teaching

**RÖMISCH-GERMANISCHE KOMMISSION
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Betr. "Weltkulturerbe Limes"

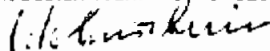
Liebe Kolleginnen und Kollegen!

Die Initiative der Länder Baden-Württemberg, Bayern, Hessen und Rheinland-Pfalz, den Obergermanisch-Rätischen Limes (ORL) zur Aufnahme in die Stätten des Welt-Kulturerbes vorzuschlagen, wird von der Römisch-Germanischen Kommission des Deutschen Archäologischen Instituts nachdrücklich unterstützt.

Der Obergermanisch-Rätischen Limes ist mit seinen komplexen Grenzanlagen im kontinentalen Europa einzigartig. Die wissenschaftliche Grundlage für diese Feststellung bilden die umfangreichen Publikationen der Jahre 1894-1937 zusammen mit dem Archiv der von 1892-1931 im Gelände tätigen Reichs-Limeskommission (RLK), das in der Römisch-Germanischen Kommission (RGK) aufbewahrt wird. Die RGK wird der gegebenenfalls für das "Weltkulturerbe Limes" zu schaffenden neuen "Limes-Kommission" selbstverständlich jeden notwendigen Zugang zu diesem Archiv gewähren, zumal dessen umfangreiche Notizen in zahlreichen Punkten seinerzeit nicht voll ausgewertet und zum Teil gar nicht veröffentlicht worden sind.

Seit ihrer Gründung im Jahr 1902 fördert die RGK die Limesforschung und seit 1959 gibt sie die "Limesforschungen" heraus, von denen bis jetzt 26 Bände erschienen sind. Gemäß ihrer Satzung wird die RGK auch zukünftig Limesforschung betreiben, wobei der Rahmen selbstverständlich - wie bisher - weit über den Bereich des ORL hinausreichen wird. Dabei interessiert besonders die Frage, ob und wie sich die Kastelle an den Flußgrenzen von denjenigen an der künstlichen Grenzlinie unterscheiden. Aus diesem Grunde setzt die RGK auch seit 1992 die zuvor von der DDR am bulgarischen Donau-Limes in Iatrus-Krivina durchgeführten Forschungen fort und wird diese in den Limesforschungen veröffentlichen. Die internationale wissenschaftliche Bedeutung des ORL kommt damit ebenso deutlich zum Ausdruck wie mit den seit 1949 zwischen Großbritannien und Jordanien abgehaltenen 17 internationalen Congresses of Roman Frontier Studies.

Mit besten Wünschen für das Gelingen der Initiative



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Betr. Antrag auf Aufnahme des obergermanisch-rätischen Limes in die Liste des Weltkulturerbes der UNESCO

Als Inhaber des Lehrstuhles für "Archäologie und Geschichte der römischen Provinzen" an der Johann Wolfgang Goethe-Universität Frankfurt a. M. stehe ich voll und ganz hinter dem Antrag, den obergermanisch-rätischen Limes in die UNESCO-Liste des Weltkulturerbes aufzunehmen. Sowohl aus römischer wie aus heutiger Sicht kommt dieser gewaltigen Anlage in vielerlei Hinsicht herausragende Bedeutung zu. Zwischen Antike und Gegenwart liegen Jahrhunderte, in denen der Limes als raumordnende Grenze, als Monument, als Gegenstand von Forschungen von Gelehrten und Laien, ebenso wie als unerschöpfliche Inspirationsquelle für Volkssagen und Erzählungen im Bewusstsein der Bevölkerung stets wach blieb.

Im Rahmen von Lehre und Forschung an unserem Seminar spielt der Limes als Anlage und in seiner Funktion eine wichtige Rolle. Regelmäßig ist er Gegenstand von Vorlesungen, Seminaren, Proseminaren, Übungen und Praktika. Ich darf daran erinnern, dass an unserem Seminar zugleich der Direktor der Römisch-Germanischen Kommission des Deutschen Archäologischen Instituts, Prof. Dr. Siegmund Freiherr von Schnurbein, als außerplanmäßiger Professor und der ehemalige Direktor des Saalburgmuseums, Prof. Dr. Dietwulf Baatz, als Honorarprofessor lehren. Dieser Schwerpunkt lässt sich an der Goethe-Universität weiter zurückverfolgen und mit Namen wie Maria R.-Alföldi, Hans-Ulrich Nuber, Aladar Radnóti, Konrad Kraft und Wilhelm Schliermacher verbinden.

Im Rahmen des Studienganges "Archäologie und Geschichte der römischen Provinzen" werden gegenwärtig mehrere wissenschaftliche Vorhaben verfolgt, die sich mit dem Limes und seinem Hinterland

beschäftigen; darunter befinden sich u. a. ein interdisziplinäres landschaftsarchäologisches Projekt (Archäologie, Bodenkunde, Archäobotanik), eine Studie zu den römischen Amphoren (Archäologie und Keramikanalysen) und eine Untersuchung zu Nida, dem Vorort der Civitas Taunensium im 3. Jh. n. Chr. Unser Seminar ist maßgeblich mitbeteiligt an dem von der Deutschen Forschungsgemeinschaft und dem Land Hessen finanzierten Graduiertenkolleg "Archäologische Analytik". Als Frankfurter Hochschullehrer sehen wir für die weitere interdisziplinäre Erforschung des Limes hervorragende Perspektiven. An ihr möchten wir uns zusammen mit unseren Studierenden beteiligen und wir sind überzeugt, dass durch die Eintragung des Limes in die UNESCO-Liste des Weltkulturerbes die Limesforschung entscheidende Impulse erfahren würde.


Prof. Dr. Hans-Markus von Kacnel





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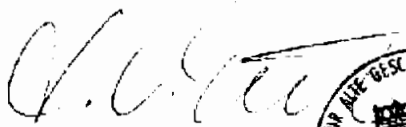
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Der obergermanisch-raetische Limes Eintrag in das Weltkulturerbe der UNESCO

Die Erforschung und die Darstellung der archäologischen Überreste des obergermanisch-raetischen Limes nehmen an der Universität Freiburg i. Br. bei der Vermittlung der römischen Geschichte Deutschlands und Westeuropas eine grundlegende Position ein. Der Limes gilt wie kein anderes erhaltenes Bodendenkmal aus der römischen Zeit als Manifest des ersten, historischen Abschnittes der gemeinsamen westeuropäischen Geschichte.

Der Limes ist an der Universität Freiburg für das Studienfach „Provinzialrömische Archäologie“ unverzichtbares archäologisches Forschungs- und Lehrobjekt. Und dies nicht nur aus Tradition – von 1902 bis 1937 arbeitete hier unter der Leitung von Prof. Dr. Ernst Fabricius die Reichs-Limes-Kommission –, sondern weil Entstehung und Funktion des Limes grundlegend zum allgemeinen Verständnis der römischen Geschichte, dem Beginn unserer abendländischen Kultur notwendig sind. Die Wirkung, die von dem historischen Monument des obergermanisch-raetischen Limes in seiner Zeit ausging, während des Mittelalters fort dauerte und bis heute ausgeht, hat durch die jüngste europäische und deutsche Geschichte (Stichworte: „Eiserner Vorhang“, „Berliner Mauer“) nichts von ihrer Bedeutung als Manifestation eines staats- und machtpolitischen Instruments verloren, im Gegenteil.


(Prof. Dr. Hans Ulrich Nuber)



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Köln, d. 20. 12. 2002

Betr.: Eintrag des Obergermanisch - Raetischen Limes in die Welterbeliste der UNESCO

Der Eintrag des Obergermanisch - Raetischen Limes in die Welterbeliste der UNESCO wäre eine längst überfällige Würdigung dieses größten Bodendenkmals in Deutschland, dessen Bestand immer noch durch permanente Gefährdung gemindert wird. Neben seiner für die weltweite Altertumsforschung unbestritten herausragenden Bedeutung spielt die Erforschung des Obergermanisch - Raetischen Limes in der Geschichte des Wissenschaftsfaches "Provinzialrömische" Archäologie" in Deutschland noch eine ganz besondere Rolle: Vor allem die Limesforschung, an der zunächst neben gebildeten Laien Vertreter der Fächer Alte Geschichte, Klassische Archäologie und Prähistorische Archäologie beteiligt waren, hat zur Herausbildung dieses selbständigen Wissenschaftsfaches geführt. Als Vertreter dieses Faches an der Universität zu Köln begrüße ich daher die Initiative, den Obergermanisch - Raetischen Limes in die Welterbeliste der UNESCO eintragen zu lassen, ganz besonders und möchte sie nachdrücklich unterstützen.


(Prof. Dr. Thomas Fischer)

Der Vizepräsident

GUTENBERG
UNIVERSITÄT



Johannes Gutenberg-Universität Mainz – D 55099 Mainz

Herrn Dr. Andreas Thiel
Landesdenkmalamt Baden-Württemberg
Archäologische Denkmalpflege
Weltkulturerbe Limes
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Prof. Dr. Jürgen Oldenstein

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Datum: Freitag, 20. Dezember 2002

Sehr geehrter Herr Dr. Thiel,

anbei übersende ich Ihnen meine Einschätzung zur Eintragung des obergermanisch-
raetischen Limes in die Liste des Weltkulturerbes.

In meiner Eigenschaft als Fachvertreter für Provinzialrömische Archäologie am Institut für
Vor- und Frühgeschichte der Johannes Gutenberg-Universität in Mainz bin ich über die
Absicht, das Geländedenkmal „obergermanisch-raetischer Limes (fortan Limes)“ unter den
Schutz der Unesco zu stellen, begeistert.

Der Limes mit allen dazugehörigen Bauten hat wesentlich dazu beigetragen, das Fach
provinzialrömische Archäologie als festen Bestandteil der Hochschullehre zu installieren.
Die Grabungen der Reichslimeskommission, bis heute in ihrer Konsequenz unerreicht, bil-
den bis auf den heutigen Tag eine der wesentlichsten Grundlagen provinzialrömischer
Forschung. Die wissenschaftlichen Methoden und viele Fragestellungen des Faches sind
zu wesentlichen Teilen im archäologischen Umgang mit diesem einzigartigen Gelände-
denkmal entwickelt worden.

Die absolute Chronologie der Römerzeit in Deutschland und darüber hinaus wurde und
wird am Fundmaterial aus den Anlagen des Limesgebietes immer weiter verfeinert und
trägt damit wesentlich zur Geschichtsschreibung bei, u.a. auch deshalb, weil hier Daten
erhoben werden können, die die historiographischen Quellen nicht zu liefern in der Lage
sind.

Der Limes dagegen stellt ein Quellenarchiv dar, das immer noch in der Lage ist, neues
Material zu liefern und deshalb sowohl für die archäologische als auch die historische For-
schung von immenser Bedeutung ist. Hierin sehe ich einen unschätzbar hohen Wert, der
aus sich heraus die Unterschutzstellung zwingend erfordert.

In der universitären Lehre kommt man zwangsläufig, Semester für Semester, nicht umhin,
sich mit dem Limes auseinanderzusetzen, selbst in Bereichen, die auf den ersten Blick mit

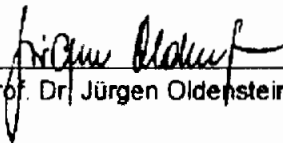


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dem Limes nur wenig zu tun haben, sei es nun mit Fundmaterial im Allgemeinen oder seien es Fragen zum Kult, zur Siedlungsgeschichte oder seien es wirtschaftsgeschichtliche Fragen etc. Kurzum, als Provinzialarchäologe kommt man um den Limes nicht herum. Die heute noch sichtbaren Teile dieser technischen Großleistung unterstreichen die Bedeutung der Limesbauten in unübertroffener Art und Weise. Sie fördern das Verständnis auch bei denjenigen, die sich wissenschaftlich nicht mit der Römerzeit beschäftigen. Dies wird auch dadurch unterstrichen, dass der römische Limes in Deutschland auch ein bedeutendes Gut der Allgemeinbildung darstellt. Der Limes als römisches Denkmal ist meines Erachtens genauso bekannt wie Caesar und Kleopatra oder wie die Schlacht im Teutoburger Wald und mir fallen wenig vergleichbare römische Kulturgüter und auch historische Ereignisse ein, die im Bewußtsein der Bevölkerung ähnlich tief verankert sind. Auch hierin sehe ich einen ganz wesentlichen Grund dafür, den Limes als weltkulturerbewürdig einzustufen.

Persönlich hat mich der Limes mein ganzes bisheriges wissenschaftliches Leben begleitet. Viele meiner wissenschaftlichen Arbeiten beschäftigen sich mit römischen Grenzanlagen in Deutschland. Eine wesentliche Arbeit stellt der Fundindex zu den Reichslimesgrabungen dar (Zabern, Mainz 1982). Mit dieser Publikation sehe ich mich in der direkten Nachfolge der Kommissare der Reichslimeskommission, und ich bin ein wenig stolz darauf. Demzufolge bringe ich mich auch persönlich als vehementer Befürworter des Projektes ein, da mich meine wissenschaftliche Auseinandersetzung mit dem Limes zu dem gemacht hat, was ich heute bin.


 -Prof. Dr. Jürgen Oldenstein -



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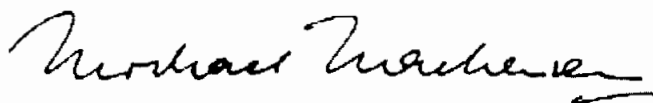
BETR.: UNESCO-Antrag „WELTKULTURERBE OBERGERMANISCH-RAETISCHER LIMES“

Mit großem Interesse habe ich die Vorbereitungen hinsichtlich Ihres Antrages „WELTKULTURERBE OBERGERMANISCH-RAETISCHER LIMES“ an die UNESCO verfolgt.

In der universitären Lehre und Forschung am Institut für Vor- und Frühgeschichte und Provinzialrömische Archäologie der Universität München kommt den einzelnen Kastellen und den verschiedensten Bauten und Anlagen des obergermanisch-raetischen Limes und seiner Gesamtstruktur größte Bedeutung zu. Im Rahmen des Grund- und Hauptstudiums sind die Organisation und die Bauten des obergermanisch-raetischen Limes zentrales Thema der Pro- und Hauptseminare. Zusätzlich werden regelmäßig jedes Sommersemester Exkursionen zu ausgewählten Grenzabschnitten und Baudenkmalern des obergermanisch-raetischen Limes durchgeführt. Sowohl Magister-Hausarbeiten als auch Dissertationen haben die Bearbeitung neuerer Ausgrabungen am raetischen Limes zum Thema.

Ich unterstütze den UNESCO-Antrag „WELTKULTURERBE OBERGERMANISCH-RAETISCHER LIMES“ mit größtem Nachdruck und wünsche Ihnen bestmöglichen Erfolg.

Mit den besten Empfehlungen



(Prof. Dr. Michael Mackensen)

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Unesco-Antrag „Weltkulturerbe Limes“

Sehr geehrter Herr Dr. Thiel,

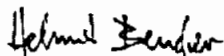
in der Forschung und Lehre der Archäologie der Römischen Provinzen nehmen die *Limites* des Imperium Romanum einen zentralen Platz ein, weil sie als bedeutende Geländedenkmäler nicht nur sichtbare Zeugen einer vergangenen Weltkultur sind, sondern durch ihre gut datierten Befunde und Funde hervorragende Möglichkeiten bieten, in Forschung und Lehre laufend neue Erkenntnisse zu gewinnen. Das hat sich besonders in den letzten beiden Jahrzehnten gezeigt, als vermehrt interkulturelle, wirtschaftliche und gesellschaftspolitische Probleme das Interesse der Forschung, aber auch einer breiten Öffentlichkeit erweckten.

Der obergarmanisch-rätische Limes in Deutschland ist wohl das bedeutendste Bodendenkmal in unserem Lande. Seine Erforschung reicht weit zurück und hier waren besonders die Universitäten neben anderen Forschungsinstituten engagiert bzw. sind es noch laufend, weil sich wie kaum an einem anderen Bodendenkmal Forschung und Lehre so hervorragend zusammenbringen lassen.

In meinem Lehrangebot steht der Limes in Deutschland stets an zentraler Stelle, und zwar nicht nur in den Vorlesungen zur Architektur oder Militärarchäologie, sondern in der Behandlung von wirtschafts- und verkehrsgeschichtlichen Fragen, von Chronologieproblemen (gut datierte Befunde und Funde), kunstgeschichtlichen und mehr und mehr ökologischen Untersuchungen. In unseren Forschungen im Felde, meist durchgeführt als Lehrgrabungen, werden Anlagen am Limes immer berücksichtigt (Kleinkastelle, Straßen, Situation vor dem Limes).

Durch die Eintragung als Weltkulturerbe werden sich wie jüngst gemachte, eigene Beobachtungen an einem ähnlich ausgezeichneten Monument in England, dem Hadrianswall, ergaben, ganz bedeutende Impulse für die Lehre einstellen, weil dieses größte Bodendenkmal Deutschlands wesentlich besser im Bewußtsein aller verankert werden wird.

In der Hoffnung, daß Ihr Antrag von Erfolg gekrönt sein wird,
bin ich mit guten Wünschen und einem herzlichen Dank
für die Arbeit an diesem Projektantrag



Prof. Dr. Helmut Bender

Existing reproductions on the ORL and the date of their construction

Watchtowers and limes sectors

Watchtower WP 1/1 - Rheinbrohl; 150 m north of the start of the limes at the Rhine; three-storey stone tower with upper storey of timber; erected 1974.

Watchtower WP 1/37 – Oberbieber; 35 m from the original tower site; two-storey stone tower with upper storey of timber; erected 1970.

Watchtower WP 1/54 – Bendorf; 10 m from the original site of the tower; two-storey stone tower with upper storey of timber; erected 1912.

Watchtower WP 1/68 – Hillscheid; near the conjectured site of the tower; three-storey stone tower; erected 1994.

Watchtower WP 1/84 – Arzbach; on the original site of the tower; three-storey tower: ground floor: stone, middle storey: wooden block construction, top storey: timber; erected 1953.

Watchtower WP 2/1 – Bad Ems; on the original site of the tower; two-storey stone tower, one of the original defence walkways is missing; erected 1874.

Watchtower WP 3/15 – Orlen; next to the original site of the tower; three-storey stone tower; erected 1972.

Watchtower WP 4/16 – Pfaffenwiesbach; next to the original site of the tower; three-storey stone tower without gallery; erected in 1923 from plans by E. Fabricius.

Watchtower WP 4/33 – Butzbach; on the original site of the wooden tower; two-storey timber tower; erected 1912.

Watchtower WP 4/49 – Pohlheim; next to the original site of the tower; two-storey stone tower; erected 1967.

Between watchtowers WP 4/102 and WP 4/103 – Limeshain-Rommelshausen; on the original line of the limes; section of the Upper German limes with palisade, ditch and rampart; erected 1996.

Watchtower WP 7/31 – Walldürn; on the original line of the limes; section of the Upper German limes with palisade.

Watchtower WP 9/64 – Geisselhardt; next to the original site of the tower; three-storey wooden tower in block construction on a concrete base; erected 1971.

Watchtower WP 9/83 – Grosserlach-Grab; on the foundations of the original site of the tower; three-storey stone tower and section of the Upper German limes with palisade, ditch and rampart; erected 1981.

Watchtower WP 9/96(West) – Murrhardt; on the foundations of the original site of the tower; external walls up to 6 m high of a three-storey stone tower.

Watchtower WP 12/14 – Lorch; near the conjectured site of the tower; three-storey wooden tower in block construction on a concrete base.

Watchtower WP 12/77 – Buch; next to the original site of the tower; three-storey wooden tower in block construction on a concrete base; erected 1971.

Connecting to the foundation of the original stone tower, a section of the Raetian wall has been reconstructed.

Between watchtowers WP 13/2 and WP 13/2 – Mönchsroth; lower part of a stone tower, connections to the Raetian wall on both sides; erected 1986.

Watchtower WP 13/24 – Grüb-Dühren; on the foundations of the original site of the tower; Lower part of a stone tower, connections to the Raetian wall on both sides; erected 1983.

Between watchtowers WP 13/38 and WP13/39 – Dennenlohe; masonry section of the Raetian wall.

Watchtower WP 14/17 – Rittern; on the foundations of the original site of the tower; raised masonry foundation of a stone tower with connections on both sides to the Raetian wall.

Watchtower WP 14/48 – Burgsalach; next to the original site of the tower; three-storey wooden tower in block construction on a concrete base.

Watchtower WP 14/63 – Erkertshofen; near the conjectured site of the tower; three-storey stone tower, connections to the Raetian wall on both sides; erected 1989.

Watchtower WP 14/78 – Kipfenberg; near the original site of the tower; three-storey wooden tower in block construction on a concrete base; erected 1996.

Between watchtowers WP 15/45 and WP15/46 – Hienheim; next to the original sites of the towers; three-storey wooden tower in block construction on a concrete base; erected in the 1970's.

Fort installations

Saalburg (No. 13); masonry defence walls reconstructed on the original foundations, with all towers and gate installations; inside, the staff buildings (PRINCIPIA), parts of the commander's residence (PRAETORIUM), a grain store (HORREUM) and two wooden troop barracks (CONTUBERNIA) have been reconstructed; the installations erected between 1897–1907 will be supplemented over the next few years with the construction of a magazine, the Praetorium will be extended, and parts of the civilian settlement situated in front of the fort walls (VICUS) will be reconstructed on the original foundations.

Welzheim, east fort (Nr. 39); west gate reconstructed on the original foundations with masonry connection to the wall to the north; erected 1977.

Ellingen (No. 51); northerly section of masonry wall reconstructed on the original foundations with the supplemented, c. 4m high, north-west tower; erected 1982.

Weissenburg (No. 52); north tower reconstructed on the original foundations (PORTA PRAETORIA) with wall connection to the east; erected 1990.

Pfünz (No. 55); north tower reconstructed on the original foundations (PORTA PRAETORIA) with wall connection to the east; erected 1986.

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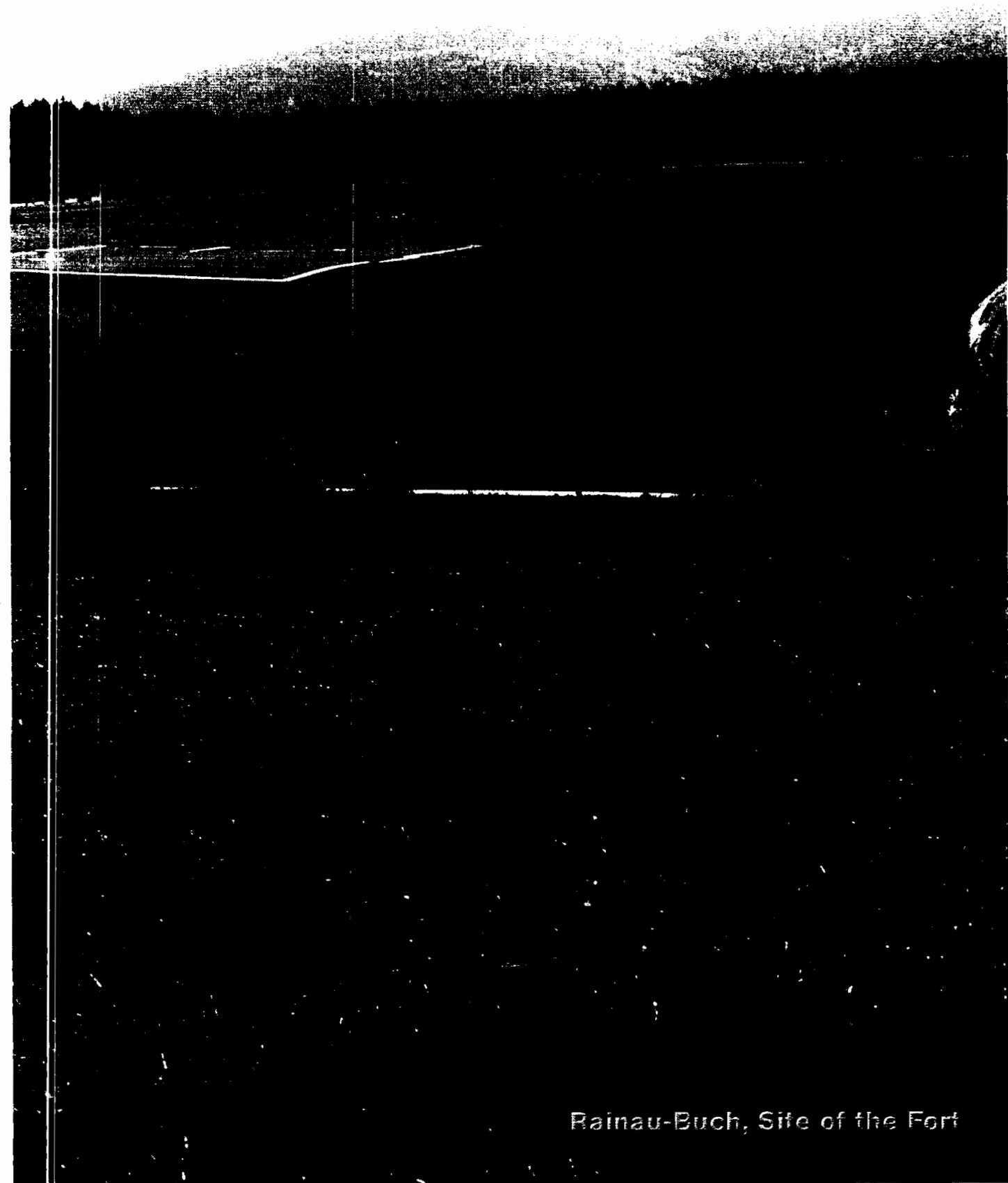
Internet:

www.limes-in-deutschland.de

www.archaeologie-online.de

www.aalen.de (Verein „Deutsche Limes-Straße“)

Management Plan



Rainau-Buch, Site of the Fort

Upper German-Raetian Limes - Management Plan

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Attachment 1: Reconstruction Guidelines

Attachment 2: Museum Development Plan

Overview

The Upper German-Raetian Limes ("ORL") is Germany's largest and most famous archaeological monument. The artificial linear border with the associated watchtowers and forts as part of the Hadrianic/Antonine border line forms the symbol for the Roman period in Europe between the 1st and 3rd centuries. The global significance of the former border installations of the ancient Roman Empire can also be seen in the fact that another one of its essential elements, Hadrian's Wall in England, has been registered in the World Heritage list of the UNESCO since 1987.

In its course through the modern German states of Rhineland-Palatinate, Hesse, Baden-Württemberg and Bavaria the ORL passes through a variety of different natural and urban landscapes. All the same, along a stretch of 500 km there was originally a continuous border which, as an artificial barrier, did not take any account of nature. Even today, the ORL's partially completely straight route can be followed in many areas. Even the geographical and functional correlation of the individual constructions with the appropriate open spaces is preserved in its essentials and can be experienced in many places. The remains of palisades, ditches and ramparts or stone walls, the watchtower sites and the forts and the other archaeologically verifiable constructions are an excellent example of an overall ensemble and are of great historical value.

Today the monuments of the ORL affect the greatly different interests of a large number of people and institutions along the old border. Efforts for conserving it as a historical witness and for improving its development for more visitors locally collide in some cases with the necessities of modern urban development, or with the development and utilisation of our countryside. In the past efforts to protect the ORL from danger of destruction and to open it up so that it could be experienced by as broad a range of people as possible, or to safeguard it as an object of scientific research, were not always successful.

This Management Plan is based on the confidence that an improvement in the exchange of information along the Limes and its immediate environment represents the foundation for a balance between the interests of monument preservation, research and tourism, and the requirements of those who live and work on the Limes. For the purposes of a binding framework the Management Plan contains concrete statements for the future management of the ORL, as well as perspectives for its long-term development. The aim is to list ways in which the existing protective mechanisms can be optimised and developed further. The starting points for this are exchanges of opinion and agreement as to how the ORL can be preserved in the long term, researched further, opened up to the public and how its appearance can be improved.

1 Introduction

1.1 Importance of the ORL

1.1.1. Starting from a simple pathway, a system of continuous barriers (palisade, ditch and rampart in Upper Germania; palisade, stone wall in Raetia) was constructed, in particular under the emperors Hadrian (approx. 120 AD), Antoninus Pius (approx. 160 AD) and Commodus (approx. 185 AD). The Limes line was less a military bulwark than a guarded border at which travellers in and out were controlled and goods handled or duties imposed on them. This regulated border traffic functioned to the middle of the 3^d century AD. Its end came in the course of internal disputes in the Roman Empire combined with increased threats from Germanic peoples.

1.1.2. The ORL forms the final point of Roman expansion in Germany and runs from the Rhine, north of Koblenz, through Westerwald, Taunus, Wetterau, Odenwald and the Swabian-Franconian forest, goes around the Nördlinger Ries and meets the Danube at Kelheim. This continuous artificial border passes through a variety of different landscapes.

1.1.3. About 900 watchtowers and 120 larger and smaller encampments are positioned along and as part of the former Roman border installation. Larger forts can be found directly on the line of the Limes itself as well as in the country to the rear. With the exception of a 53 km long section along the River Main the Limes is an artificially

drawn border whose remains can still be followed quite distinctly. In particular, the continuous run of the border, which is often a dead straight line, represents the special feature of the ORL.

1.1.4. In the period following the Roman era, and in some cases even today, the ORL had a special influence on the lives of those living near it. With its place and field names, or through its archaeological monuments, it made an important contribution to identity. Its preserved remains are economic factors or obstructions to investment; they form natural monuments and from time to time make the use of the land for agriculture or forestry more difficult.

1.1.5. The archaeological monuments of the ORL form an authentic witness to the history of our country. They are an absolutely essential and irreplaceable source for historical research.

1.1.6. The ORL and its monuments are fixed quantities in the lives and work of local residents. A general change in its significance can be ascertained, which is expressed in an increasing public perception of the unique character of the ORL.

1.1.7. Among the special features of the ORL as an archaeological monument is above all the fact that a great part (over 40%) of its substance is underground, not visible to the naked eye. Nevertheless this evidence of antiquity has been preserved authentically for nearly 1800 years. However, this gives rise to particular problems for interpreting and developing the ORL.

1.2. Competencies

- 1.2.1. Owners on whose property the individual components of the Limes can be found have often looked after the remains of the Roman past for generations as trustees. For this reason, they and the respective occupants and users of the sites will play the most important part in all concepts for the future development of the Limes.
- 1.2.2. The local authorities have the responsibility for decisions on all types of future development (they have "planning jurisdiction") along the ORL. Together with questions of preservation this also concerns opening the ORL up to the public. With the link-up of most of the towns and municipalities in the "Verein Deutsche Limes-Strasse" (German Limes route association) there is in addition an internal institution for the requirements of tourism along the whole of the ORL.
- 1.2.3. Numerous institutions are involved in the development of the ORL for the public. In collaboration with the state conservation authorities, local authorities, special purpose associations, forestry authorities and nature parks, and very often regional (ramblers) associations such as the Taunus Club or the Schwäbischer Albverein, set out pathways for walkers, signpost objects or publish information brochures.
- 1.2.4. Since the start of scientific archaeology research along the Limes has been in the hands of universities, museums and other research institutes. The state conservation authorities play a particularly important role in the implementation and evaluation of archaeological excavations.
- 1.2.5. The bundling of the various task areas: preservation, development and research into the ORL, has up to now been the sole responsibility of the conservation authorities. They have always paid close attention here to the protection of monuments. Research and development serve as support for this.
- 1.2.6. With the establishment in 2003 of the Limes Commission the preservation, research into and development of the Limes are to be strengthened as equally valid task areas. As the contact partner for all the persons, institutions and municipal agencies referred to here its aim will be to improve communications and to contribute to a co-ordination of various measures.



050 - Alfdorf, Rems-Murr-Kreis. Line of the Limes-ditch in the east of the Haghof. View from the north. (Landesdenkmalamt Baden-Württemberg L7122/028-01 BR 05.10.2002).



051 - Ellwangen-Röhlingen, Ostalbkreis. The straight line of the Limes is running up the centre of the picture towards the horizon. View from the southwest. (Landesdenkmalamt Baden-Württemberg L7126/048-01 BR 26.01.2000).



052 - Butzbach and Münzenberg, Wetteraukreis. The Limes-line as boundary for administration and cultivation. At this stretch the Limes-line, running at the edge of the forest, separates two boroughs until now: (Landesamt f. Denkmalpflege Hessen 12.07.2002).



053 - Butzbach and Münzenberg, Wetteraukreis. Vertical photograph of the same situation. (Hessisches Landesvermessungsamt).

1.3. Self-image

- 1.3.1. The background to this paper is formed by the desire and the intention to define the future preservation, research into and development of the ORL archaeological monument in a technical plan and to show ways of realising this. This Management Plan will serve as the basis for further discussions with all participants along the ORL.
- 1.3.2. This Management Plan refers to existing regulations. However, it is not legally binding itself, does not institutionalise new competencies and does not change anything in the present spheres of responsibility.
- 1.3.3. However, it is intended to bring elements of this Management Plan into the foundation for new regulations, in so far as this appears necessary and practical for the protection, preservation or development of the ORL.
- 1.3.4. This Management Plan is to be updated and a revised version drawn up in five years. During this time, along with the further development of its contents with the help of the experience gained at the ORL, the aim will be to exchange information with those persons and institutions that look after other elements of the erstwhile border of the Roman Empire in Europe.

2 Scope

2.1. Foundations

- 2.1.1. The ORL is a wide-ranging archaeological monument that is composed of a variety of different individual elements. The history of its discovery and exploration is long, and the findings are often characterised by the *Zeitgeist* of the respective epoch. Even the approaches for its preservation and for developing it for the public are varied and of differing quality. All this has led to the present condition of the monument differing greatly from location to location and from object to object.
- 2.1.2. For reasons to do with the laws governing monuments and with scientific necessity, as well as from the point of view of the interests of property owners and planning authorities, the local population and visitors, the first thing that is required is a clear definition and localisation of the monument inventory at the ORL.
- 2.1.3. As a complex of military encampments the ORL forms a holistic monument. However, its individual elements are found in extremely different surroundings. They are located in woods, in countryside used for farming, on the edges of industrial and residential areas or roads, or in built-up areas.
- 2.1.4. As an authentic historical location the ORL provides a direct connection to history. For this reason there has always been, and still is, great interest along the former Roman border in research,

science and education. Many questions with regard to the monument and its historical importance are still unanswered.

2.1.5. In addition, its effect on the surrounding countryside, which can still be felt today, coupled with its extremely attractive situation in many places, establishes great potential for leisure activities. At the same time, there are close connections along the Limes to landscape and nature conservancy.

2.1.6. The strongest relationship between the archaeological sites and the surrounding countryside exists where the remains of the ORL can be explored above ground. It is particularly important here to define visibility relationships. These must be strengthened or reactivated (photos 50 – 53).

2.1.7. Even where the ORL is preserved as an archaeological monument and its location is known, it cannot always be seen above ground in large parts. In these areas efforts must be made to make the Roman remains visible again (e.g. with markers or plants). This will serve to open it up better for visitors, and at the same time these measures will support the idea of protection (photos 54 – 57).

2.1.8. A different approach is pursued in built-up areas. The continuing settlement since the Middle Ages has in many places interrupted the relationships between the Roman sites and the surrounding countryside. This makes it much more difficult to find and define archaeological remains in built-up areas (photos 58 – 61).

2.1.9. It is therefore particularly necessary in built-up areas to protect the known and localised elements of the ORL. All sites that might still contain monument substance must be contained in an archaeological land register to enable them to be protected or explored.

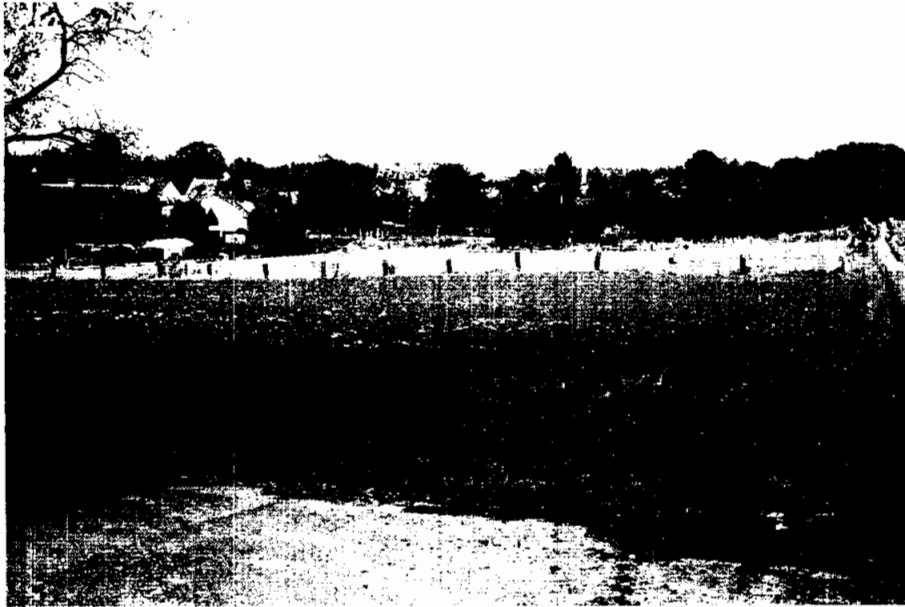
2.1.10. In built-up areas co-ordination with building planners is also necessary so that those Roman building axes that can still be seen in the historic layout of the present-day settlement can be preserved, or restored.

2.2. Recommended limits for the ORL as a monument

2.2.1. The concepts and perspectives shown here apply to all archaeological sites that are defined, or will be defined, as components of the ORL.

2.2.2. The overall inventory of the ORL includes the main elements of the installations for cordoning off and guarding the border: palisade, ditch, rampart, stone walls, stone or wooden towers, fortlets and other installations, and the around 60 larger military encampments along the border, including their stone and wooden forts, vici for the civilians, burial places and roads.

2.2.3. It should also be expressly mentioned here that the fort locations which are found some kilometres from the border itself, but which date from the same period as the Limes, also belong to the ORL. They are part of the strategic concept of the ORL, because there



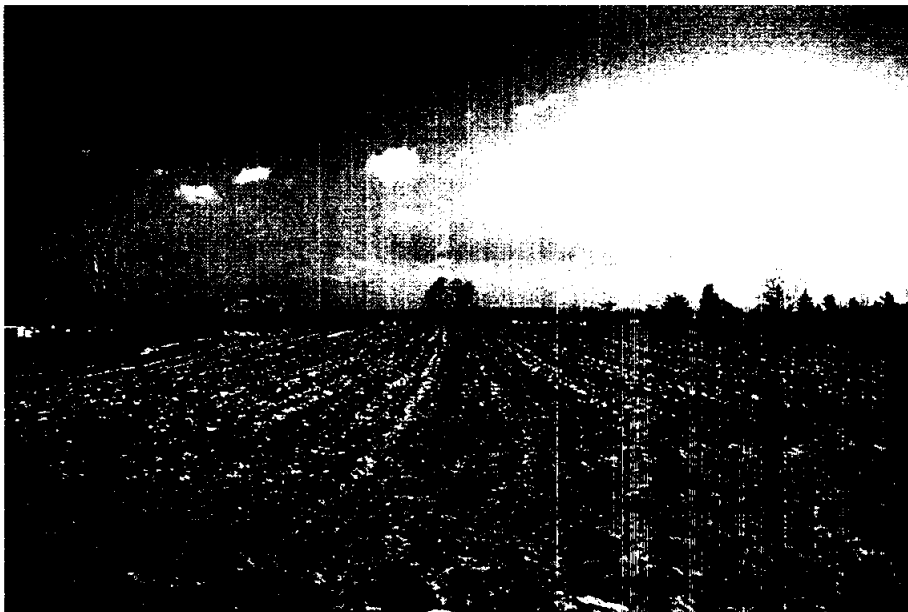
054 - Echzell-Bingenheim, Wetteraukreis. From ground level the Limes-line between watchtowers WP 4/87 and 4/88 is not visible. Same situation as plate no. 17. (Landesamt f. Denkmalpflege Hessen).



055 - Ellwangen-Röhligen, Ostalbkreis. Site of watchtower WP 12/86 (not visible) and beginning of a stretch of the Limes-hedge. (Landesdenkmalamt Baden-Württemberg).



056 - Böbingen, Ostalbkreis. Site of the fort baths in the north-west of the village. No traces are visible on ground level. (Landesdenkmalamt Baden-Württemberg).



057 - Pförring, Landkreis Eichstätt. View inside the site of the fort. Without technical support the high-ranking archaeological remains are hidden for the onlooker. (Bayerisches Landesamt f. Denkmalpflege).

was a functional correlation between them and the line of the Limes.

- 2.2.4. The designation of those monument sections of the ORL which enjoy special protection through statutory regulations is taking place exactly in accordance with the borders of plots and will be readable in appropriately detailed maps. This important foundation for all subsequent measures was created in the years 2001 and 2002 along the whole of the ORL [cf. maps of the Limes database].
- 2.2.5. The concerns of archaeology, nature and countryside conservancy, science or tourism may also be affected outside the planned monument area of the ORL.
- 2.2.6. As result of the progress made in archaeological prospecting and its methods, and of the general extension of the scientific basis, it has become necessary to monitor the expansion of individual monument zones constantly and to reset them. This can lead to them being enlarged or reduced in size.
- 2.2.7. Even those sites in which the monument substance has been destroyed are to be included for information purposes in all representations, to enable the historical background to remain comprehensible.

2.3. Recommended limits for a surrounding buffer zone

- 2.3.1. Those Roman monuments which are known are integral and registered elements of the ORL. Some of the concepts introduced here apply as well to the surroundings of the Roman sites which are defined as individual components of the ORL. These are to be understood as a "buffer zone".
- 2.3.2. These buffer zones serve the purpose of safeguarding the monument or in its immediate vicinity from unsuitable developments. This is why it is necessary to integrate them into local planning.
- 2.3.3. Buffer zones at the ORL are first of all practical and necessary where the individual components have an effect on the landscape. The task of the buffer zone here is to demarcate the area of the surroundings in which the visible monument inventory must be taken into account in future measures.
- 2.3.4. In addition, through the creation of the buffer zones the landline of the Limes will be protected along the ORL to increase the possibility of experiencing the ancient border over its whole length in the medium and long term.
- 2.3.5. The buffer zone also serves to define archaeological "areas of expectation or suspicion" in which monument substance is suspected but cannot be verified with certainty. A buffer zone will enable these areas to be included at an early stage when planned measures are being weighed.

2.3.6. There is a necessity above all in the built-up areas of some fort sites to safeguard unsecured and unknown situations from damage. Research will play an important part here in the future to enable the identification of the location and expansion of possible Limes elements in these areas in which remains are suspected.

2.3.7. The designation of the buffer zone for the ORL will also be carried out in exact accordance with plot borders and can be read off in detail from maps [cf. maps of the Limes database]. When measures are weighed, the expansion of the buffer zone can only act as a starting point; the concerns of archaeological monument preservation, of nature and countryside conservancy, of science and of tourism can be affected outside the buffer zone as well.

3 Representation of the validity of the contents

3.1. Sponsors of the Management Plan

3.1.1. The participating German federal states are committed to the preservation of the archaeological monument ORL. For its permanent safeguarding it is necessary that this interest is shared by as many individuals and institutions as possible that live and work by the ORL.

3.1.2. Measures for the protection of the ORL, as well as mediating this to the public, must therefore be

adapted constantly to changes in the underlying social and technical situation.

3.1.3. The present contents of the Management Plan were drawn up in November 2002 by the four federal states Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate. They are responsible for advising on and supporting the management of the ORL in accordance with its status as a monument.

3.1.4. Fundamental passages were coordinated with the institutions along the ORL during the drafting of the text. All local authorities along the Limes were informed throughout 2002 of the drafting of the text of the Management Plan and of its general contents.

3.1.5. As the institutions that are directly responsible for the protection and development of the ORL the local authorities will be faced with heavy responsibility in the scope of successful monument management. For this reason, their integration in the further development of this plan will be pursued further in the coming years.

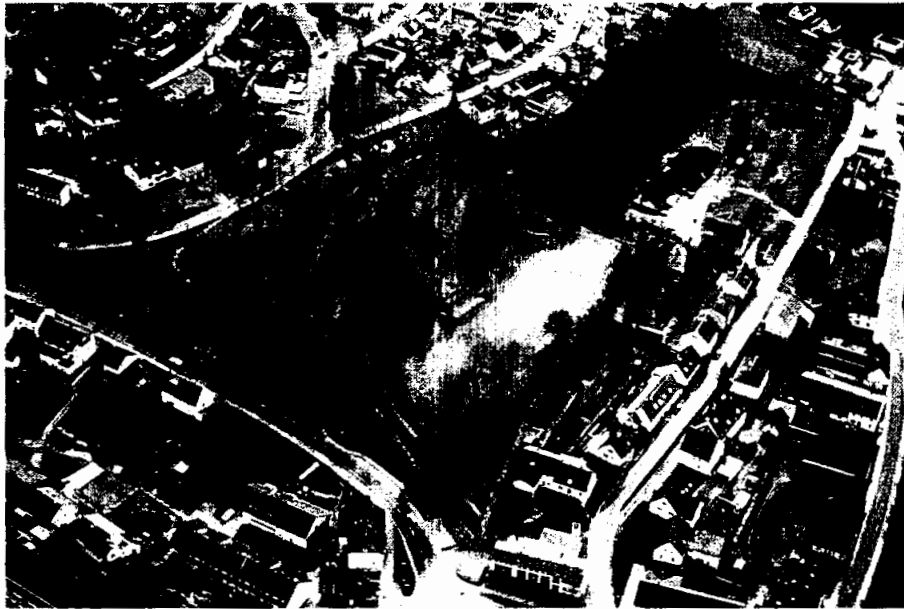
3.1.6. As the next step, the publication of this paper is intended to reach a broad spectrum of the general public. Property owners in particular will be addressed who are responsible for the day-to-day management and care of the ORL. Realisation of the planned objectives will only be possible with their consent and collaboration.



058 - Murrhardt, Rems-Murr-Kreis. Town centre. General view from the south-west. The Roman site is in the corner on the right. (Landesdenkmalamt Baden-Württemberg L7122/032-01 BR 12.05.1992).



059 - Neuwied-Niederbieber, Kreis Neuwied. The preserved walls of the fort baths and the northern gate (right) between the modern house-building. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



060 - Osterburken, Neckar-Odenwald-Kreis. The preserved walls of the so-called annex-fort. View from the north-east. (Landesdenkmalamt Baden-Württemberg L6522/003-01 (01.03.2002).



061 - Schwäbisch-Gmünd, Ostalbkreis. Site of the fort at the Schirenhof. The Roman remains are beneath the green in the centre. View from the north-west. (Landesdenkmalamt Baden-Württemberg L7324/001-01 BR 30.07.2001).

3.2. Status of the Management Plan

- 3.2.1. This Management Plan is to form the framework for all activities along the archaeological monument ORL with immediate effect. Its contents and objectives are designed so that they can be accepted by all those affected; it does not have any legal quality of its own.
- 3.2.2. A good deal of the contents is based on existing statutory and administrative regulations. Additional agreements will be necessary for the realisation of other contents. However, to a great extent the realisation of the objects that are referred to here will be based on voluntary co-operation and collaboration of the persons and institutions affected.
- 3.2.3. For this reason, a system of continuous co-ordination and supplementation of this Management Plan is planned with owners, occupiers and tenants along the Limes, as well as with the responsible persons in the local authorities and nature parks, as well as those responsible for regional planning, agriculture, nature conservancy and tourism.
- 3.2.4. An update of the Management Plan is to be drawn up by the year 2008 which will take account of suggestions from this process of co-ordination and will be based on the experiences gathered by then.
- 3.2.5. Even after its agreement on the broadest possible base, the Management Plan will retain its fundamental character of a voluntary agreement.

3.3. Recommendations for use

- 3.3.1. The participating institutions are breaking new ground with the contents and objectives of this Management Plan for the future protection and the development of the largest archaeological monument in Germany. The advantages and usefulness of this paper will therefore only be seen during its application.
- 3.3.2. For this reason, the period of five years between 2003 and 2008 should serve to review the contents and objectives of the Management Plan. Amendments and supplements to this framework paper will certainly be important in the years following its publication.
- 3.3.3. In many cases it will be necessary to differentiate concrete questions in greater detail. The aim is that these recommendations and guidelines should be oriented to the fundamental statements formulated by this framework paper.
- 3.3.4. We would like to refer here to the Museum Development Plan for the ORL and the Administrative Procedures for Reconstruction, Reproduction and Rebuilding (cf. under No. 8.4. – Attachment 1) as possible models for overlapping voluntary agreements of this kind.

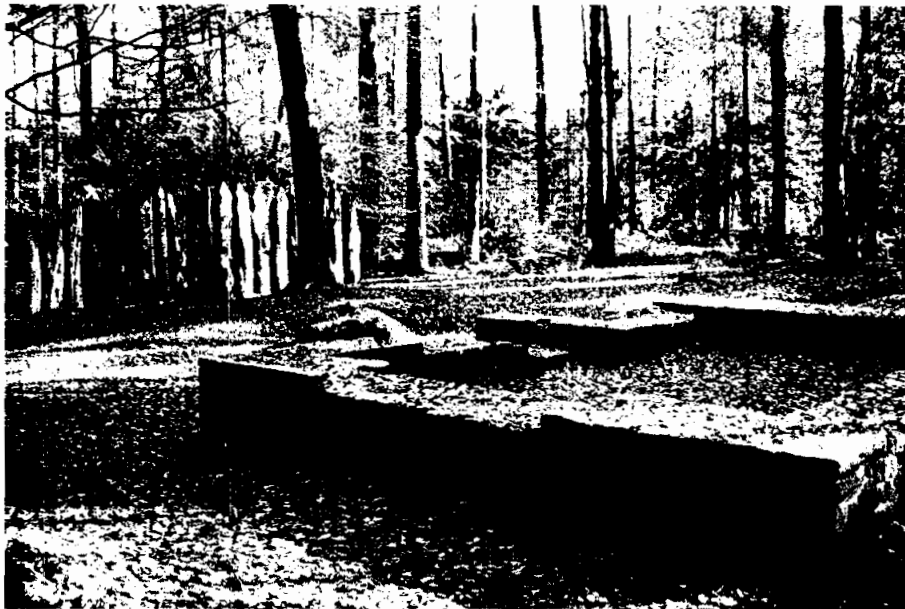
3.4. Review

- 3.4.1. Because the level of archaeological knowledge is constantly being developed further it will be necessary to review the borders of the monument area and those of the surrounding buffer zones at regular intervals. At the same time, it will be necessary to take account of changes resulting from the further development of the countryside, housing estates, industrial development and roads along the ORL.
- 3.4.2. The technical and administrative contents of the Management Plan will also have to be continuously reviewed and modified in the coming years. This concerns not only developments along the ORL but also at the other parts of the old border of the Roman Empire.
- 3.4.3. This continuous review is to be an essential component of the co-ordinating work of the Deutsche Limeskommission (German Limes Commission, cf. No. 9.3), whose findings will be submitted to all the institutions which sponsor the Management Plan.
- 3.4.4. A first complete review is to be drawn up in 2008 and will serve as the foundation for the updating of this Management Plan.

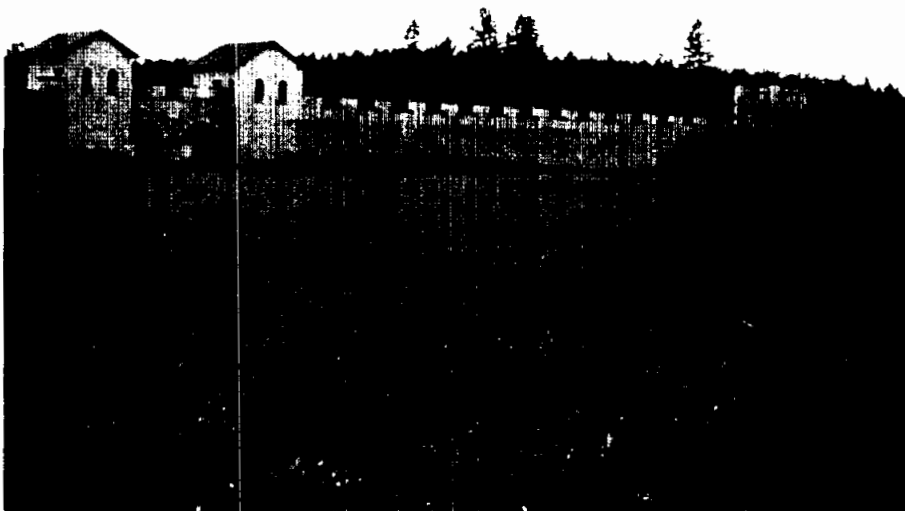
4 Necessities

4.1. Terms of reference

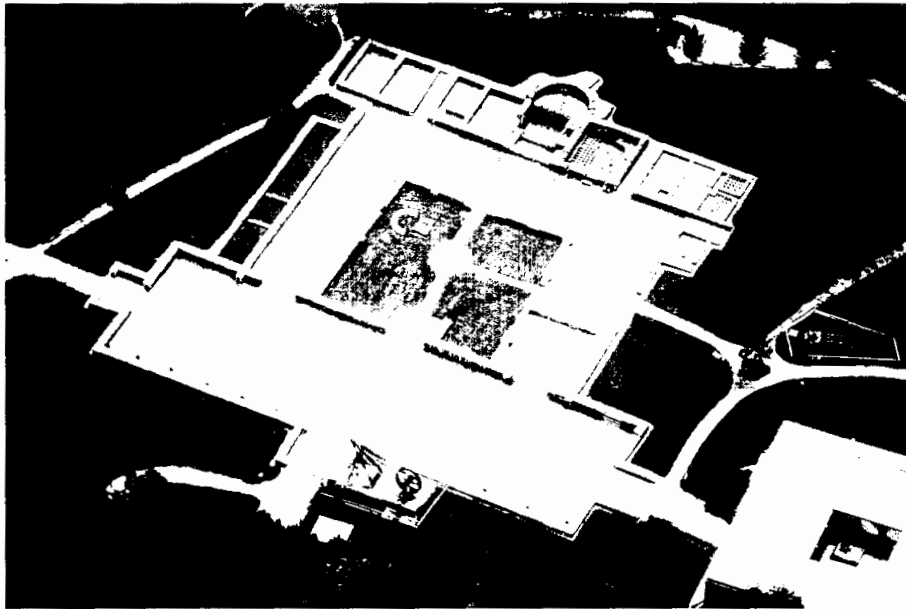
- 4.1.1. The monument inventory of the ORL covers an area of over 20 km² (stretched out over a length of 550 km), which does not include the large areas for the buffer zone. The size of the monument, its position in different types of countryside and the breakdown of ownership and responsibilities make it necessary to enter into agreements for its protection, preservation and development.
- 4.1.2. Because this is a related monument of international importance uniform standards that conform to international standards must be applied to all future measures in each individual section of the ORL. They must also weigh exactly the different interests along the ORL.
- 4.1.3. The greatest attention must be paid to the preservation of the substance of the monument. The authentic surviving sites and individual elements of the ORL form the basis for all measures for exploration and development. The existing legal and administrative terms of reference form an adequate basis for this.
- 4.1.4. The second essential factor in all future measures at the ORL is formed by the agreement and consent of all those persons who live and work locally with and on the monuments, in particular where interests exist which are counter to the public interest in the preservation of the cultural monument.



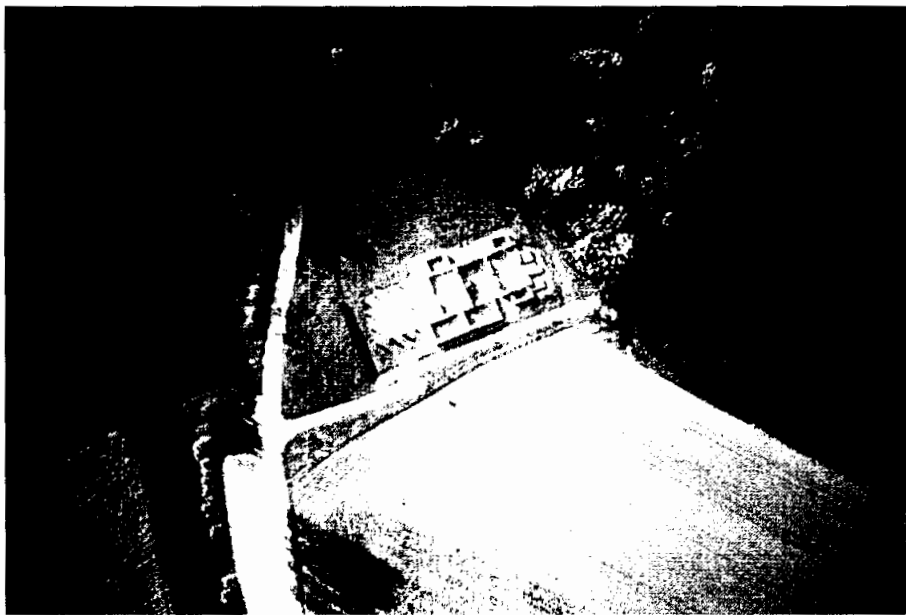
062 - Walldürn, Neckar-Odenwald-Kreis. Preserved walls of watchtower WP 7/31 and reconstructed stretch of the palisade. (Landesdenkmalamt Baden-Württemberg).



063 - Walting-Pfünz, Landkreis Eichstätt. The north-front of the fort has been rebuilt in full height. View from the north. (Bayerisches Landesamt f. Denkmalpflege).



064 - Aalen, Ostalbkreis. Ala fort. Excavated and preserved remains of the headquarters, the PRINCIPIA, inside the park of the Limesmuseum. (Landesdenkmalamt Baden-Württemberg L7126/026-01 BR 29.08.2000).



065 - Walldürn, Neckar-Odenwald-Kreis. Site of the excavated and preserved bathhouse, part of a short educational trail. (Landesdenkmalamt Baden-Württemberg L6522/004 BR 12.10.90).

4.1.5. In many places the traditional use of the land, in particular farming and forestry, was a precondition for the preservation of the archaeological monuments and even now this use makes it possible to experience them in today's modern countryside.

4.1.6. In many part sections of the ORL the significance of tourism must be considered to a much greater extent than before. This applies on the one hand to the demands of visitors to be able to experience and learn about the monuments and on the other hand to their role as an economic factor locally.

4.1.7. Finally, the desires and requirements of a scientific discourse with the archaeological monuments of the border of the Roman Empire must also be taken into consideration. The direct and indirect findings of research flow into the contents of presentations for tourists and also influence the strategies of monument preservation for the ORL.

4.1. Dangers

4.2.1. Some sections of the course of the Limes or parts of the fort sites at the ORL are in danger from a variety of different factors. These dangers threaten the preservation of the monument as well as its scientific exploration and use for tourism.

4.2.2. The most enduring damage is caused wherever parts of the ORL are affected by building measures. The use of open spaces for building new roads, factories or housing usually leads to a total loss of the monument substance in the areas

affected and to long-lasting and considerable damage to areas in the direct neighbourhood.

4.2.3. Use for farming, in particular ploughing work, leads to continuous interventions in the substance of the monument along many sections of the ORL. The resulting impairments are particularly severe wherever there are changes to the cultivation of existing field divisions that previously took account of the position and course of the ORL.

4.2.4. Comparable dangers exist increasingly in woods and forests as well. Here the use of heavy machinery, and building new roads for them, leads to serious damage to sections of the ORL which have frequently been preserved impressively above ground thanks to centuries of careful working methods in woodlands.

4.2.5. At present, the damage to the monuments caused directly by visitors, such as by vandalism or by walking on fragile sections of the monument, tends to be slight. However, greater attention must be paid to those dangers that are indirectly connected with tourism at the ORL. This includes laying out paths for walkers and building car parks, as well as measures for reconstructing or rebuilding single objects for which it is necessary to interfere with the substance of the monument (photos 62 – 65).

5 Objectives

5.1. Process of making people aware

- 5.1.1. People who live and work along the Limes, just like the general public, have greatly different ideas on the historical significance of the ORL, its present condition and on how to deal with it in the future.
- 5.1.2. One of the most urgent objectives of the Management Plan is therefore to arouse in the public, in particular in those who live along the ORL, an awareness that does justice to the contents of this framework.
- 5.1.3. Locally, there is already great interest in and appreciation of the archaeological monument. Deficits exist in the correct assessment of its international importance.
- 5.1.4. However, people are insufficiently aware of the historical value of the former border of the Roman Empire, its role in the subsequent historical development in Europe, and also of the possibilities and problems of presenting it adequately.
- 5.1.5. The experiences in making the Limes project known in the past two years were most certainly positive. This fact means that public relations will be less concerned with convincing people than with informing them.

5.2. Protection, exploration, tourism

- 5.2.1. Preservation of the monument substance of the ORL forms the basis for all further activities. The Management Plan will above all develop and strengthen the positive interplay between protection, exploration, and tourism.
- 5.2.2. In many places along the ORL experience has been acquired in this for many years. There are exemplary instances of measures that succeeded in harmoniously combining the interests of all these areas.
- 5.2.3. The aim is for an intensification of activities for the protection and exploration and for tourism along the ORL. The Management Plan should in the first place serve to clear away possible conflicts with other types of land use.
- 5.2.4. Current ambitions are much greater than before and are not restricted to individual local measures but want to apply the same high standards along the entire length of the ORL and all its sections.
- 5.2.5. An additional new element is the objective linked with this framework of improving the appearance of the Limes in the long term, and therefore making it more open to people who wish to experience it, by means of suitable preservation and development measures.

5.3. Guaranteeing further development

- 5.3.1. In the future it must still be possible to build and develop (within limits) new sites along the ORL for housing and roads, as well as to areas for commercial or agricultural use. Agriculture and forestry in particular will play important parts in the preservation of the appearance of the Limes.
- 5.3.2. New projects for improving the development of tourism are possible in particular where people are not, or only slightly, aware of the ORL. Particular attention should be paid to those areas in which the monument does not make an impression through its external appearance.
- 5.3.3. Scientific exploration of the Limes, including using targeted excavation projects, will continue along the whole length of the ORL and its individual components. The findings will form the basis for the protection of the ORL and for opening it up to the general public.

5.4. Guidelines

This Management Plan for the Upper German-Raetian Limes and its further development in the years 2003 to 2008 are based on the following foundations and should therefore

- 5.4.1. look for opportunities to control all coming changes to the use of the ORL and its surroundings in order to secure its continued existence for future generations;

- 5.4.2. preserve the general character of the location and reactivate the historical background;

- 5.4.3. preserve the vitality of the different types of countryside at the ORL through future-oriented and integrating development opportunities;

- 5.4.4. make full use of public and private resources to improve the protection and development of the countryside at the ORL;

- 5.4.5. look for opportunities to free the most sensitive areas and places from modern buildings or from use that is incompatible with the status of the monument;

- 5.4.6. develop understanding among the general public for the archaeological and historical value of the individual sites and of the ORL as a whole;

- 5.4.7. improve the capacity for experiencing the ORL with regard to its appearance and the provision of information in media and schools;

- 5.4.8. improve access for visitors to and along the ORL;

- 5.4.9. ensure that the economic advantages of tourism at the ORL increase to the benefit of the population at the locations;

- 5.4.10. attempt to develop a partnership and consensus among those who are involved publicly and privately with the ORL.

6 Basis

6.1. Establishing and managing a "Limes database"

- 6.1.1. The protection of every single archaeological monument is based on the existing knowledge of the monument. The foundation for this is the work of taking inventories. In particular, information is required on the exact position and the condition of an object.
- 6.1.2. With the establishment of a complex geographical information system the opportunity was created for the ORL to compile different items of information. The core is formed by maps which also show the borders of the monument area and the surrounding buffer zone which are contained in this plan.
- 6.1.3. This geo-information system (key phrase: "Limes database") is to be continuously updated and developed. It will form the contemporary, and in many cases exemplary, basis for permanent monitoring.
- 6.1.4. Information from this database will be available to those responsible for all future plans along the ORL. Among other things, the use of the "Limes portal" (see 6.4, below), a pilot project for public representation and education on the broadest possible base, is planned for this.

6.2. Developing a research concept on the Limes in Germany

- 6.2.1. Nearly all the knowledge relating to an archaeological monument is based on archaeological investigations. For this reason, continued scientific research into the Limes is necessary for the further development of the Management Plan.
- 6.2.2. The aim should be for collaboration that will harmonise the measures for exploring the Limes with the tasks of monument preservation. The fundamental idea should be, along with historical information, to obtain information on the condition and situation of the monument and threats to it.
- 6.2.3. With regard to the approval of additional excavations at the ORL care should be taken to ensure that the research contents take account of the aims of protecting the substance.
- 6.2.4. In addition, increased efforts should be made to make full use much quicker of the scientific potential that is provided by the targeted processing of past archaeological investigations ("old excavations").
- 6.2.5. It can also be seen that the researchers who are involved in the ORL have a need for a better and faster exchange of information.

6.3. Harmonisation along the borders of the Roman Empire in Europe

- 6.3.1 For a further development of the Management Plan for the ORL it is also necessary to improve the collaboration along the whole length of the Hadrianic/Antonine borders of the ancient Roman Empire in Europe.
- 6.3.2. Fundamental questions on the preservation, exploration and development of the former border installations concern all European countries between the North Sea and the Black Sea.
- 6.3.3. For this reason, in future greater attention will be paid to international exchanges in the areas of monument preservation, research and tourism.
- 6.3.4. International standards can be drawn up with the help of the Management Plan and should be included in this plan during its further development.

6.4. Opportunity for informing and influencing through a Limes portal

- 6.4.1. The exchange of information will play an important part in the further development of the Management Plan.
- 6.4.2. Precondition for this is first of all a suitable medium with whose help everyone can obtain information on the former border of the Roman Empire as a cultural heritage of global significance.

6.4.3. The creation of an Internet portal is planned to provide all those interested in Germany and abroad with an opportunity to obtain up-to-date information on the ORL as a monument and on the measures for protecting, exploring and preserving it.

6.4.4. The same technical solution can be used to handle internal communications between those responsible for realising the Management Plan, provided that there are separate information levels between the public and the group of specialists.

6.4.5. In any case the Limes portal should integrate the technical preconditions for passing on suggestions and questions from outside to those persons and institutions that are entrusted with the realisation of the Management Plan.

6.4.6. This means that the Limes portal will represent an open forum that provides everyone with an opportunity to bring in their own ideas for the protection and development of, and research into, the ORL.

6.4.7. A technical solution of this type for informing and influencing is at the same time an innovation that can act as a model for similar applications.

7 Protection

7.1. Monument sections in undeveloped areas

7.1.1. Practically the whole length of the ORL and the fort sites that are situated outside from built-up areas are already legally protected today as cultural monuments. This protection is formally sufficient.

7.1.2. The preservation of designated monument sections is, along with the owners, the responsibility of the local authorities, the monument protection authorities and the state conservation authorities. Together with the monument protection regulations, other instruments of regional planning law, building planning law and nature conservancy law are available as well.

7.1.3. It is still practical, wherever possible, to look not only for joint interests with nature and countryside conservancy agencies but also to make greater efforts to pursue the ideas of a holistic system of cultural landscape protection. Experience shows that measures that serve to protect archaeological monuments have a greater chance of being pushed through if several concerns for protection are bundled.

7.1.4. Along the Limes and in the designated buffer zone there are close relationships between the protection of the monument and the protection and conservation of the countryside. Preservation and conservation of the countryside simultaneously safeguards the monument from unsuitable building

and threats to its appearance. In addition, it helps to preserve the monuments characteristic features. This affects in particular large areas used for farming and wooded areas.

7.1.5. In individual cases it is necessary and practical to provide additional protection by taking them into public ownership, or ownership by other institutions which are interested in protecting and preserving the ORL. This measure is intended in particular to be used where it is not possible to balance use that endangers the monument and interests in its preservation in any other way.

7.1.6. The purchase of sites must be accompanied by a long-term concept for the preservation and development of the monument.

7.2. Monument sections in built-up areas

7.2.1. The fact that parts of the course of the Limes and some forts and other structures lie within these areas, which have an urban character today, does not mean that they do not represent essential components of the border installations. Although only few remains of the ORL can be seen in these areas, their archaeological value can be very high.

7.2.2. In general the same monument protection regulations apply here as in undeveloped areas, but the level of acceptance for protective measures among the general public is frequently lower because they can be linked with considerable

economic restrictions; at the same time, the dangers of local destruction of the ORL as a result of building measures are considerably greater.

7.2.3. The main problems facing successful protection of the ORL in built-up areas are an often inexact awareness of the monument substance and its overlaying with modern building structures. In addition it can frequently be seen that where the present environment does not permit the ancient monument substance to be appreciated, local public interest in the preservation of the ORL is low as well.

7.2.4. However, even where the expansion and development of the Roman border installations appear to be limited, it is possible to improve understanding for the ORL through long-term measures.

7.2.5. For this reason, the known ORL monument substance should also be protected in built-up areas in accordance with the measures that apply everywhere. The main aim should initially be to preserve the existing monument substance.

7.2.6. A surrounding area and the main line of the ORL should be defined in the buffer zone in order to enable those responsible locally to develop procedures for protection, exploration and development in the future as well.

7.2.7. In areas in which the monument substance has already been destroyed completely and on a large scale through past encroachments, a recommendation is sent to

planning authorities to keep at least an optical axis along the course of the Limes free from buildings in the future. Here, too, the possibility of making sites that are built on today visible again in the long term should be referred to as a perspective.

7.3. Perspectives for built-up areas

7.3.1. The chapter provides suggestions for restoring the link between individual Limes sites in built-up areas, and recommends procedures for increasing the unity and openness of the ORL. The objective of a policy of this kind should be the protection of the known remains, not only of the course of the border but also of other objects. At the same time it should be suitable for improving the openness of the ORL in the present urban landscape.

7.3.2. The foundation of this attempt is the necessity of improving the protection of known monument substance in built-up areas. Local planning guidelines, for example, development plans or municipal bylaws, should be developed and applied for this purpose. The success will depend on whether sufficient protection can be provided where the components of the ORL are not visible but have been verified as existing, or where the ancient topography has been preserved in the modern urban landscape.

7.3.3. One perspective is, for example, marking the former border by means of construction measures so that the course of the ORL can be seen and understood once again. This can

also be applied to the representation of known Roman construction axes and building lines. This marking is not dependent on whether monument substance is still present in the areas concerned.

- 7.3.4. Another perspective is the targeted purchase of property in built-up areas as well. This can be done to protect against a threatened overbuilding, but can also be used to create open spaces on which design measures highlight individual elements of the ORL.
- 7.3.5. In the medium to long term this will make it possible to enable people once again to experience the complete course of the Limes or the relationship to their locations of individual elements in urban areas as well. The preconditions for this are recommendations to the competent authorities for appropriate planning guidelines. It will be necessary to orient these as closely as possible to the regulations that govern monument areas in the open countryside.

8 Tourism

8.1. Needs

- 8.1.1. As with many other historical sites tourism plays a vital and central role for the ORL for the preservation of the monument. The expansion and comparative toughness of the archaeological remains permit them in general to be opened up on a large scale for visitors.
- 8.1.2. However, when the ORL is presented to visitors the difficulties

must be faced that comparatively few visible remains have to represent the Roman border installations as a whole.

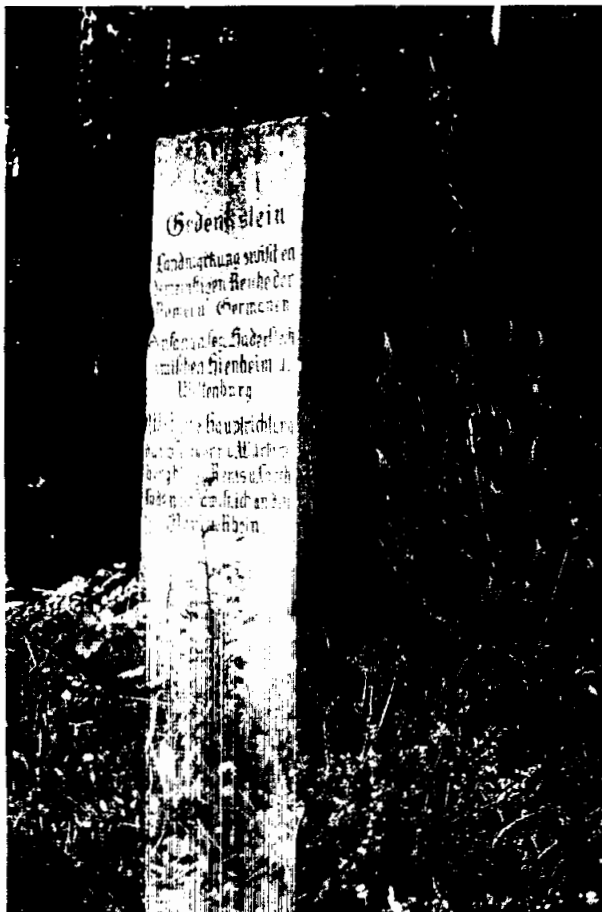
- 8.1.3. The needs of tourism at the ORL include not only the appropriate presentation of the whole monument for German and foreign tourists but also the provision of a suitable infrastructure for travelling to and from the monument and for staying at the locations.
- 8.1.4. In the interests of local people, who live and work at the ORL, influence must be exerted on all measures for developing tourism so that they are not disadvantaged by any future developments but profit from them as far as possible.

8.2. Objectives

- 8.2.1. All measures for the future development of the ORL for tourism must be designed to be compatible with the ideas of monument protection. They must not lead to any reduction in the substance or monument quality but must aim to improve protection for the ORL and its visibility.
- 8.2.2. The character of the ORL as a freely accessible monument in the surrounding countryside is to be preserved, or to be promoted in those places where this is restricted through contrary use. Exceptions to this are museums.
- 8.2.3. The design of all future measures along the whole stretch of the Limes and at all fort sites is to be harmonised both as to contents and



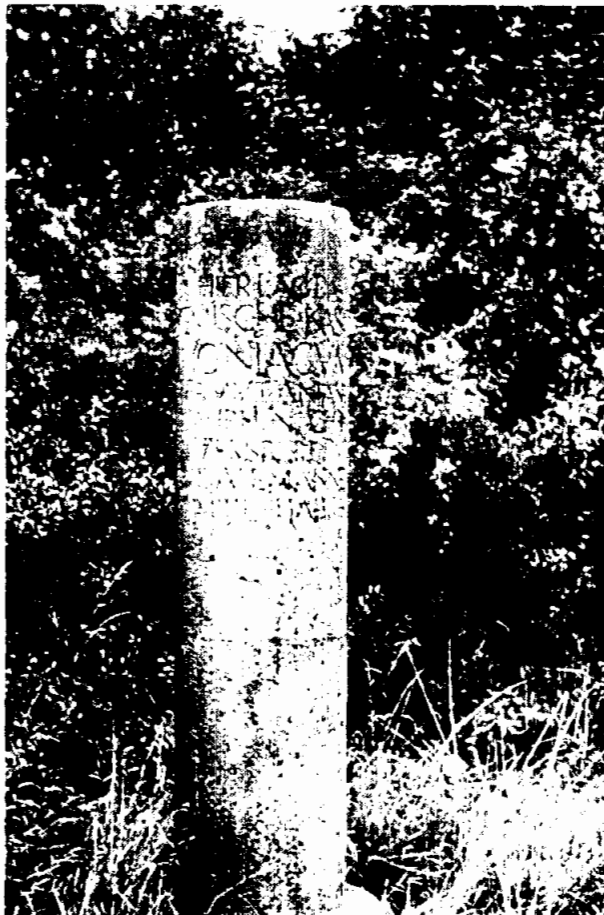
066 - Stödden, Ostalbkreis.
Commemorative slabs like this recent example beside the road to Birkenzell-Gerau mark the Limes-line. (Landesdenkmalamt Baden-Württemberg).



067 - Mönchsroth, Landkreis Ansbach. One of the pillars erected by the Bavarian King Max II in 1861 to commemorate the "Landmark between the former empires of the Romans and the Germans." (Bayerisches Landesamt f. Denkmalpflege).



068 - Alfdorf, Rems-Murr-Kreis. East of the Haghof. View from watchtower WP 12/1 to the north. The sign-post on the left marks the crossing of the Limes-line. (Landesdenkmalamt Baden-Württemberg).



069 - Theilenhofen, Landkreis Weißenburg-Gunzenhausen. Commemorative stone in the northern corner of the fort. (Bayerisches Landesamt f. Denkmalpflege).

externally and take place in accordance with international standards.

8.2.4. The further development of the ORL for tourism presupposes the acceptance of the local population. All measures must be designed in agreement with those affected, without restricting previous uses and rights.

8.2.5. The aims of measures for tourism at the Limes should be that any material benefits from visitors go to the local population.

8.2.6. Along with illustrations of the ORL itself the contents of presentations of the ORL should aim at presenting the borders of the Roman Empire and also refer in general to the value of archaeological monuments as a historical source.

8.3. Sponsors

8.3.1. The Deutsche Limeskommission (cf. 9.3) will accompany the further development of the ORL for tourism in the four German states by providing co-ordinating advice. This commission will act as the contact partner for all persons and institutions referred to below.

8.3.2. Standard regulations in the field of tourism are not aimed for nor are they practical; the conservation authorities will have an advisory role in the establishment of new measures for tourism and this will cover both references to the local archaeological monument as well as providing specialist information.

8.3.3. The different museums at the Limes are an important parameter for the successful development of tourism and presentation of the ORL. Along with presenting the essential components of the archaeological monuments their task is above all the proper safekeeping and presentation of the wide range of materials.

8.3.4. For the great majority of local authorities along the Limes the Verein Deutsche Limes Strasse has been a joint organ for the realisation of the above objectives since 1995. Its sphere of activities in the tourism sector includes in particular advertising, general information, accommodation and guides.

8.3.5. Clubs, schools, regional or local initiatives have the usually voluntary task of preserving and developing individual archaeological sites along the ORL.

8.3.6. Property owners, occupiers and tenants of the archaeological monuments live directly with visitors to the locations. All activities for tourism at the ORL are subject to their understanding and acceptance.

8.4. Means

8.4.1. The path along the ORL for walkers that has existed for decades was extended recently by a cycle path and a route for cars. This means that individual visitors and groups can reach all points along the ORL. When future routes are planned as well, the conservation authorities will maintain contact with the Verein Deutsche Limes Strasse, the various ramblers' associations, the forestry agencies and the respective local authorities (photos 66 – 77).

8.4.2. When new paths for ramblers or cyclists are laid out, or in the framework of larger maintenance work, care will be taken in future to lead the installations along and not on the Limes. This will improve visibility for visitors to the course of the Limes and at the same time will reduce the possibility of damage from people walking, riding bikes or driving on it.

8.4.3. To enable them to have a positive influence on tourism projects along the ORL, such as routing, signposting and preserving conserved sectors of the Limes, those responsible for the purposes of the present concept have grants available and above all the reservation of approval of all direct measures at the monument.

8.4.4. In October 2001 a committee of experts decided on generally valid procedures for future reconstruction, reproduction and rebuilding measures along the ORL [cf. Attachment 1]. Their realisation is supervised by the state conservation authorities.

8.4.5. In July 2002 a "Museum Development Plan for the ORL" was drawn up by those responsible in the state museums along the ORL and representatives of the Association of Local Authority Museums, which will co-ordinate the work of the museums in the future [cf. Attachment 2].

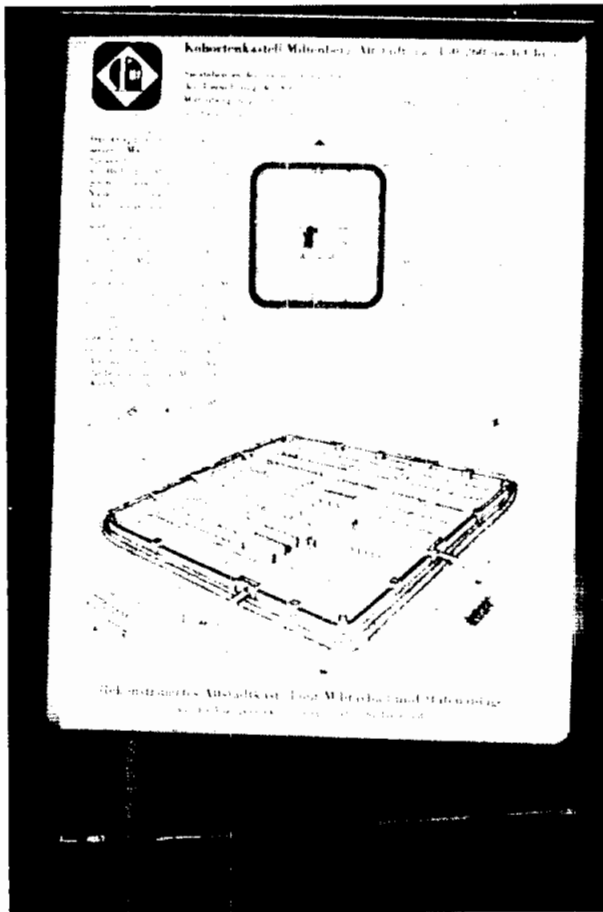
9 Realisation

9.1. Participating institutions and persons

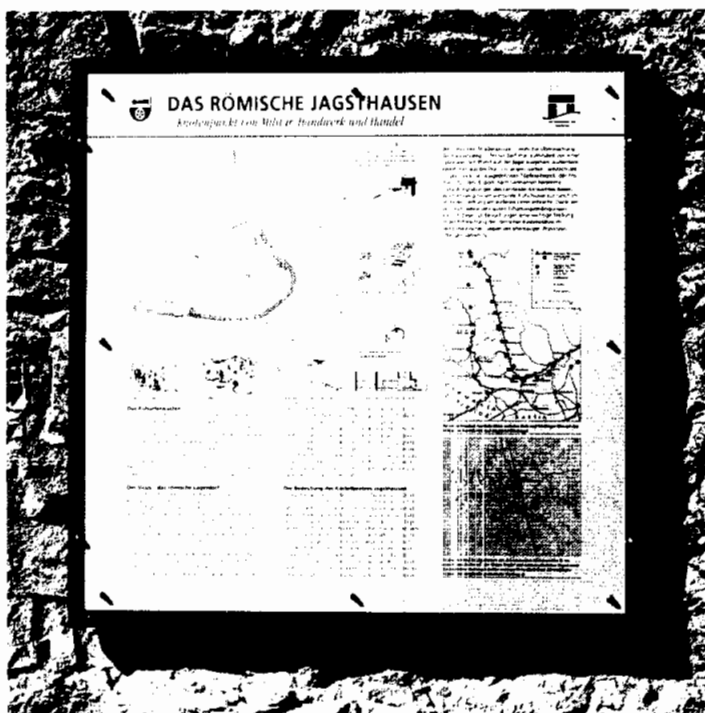
9.1.1. The legal and administrative responsibilities for monument preservation and therefore for the preservation of the ORL are divided differently in the federal system obtaining in the Federal Republic of Germany and depend on each state.

9.1.2. There is a fundamental public interest in the protection and preservation of archaeological monuments and this is legally defined. In the first place, the owners of property on which parts of the Limes are situated are responsible for preservation, including that of the ORL.

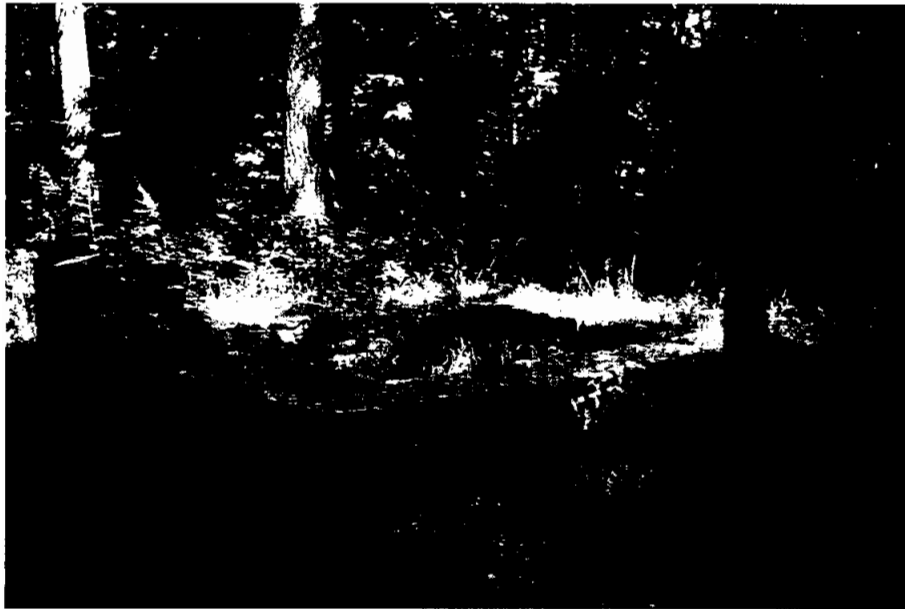
9.1.3. The subordinate monument protection authorities are responsible for the implementation of the regulations pertaining to monument conservation. They are supported by the higher and chief monument protection authorities, the chief administrative officers of the administrative districts in each state and by the ministries as the senior monument protection authorities.



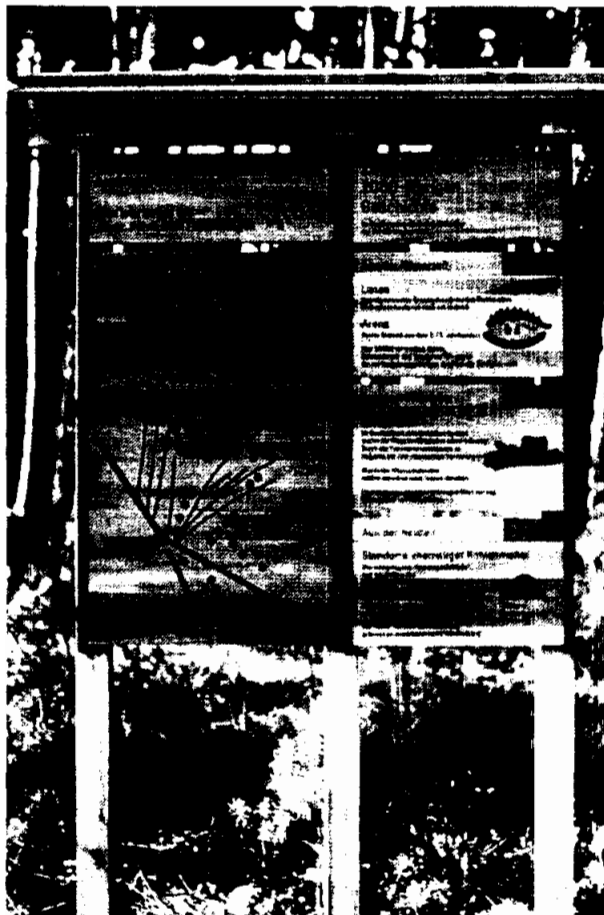
070 - Miltenberg, Landkreis Miltenberg. Visitor information panel showing the sign of the "Verein Deutsche Limes-Straße" at the "Altstadt"-fort. (Bayerisches Landesamt f. Denkmalpflege).



071 - Jagsthausen, Kreis Heilbronn. Information panel at the baths erected by the village and the state office for monument conservation. (Landesdenkmalamt Baden-Württemberg).



072 - Alfdorf-Pfahlbronn, Rems-Murr-Kreis. Visitor information panel at the preserved watchtower WP 12/8 erected by the state department of forestry and the state office for monument conservation. (Landesdenkmalamt Baden-Württemberg).



073 - Ehingen-Dambach, Landkreis Ansbach. Visitor information panel at the Vicus erected by the state department of forestry. (Bayerisches Landesamt f. Denkmalpflege).

- 9.1.4. The state monument conservation authorities carry out the tasks of a specialist conservation authority. A large part of the public relations work lies in their hands. They advise the owners of monuments and give opinions on all plans and projects that involve the monument area of the ORL.
- 9.1.5. With the exception of the regulations mentioned here, the responsibilities for all measures with regard to development and tourism along the ORL are not subject to any further regulations.
- 9.1.6. Together with the property owners, usually the local authorities are active in this field in collaboration with the state monument preservation authorities. Other sponsors of infrastructure measures for tourism are, for example, forestry authorities, nature parks or other special-purpose associations. These also carry out public relations work.
- 9.1.7. For many decades there has also been close and successful collaboration between the states' specialist authorities and ramblers' and local history associations or local interest groups. The state authorities welcome and support the important role they play in the development and preservation of the ORL.

9.2. Catalogue of measures and ways to their realisation

- 9.2.1. The public will be made aware of the general significance of the ORL and of the contents and objectives of this Management Plan by the increased use of suitable media (publications, information events and information boards at the objects, etc.). This will include the realisation of previous archaeological findings at the ORL and its components in contemporary planning forms and media.
- 9.2.2. All individual measures for the direct and indirect preservation of the ORL along its complete course and of the fort sites will be harmonised with the conservation authorities and the subordinate monument protection authorities. An evaluation is to be obtained from the Deutsche Limeskommission for overlapping or fundamental measures.
- 9.2.3. The primary objective is to prevent or reduce possible damage through building measures or the use of land. The aim is to transfer essential areas of the monument into public ownership with the help of local or regional planning procedures, or by buying them.
- 9.2.4. Where the course of the ORL or its forts are not shown in the land utilisation plans, or are shown incompletely or incorrectly, their extrapolation should be undertaken.
- 9.2.5. The visibility of undeveloped areas is to be increased by adjusting the plot borders/uses to the known topography of the monument and by laying out green belts/landscaped

- areas for marking purposes. Active collaboration with forestry authorities and nature conservancy agencies will be developed with this in mind.
- 9.2.6. In collaboration with the monument protection authorities at all levels checks of plans affecting regions will be made to see if they affect the ORL.
- 9.2.7. To reduce the damage caused by quarrying and mining, agriculture and forestry, the contact with the responsible ministries will be intensified and a joint catalogue of measures will be developed within the future utilisation plans.
- 9.2.8. On the realisation of regional or local protection or information concepts the opportunity to experience monument sites that are built on is to be increased by marking known underground structures; at the same time, perspectives are to be developed for reshaping built-up areas after removal of the existing constructions.
- 9.2.9. The primary research objectives at the ORL include improving knowledge of the topography of the individual sites:
 - In all places in which the extent of the archaeological monument substance is not known exactly enough the use of non-destructive prospecting methods (such as field surveys, aerial photography, geophysics) is to be increased;
 - Wherever monument areas which are visible above ground can be experienced they should be mapped in detail
- using ground topographic surveys;
- Future research projects at the ORL are to take greater account of aspects and questions of archaeological monument preservation. This concerns in particular excavations, but also includes processing archives.
- 9.2.10. The further development of the ORL for tourism will take place in close co-operation between the state offices for monument conservation and the association "Deutsche Limes-Strasse", the nature parks and special-purpose associations, local authorities and associations and special interest groups. Special attention will be paid to an extensive manner of pursuing economic affairs and the field of ecology/nature conservancy, gentle tourism and others. Institutions upstream and downstream for the Limes are to be included and wherever possible co-operation achieved with other concepts compatible with monument conservation.



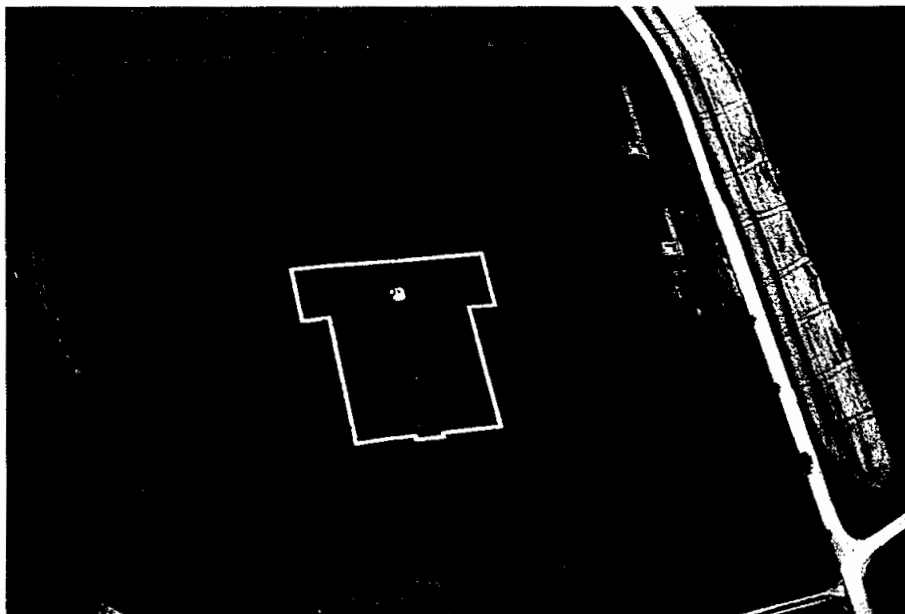
074 - Idstein-Dashbach, Rheingau-Taunus-Kreis. The Limes-line today is visible in the course of the modern road. (Landesamt f. Denkmalpflege Hessen).



075 - Walldürn, Neckar-Odenwald-Kreis. Near watchtower WP 7/34. Looking north along the Limes-line and the path of the Limes educational trail (Limeslehrpfad). (Landesdenkmalamt Baden-Württemberg).



076 - Rainau-Buch, Ostalbkreis. Fort with four surrounding ditches and parts of the Vicus along an ancient ring-road in the photograph of a geomagnetic survey. (Landesdenkmalamt Baden-Württemberg, H. vonderOsten).



077 - Rainau-Buch, Ostalbkreis. The layout of the fort is illustrated by planted hedges; trees show the positions of the gates and the wall-towers. View from the west. (Landesdenkmalamt Baden-Württemberg L7126/005-02 BR 06.07.2000).

9.3. Co-ordination through the Deutsche Limeskommission

- 9.3.1. The Deutsche Limeskommission, which was newly established in 2003, will be responsible as the paramount institution for co-ordinating the recommendations and strategies of the Management Plan. Its secretariat will be the contact point for all the institutions and persons named above.
- 9.3.2. The Deutsche Limeskommission will take over an advisory position in the further development of the protection concept, encourage standardising formations of different protective regulations where required and compile catalogues of measures for co-operation with other institutions on contents.
- 9.3.3. Its tasks include the further development and strategic planning of the research concept, influencing and co-ordinating all projects for exploring, bundling and harmonising all research questions, and providing expert's opinions for all larger excavation projects at the ORL.
- 9.3.4. In addition, it is to look for ways to take over the strategic planning and advisory services for development projects and for providing advice on development along the ORL.
- 9.3.5. As a service for the individual states it will take over as a central task the development, management and archiving of the Limes database in which, along with existing information on the ORL, additional older inventories and the findings of newer excavations and research will be gradually integrated.
- 9.3.6. In the field of public relations it will be responsible for generally representing the ORL externally, in particular as the contact partner for archaeological questions on a national and international level in close co-operation with the association "Deutsche Limes-Strasse".

Bayerisches Landesamt für Denkmalpflege
 Landesamt für Denkmalpflege Hessen
 Landesamt für Denkmalpflege Rheinland-Pfalz
 Landesdenkmalamt Baden-Württemberg

May 2002

Procedure for the reconstruction, reproduction and rebuilding of archaeological monuments of the Upper German-Raetian Limes

1. Preamble

The Upper German-Raetian Limes, with its towers, forts and other constructions, is a singular cultural monument and an irreplaceable historical record. In accordance to national as well as international standards, highest priority is given to the preservation of the existing monument stock. This must be taken into account in general with the planning and realisation of all projects concerning the cultural monument and in its environment. Reconstruction, reproduction and rebuilding must be subordinate to the maintenance of the original substance of the Limes.

Future measures of reconstruction, reproduction and rebuilding must therefore be integrated into the management and development plan for the Upper German-Raetian Limes and in addition require the approval and control of the specialist conservation authorities. With regard to protection of the substance, its ability to be experienced or its scientific value, the greater the quality of a site or a monument area, the more restrictive the treatment of possible changes should be. Measures of this kind are ruled out completely at defined high-grade sections of the Limes.

2. Definitions

This text contains the following definitions:

Restoration: restoring existing structures to a known earlier state by removing

additions or by putting together existing components once again without the addition of new materials except to secure the work. Restoration includes anastylosis and conservation.

Reconstruction: bringing existing structures to a known earlier state in which, in contrast to restoration, new materials are used. They serve for repairs and should be carried out as far as possible with comparable materials and with the same craft techniques as the original.

Rebuilding: the creation of an assumed earlier state on the original findings with extensive use of new materials. The basis is formed by preserved evidence from this location or from other sites and conclusions that were drawn from this evidence.

Reproduction: rebuilding at a different location or near the original findings.

Reversible: measures that do not cause any damage to the original substance of the monument and can be removed without impairment, if this should be necessary for the conservation of the original.

3. Basic conditions

Because of the conservation, the limited state of knowledge and the character of archaeological monuments, changes to the existing monuments in the Upper

German-Raetian Limes have been limited to measures of restoration and reconstruction. The course or individual components of the Limes are to be made visible again through measures of landscape conservation.

In certain exceptional cases there are arguments in favour of rebuilding or reproducing forts, towers or sections of the Limes. These arguments concern the development of individual locations for education or tourism, or to guarantee their preservation. Reproduction and rebuilding can also extend the basis of knowledge in terms of experimental archaeology as to how an ancient building was built or used. It is known that model buildings can also represent important tools for interpretation. However, this must not lead to damage to original conserved monument substance, its cultural value or the historical importance of a site.

Reconstruction, rebuilding and reproduction

- must take place in conformity with national and international guidelines;
- may only be carried out after a complete archaeological examination of the monument areas in question;
- must preserve the historical significance of the site and its environment;
- must be carried out using the original technology and with comparable materials, as far as this is technically possible. Financial reasons do not justify the use of different types of materials;
- must be based on scientifically substantiated evidence and be the products of an experimental reproduction of the antique procedures;
- must improve understanding. Hypotheses must be clearly marked as

such and at the same time require that the knowledge gained from them or the findings of the actual realisation are portrayed, archived and published;

- must be designed in such a way that both their erection and their upkeep and the needs of a site are guaranteed in the long term;
- should take second place if they do not serve a clarifying protection of the existing monument, or if the capacity for visitors to experience them can be improved by other means;
- impart knowledge in a model form. For this reason, an accumulation of adjacent structures of a similar type is not practical.

The basis of all measures is the complete comprehension of a monument. This includes not only the areas above and below the ground but also the environment. Any evaluation should also include the archaeological potential and its historical and contemporary importance, as well as aesthetic, scenic, nature conservation, technical, public, spiritual and other values. This list is not exhaustive.

The plans for a project must show clearly just how the implementation would affect the value of the monument. Realisation must fulfil all of the basic conditions discussed here and have a positive influence on the significance of the Limes.

4. Guidelines for future presentations

The plans for future measures for restoration, reconstruction, rebuilding or reproduction in the area of the Limes archaeological monument must conform to national and international quality standards. The contents of all measures should ideally be suitable for expressing

the contemporary-historical dimension and not merely for reproducing an ideal condition. At the same time, the aim should be for uniformity in the portrayal so that the Upper German-Raetian Limes is presented as an integrated whole.

The same care that is taken with the new plans for a project should be applied to its sustainability. Repairs and upkeep must be carried out by trained personnel or under expert supervision. There must be sufficient resources available for both the maintenance of existing installations and for remedying unforeseen damage.

4.1. Course of the Limes

There must be no reconstruction, rebuilding or reproduction of any kind along those stretches, where the Limes is an essential part of the environment, for example, in parts of the Taunus forests or in the Swabian or Franconian Jura.

At those sections in which the ramparts/ditch or wall are preserved above ground:

- attention should be given to measures to preserve the substance;
- there must be no excavations or reconstruction, reproduction or rebuilding;
- paths must be laid out next to the monument and not on top of it;
- plants must not cause damage to the substance;
- the aim should be integration into specialist concepts for nature conservancy.

In those areas in which the ramparts/ditch or wall have disappeared above ground:

- an intensified search should be made for possibilities of showing the Limes route again;
- presentations should be used to show the original course of the Limes route;
- reconstruction or rebuilding should be such that it can be reversed;

- paths or plants must not cause damage to the substance.

4.2. Towers, small forts and other constructions

There must be no reconstruction, rebuilding or reproduction of towers, small forts or other constructions along those stretches, where the Limes is an essential part of the environment. There must also be no reconstruction or rebuilding of those towers, small forts and other constructions which are preserved above ground. In general, the following measures apply:

- rebuilding is to be avoided. Exceptions can only be made for those installations which have already been completely excavated and/or whose findings are completely destroyed.
- Reconstruction and rebuilding must be designed to be reversible.
- The location of the rebuilding should be selected directly along the route of the Limes.
- In the sense of experimental research and interpretation the simple copying of already existing rebuilding or reproductions is to be rejected.

4.3. Fort installations

Because the reconstruction or rebuilding of fort installations takes place on the original foundations, the most stringent requirements must be applied to every measure within the meaning of the above criteria. At a very early stage projects of this kind must be discussed on the broadest possible basis and evaluated by independent experts; a decision in accordance with the regulations governing the conservation of monuments can only be taken after this.

In general, the following measures apply:

- There should be no reconstruction, rebuilding or reproduction of any kind at or in the neighbourhood of the few totally preserved places that are largely unspoiled in the landscape, for example, Holzhausen, Kapersburg, Halheim and Pförring.
- Rebuilding is in general only conceivable for those installations which have already been completely excavated and/or whose findings have been destroyed to a great extent and of which it is extremely difficult to experience because of the present use of the environment.
- A measure must be linked at the same time to the protection of the untouched monument substance. This can be

done, for example, through the visualisation of a lost fort area, if this means that other areas of the monument can be preserved as reservation areas.

- It is essential that all reconstruction and rebuilding work be designed to be reversible.
- Even more definitely with towers, small forts and other constructions, for the purposes of experimental research and interpretation, priority must be given to copying ancient processes, and copies of already existing structures must be rejected.

These procedures must also be applied analogously to the restoration, anastylosis and conservation, and to the repair of existing fort installations.

All measures must also be carried out to international standards as stipulated in:

Enclosure 1 Charter of Venice 1964:

International charter on the conservation and restoration of monuments and ensembles.

Enclosure 2 Charter of Lausanne 1990:

Charter for the protection and care of the archaeological heritage.

Enclosure 3 Convention of Malta 1992:

European convention for the protection of the archaeological heritage.

Enclosure 4 The Nara document on authenticity 1994.

Enclosure 5 Charter of Riga on authenticity and historical reconstruction in relation to the cultural heritage 2000.

The present procedures are the result of talks in Stuttgart in October 2001 and of numerous subsequent discussions which took place in the procedure of the Upper German-Raetian Limes being proposed for the UNESCO world heritage list.

Those taking part were: Dietwulf Baatz (Darmstadt); Thomas Becker (Freiburg); Jörg Biel (Stuttgart); Stephan Bender (Wiesbaden); Wolfgang Czysz (Thierhaupten); Reinhard Dietrich (Wiesbaden); Volkmar Eidloth (Stuttgart); Meinrad N. Filgis (Stuttgart); Alex Furger (Augsburg); Joachim Glatz (Mainz); Fritz-Rudolf Herrmann (Bockenheim); Werner Jobst (Bad Deutsch Altenburg); Cliff A. Jost (Koblenz); Susanne Kaufmann (Aalen); Dieter Planck (Stuttgart); Rudolf Pfuler (Eichstätt); G. Precht (Xanten); Egon Schallmayer (Wiesbaden); Wolfgang Schmidt (Bad Homburg v.d.H.); Wolfgang Schmidt (Königsbrunn); Hartwig Schmidt (Aachen); Reinhard Schwirzer (Weißenburg i. Bayern); C. Sebastian Sommer (Munich); Gerhard Weber (Kempten i. Allgäu); Hans-Helmut Wegner (Koblenz); Antony Wilmott (Portsmouth).

The minutes were kept by Andreas Thiel (Stuttgart).

Museum Development Plan for the Upper German-Raetian Limes

1. Preamble

Due to its history, its substance, and its function, the Upper German-Raetian Limes (ORL) forms a single, coherent cultural monument.

The highest demands are to be placed on the contents and quality of the communication of its historical form, its material survival, and also its role within our understanding of history.

As integrated components of the “Care and Development Plans for the ORL”, this paper formulates objectives and strategies for the presentation and interpretation for museum and similar establishments, collections, preserved sections of the Limes, presentations in the media, and other forms of communication. Its contents, which are held in common, are based on mutual agreement and co-operation between all ORL museums, which will be still more strongly sought in the future.

The recommendations given below are based on the following principles:

1.1. Respect for the significance of the ORL as an historic location. Every communication has to preserve and to promote the value and authenticity both of an individual location and of the overall installation, and should be in a position to develop further the understanding of the Limes among the general public.

1.2. Contents and spirit of national and international specifications. Future measures for presentation are to be prepared taking account of existing agreements. These specifications include particularly:

- International Cultural Tourism Charter: Managing tourism at places of heritage significance. ICOMOS 1999 (attachment 1).
- European Convention of 16 January 1992 for the protection of archaeological heritage (revised) – Convention of Malta (attachment 2).
- Code of Professional Ethics - International Council of Museums 1986 (attachment 3).
- “Procedure for the reconstruction, reproduction and rebuilding of archaeological monuments of the Upper German-Raetian Limes” - also a component of the Limes Management Plan, cf. Attachment 1).

1.3. General consensus on its contents. As a concept with the character of a recommendation, the character and objectives of this Museum Development Plan are also to be developed further in the future. All contents are to be continually re-examined and adapted to the status of scientific discussion and the requirements of the public sphere.

2. Objectives for Presentation and Interpretation

2.1. Improvement of the museum landscape for the visitor is to include new establishments and expansion of existing establishments at a uniform and professionally high level. In this, quality standards are to be guaranteed which, as well as pure communication, also reflect the contents of the protection and development concept for the ORL.

2.2. This further development has to aim for a complete communications offering which will do justice to all groups of visitors, all objects on the site, and all content. Particularly at larger museum establishments, a very broadly laid out information spectrum is to be created which can do justice to the requirements of schools, local residents, "mass tourism" and visitors on educational visits, the international public, families, etc..

2.3. The opportunities in the relevant areas of monuments, museum and (natural) landscape are manifold and can be constituted to offer a high degree of variety. In spite of different emphases, it should be made clearer that the ORL is a single, coherent monument.

2.4. A (material) benefit from communication (e.g. income from tourism) is to remain available on the one hand for the ORL and on the other hand for the population at the site.

In order to provide this:

- communication predominantly at the historical site is foreseen
- the extent and form of the museum offering is to strive to supplement this in a way which conforms to the sense of the theme and is economically viable
- integration into publicly sponsored programmes will give preference to all locations where local communication concepts contribute to significant sponsorship of protective measures.

3. Strategies in Communication

3.1. Structure of the Museum Levels

To achieve the stated goals, a conceptual formulation of the various communication units at the ORL is necessary. What is both sensible and practicable on the basis of the existing structures is a hierarchical structure in four levels that build on each other, each with specific responsibilities:

3.1.1. Cross-regional museums on the ORL

- area coverage through "strategic positioning" along the ORL
- overall information on the Limes (historical background, Limes in general, ...).
- information on high-level themes (world heritage, trends in research,...).
- reference to the special focus museums
- facilities for all groups of visitors.

3.1.2. Special focus museums on individual subjects on the ORL

- communication of regional topographic special features and/or
- communication of particular archaeological subject areas
- no attempt to communicate overall information on the Limes or general content
- reference to cross-regional museums
- specialist presentation of the respective subject, thoroughly / according to the current state of research

3.1.3.1. Regional information centres

- important particularly for communication of individual Limes sections or areas
- filling regional gaps in communication along the ORL
- reference to cross-regional and special focus museums
- inclusion of "ORL-unity" elements in the construction and didactical constitution

3.1.3.2. Municipal museums / local museums

- existing collections which are not under state management form the basis
- concentration on local circumstances.
Objective: communication for the population at the site
- integration into the museum framework at the conceptual content level.

3.1.4. Local information points

- information display at fort locations and at typical and special objects on the Limes stretch
- basic information on the ORL + local information
- references to neighbouring regional and municipal museums
- "ORL uniform" (constructional and didactic) formation / recognition value.

In parallel with these communication levels, existing museum establishments away from the ORL have the task of rounding out the subject of the "Roman Imperial Border". This can occur, for example, by presenting the land in front of the Limes and the hinterland (German as Roman counterpart, civilian life in a border province, ...).

3.2. Communication Locations

The conceptual structure of the various communication units in four levels requires that the projected museum establishments along the ORL provide complete coverage of the whole area. For this purpose, as well as agreement among the existing establishments, and their partial realignment, it is also necessary in the medium term to create additional communication establishments at some individual locations.

3.2.1. As well as the four existing cross-regional museums on the Limes (Aalen, Osterburken, Saalburg, Weissenburg), it is recommended that three additional cross-

regional or subject-specific museums are positioned (beginning, “mid” and end points of the course of the Limes, at the Danube, the Main and the Rhine). As well as this, alterations in the existing museum landscape by targeted creation and expansion of the smaller communication units (regional, municipal, local) are desirable. Specifically, the following projects will be welcome and are to be sought:

Baden-Württemberg

- ◆ Expansion of Aalen as cross-regional museum on the ORL (arrangement of open spaces)
- ◆ Expansion of Osterburken as cross-regional museum on the ORL (expansion of museum)
- ◆ Establishment of information centres at Schwäbisch Gmünd and Walldürn
- ◆ Establishment of information points at fort locations where there is at present little communication: Böbingen, Lorch, Pfahlheim-Halheim.

Bavaria

- ◆ Expansion of Weissenburg/B as a cross-regional museum on the ORL
- ◆ Establishment of a cross-regional museum on the ORL at Oberburg/M (beneficarii, imperial administration)
- ◆ Establishment of a special focus museum in the region Neustadt/D / Kelheim (Limes end, Danube Limes)
- ◆ Establishment of information centres at Ruffenhofen and Wörth/M

- ◆ Establishment of information points at fort locations where there is at present little communication.

Hesse

- ◆ Expansion of the Saalburg in Bad Homburg as a cross-regional museum on the ORL with a “Limes in Hessen” information centre and the Saalburg archives
- ◆ Establishment of regional information centres in the Rheingau-Taunus, district, the Wetterau district (Butzbach, Echzell, Friedberg) and the Main-Kinzig district (Grosskrotzenburg)
- ◆ Establishment of local information points at outstanding fort locations (Zugmantel, Arnsburg) and Limes sections (most northerly point in the Wetterau, reconstructed section at Limeshain-Rommelshausen).

Rhineland-Palatinate

- ◆ Establishment of an information and communication special focus (Caput limitis, Rheinlimes)
- ◆ Establishment of regional information centres in Bad Ems and Pohl
- ◆ Establishment of information points at fort locations where there is at present little communication.

3.2.2. Increased communication of the ORL is also to be sought in presentation in the media. The use of new media (establishment of IT-supported systems such as Internet, Intranet, info-terminals) suggests itself, as do all ordinary forms of networking of the existing establishments. Thus the publication of prospectuses, magazines and similar, and the organisation of commonly sponsored event is suggested.

3.3. Content of the Communication

The obligation and the opportunity of communication along the ORL lies particularly in the determining characteristic that, with authentic remains, the realities of a former historical epoch are present.

3.3.1. Presentation of the monuments preserved is therefore to be more strongly emphasised, which as well as the position of the Limes in the natural landscape, comprises the connection of remains with historical sources.

3.3.2. Didactic elements which concern the opportunities and the limitations of archaeology, the handling of historical sources, and relationships between originals and copies etc. are to be constituted in accordance with accepted standards.

3.3.3. Specifically, more attention is to be paid to the following points:

- emphasis of the Limes as a single, coherent authentic monument
- emphasis of protection and research aspects
- (reinforced communication of the intention and purpose of the World Heritage Convention)
- observing the accepted procedures for protection of the archaeological heritage in the presentation of finds (presentation at location of find, fundamental authenticity, no finds of uncertain origin).

4. Afterword

This paper forms a part of the Protection and Development Concept (Management Plan) of the nomination of the Upper German-Raetian Limes for registration as World Heritage. It describes as "Museum Development Plan for the Upper German-Raetian Limes" a consensus-based declaration of intent of the institutions named below, for future presentation of the Limes in museums in the four Federal German states of Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate.

Descriptions



Rainau-Buch, Southern Gate



Presentation of representative *Limes* - sections

The following examples present eight different sectors of the Upper German-Raetian Limes (Appendix A 10) in word, photos and detailed maps. Following are brief descriptions of the 58 individual fort locations (Appendix A 11).

Together they give a representative rendering of typical situations and states of conservation on the Upper German-Raetian Limes. In detail, the information corresponds to that given in the respective data sheets of the Limes database available in the internet.

Sector 2, Area WP 2/12 – 2/14
Dessighofen and Dornholzhausen
Rhein-Lahn-Kreis

Photos 78 + 79
Maps: Vol. II, Enclosure B IV-4

The Limes segment from WP 2/12 to 2/14 is visible throughout. It runs for the most part in mixed forest of tall beech and spruce. Near it, at several points, lie prehistoric burial mounds. Twice, short sections cross fields (photo 78); the Dornholzhausen-Dessighofen road cuts through the border line at the southern edge of the Dornholzhausen cemetery.

Traces of the Limes become visible some 75 m before the watchtower WP 2/12, which lies behind 6 m from the Limes ditch. The rubble mound, with a diameter of 7 m and a height of up to 0.4 m, shows signs of excavation and there are numerous loose stones from the Roman masonry. A long trench cut along the north side of the tower up to the palisade ditch is also visible. The investigations of the Reichs-Limeskommission uncovered the north side of the stone wall. The stone tower had a square ground plan with sides about 4.5 m long, and a wall thickness of 0.68 m. On the north side, the masonry still stands 0.3-0.5 m high. The south side of the stone tower had already been destroyed by road building.

In front of the tower, a wide, original gap in the rampart and ditch is to be seen.

In the area of the old road, which today forms the boundary between Dornholzhausen and Dessighofen, the Limes has been levelled for a length of 70 m by road-building, and probably also disturbed below ground. On the next 300 m long section, rampart and ditch of the Limes are clearly visible, with a respective height and depth sometimes over 1.0 m. There is some disturbance due to forest paths and old sunken trails. The initial tall

beech forest is replaced by spruce. Here, no access is possible in some places because of dense growth of low deciduous trees and blackberry bushes.

In the subsequent open terrain, the course of the Limes is visible for a distance of 175 m, for the most part as a terrace over 1 m high. The adjacent ditch is still for the most part recognisable (photo 79). To the south of the Limes is meadowland, and to the north, fields. Various deciduous trees stand on the Limes itself. Further to the south follows thick growth with spruce, young beech, and blackberry bushes.

In the following thinly wooded spruce forest the Limes is very well preserved, and with a rampart height of c. 1.5 m and a ditch depth of between 0.5 and 1.2 m, easy to recognise. The watchtower WP 2/13, on the "Hardt" south-west of Dornholzhausen, lies on a small knoll in all beech forest. It can be seen as a mound of rubble with a diameter of c. 12 m and a height of up to 0.8 m, and displays numerous loose masonry stones and traces of excavation. A tree-fall has caused some damage in recent times. According to a sketch in the Limes archive in Ingolstadt (unpublished), the Reichs-Limeskommission uncovered parts of the east stone wall and the north-east and south-east corners of the tower. The east wall had a side length of 3.98 m and a wall thickness of 0.65 m. There is a break in the Limes wall in front of the mound of the stone tower. A few low elevations in the area have been opened in an attempt to find a wooden tower. Ditch-like depressions and two postholes, which were found around 60 m to the south-west in an elevation on the rampart, could be connected with a wooden tower.

Bibliography: ORL Abt. A Strecke 2 (1916) 39 ff. mit Taf. 3.4; Baatz 108 f.; Klee 54 f.; Römer in Rheinland-Pfalz 447 f.



078 - Schweighausen, Rhein-Lahn-Kreis. General situation of the Limes-line between watchtowers WP 2/09 and 2/16. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



079 - Schweighausen, Rhein-Lahn-Kreis. Between watchtowers WP 2/12 and 2/13 the Limes-line is marked by an edge of a field-terrace. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



080 - Pohl, Rhein-Lahn-Kreis.
Two hollow ways run parallel
with the Limes-line between
watchtowers WP 2/21 and 2/25.
(Landesamt f. Denkmalpflege
Rheinland-Pfalz).



081 - Pohl, Rhein-Lahn-Kreis. The Limes-line between watchtowers WP 2/21
and 2/22. (Landesamt f. Denkmalpflege Rheinland-Pfalz).

Sector 2, Area WP 2/21 – 2/23 (Pohl Fortlet)
Pohl
Rhein-Lahn-Kreis

Photos 80 + 81
Maps: Vol. II, Enclosure B IV-5

Coming from the west, the Limes runs in a wide curve north of the present-day town of Pohl, and crosses the B 260 highway (Bäderstrasse). The fortlet "An der Ecke bei Pohl", of which nothing is recognisable today, was located at the north-eastern edge of the town. Here, the course of the Limes bends towards the south-east ([photo 80](#)).

In the Pohl community forest "Am Landgraben", the Limes is very well preserved, in light, tall mixed beech forest, with a height and depth of rampart and ditch of between 1.0 and 1.5 m.

Watchtower WP 2/21 lies on a slight bend in the Limes in the forest. The mound of the wooden tower, of a diameter of some 12 m, with signs of excavation, is situated directly on the bend, partly below the Limes rampart. The apparently two-phase wooden tower installation was surrounded by two ring ditches with diameters of 12 m and 19 m. In the interior, one pair of posts allows a small wooden tower with 2.6 m sides to be deduced, while another pair indicates a large tower with 4.9 m sides. The remains of the stone tower are located a few metres to the west, at an old Limes crossing point. It is visible today as a low 0.3 m elevation of a diameter of c. 0.8 m, with signs of excavation and a few masonry stones. According to the investigations by E. Fabricius in March 1898, it comprised an area of 4.27 m x 4.04 m with stone walls 0.80 thick. The masonry still stood 0.3 m high. The tower was surrounded by a rectangular ditch.

In the thinly wooded mixed beech forest, with low bushes at the edge, the Limes can be followed 620 m from here, as far as the fringe of the forest. The Limes line is very well conserved, and has a height of rampart and depth of ditch between 1.0 and 1.5 m ([photo 81](#)). The hiking path runs in the Limes ditch. Some disturbance has been caused by wood and forest paths.

At a distance of 335 m, in the fields adjoining to the east, no further signs are visible. The course of the Limes here was determined by the excavations of the Reichs-Limeskommission.

The watchtower WP 2/22, which is now no longer visible, is situated some 50 m outside the forest. Information on the extent of the excavations by Fabricius in October 1897 is not available. The stone tower had a square ground plan, with sides 5.4 m long and a wall thickness of 0.85 m. The foundation of the walls was "rather well preserved".

The construction of Bäderstrasse (the B 260 highway) destroyed the Limes for a length of 20 m. The exact course of the Limes in the adjoining fields to the north of the old centre of the town of Pohl is unknown for a distance of 235 m. Excavations by the Reichs-Limeskommission were able to demonstrate its direction up to around 140 m east of the highway. After that, its route was lost because of the difficult ground conditions.

The presumed fortlet "An der Ecke bei Pohl" was also counted as watchtower (WP 2/23). Neither the location nor the existence of this former (earth) fort is certain. Multiple excavation trenches of the Reichs-Limeskommission in 1903 mostly produced only unclear results. A "probably doubled V-shaped ditch could derive from a simple wooden tower of WP 2/23". It is also possible that the masonry remains observed within the supposed fortlet of Pohl derive only from a stone tower. The area of the supposed fortlet, close to the Kirchstrasse road, lies within the development area of Pohl. Thus at least a part of the installation may now have been built over.

Bibliography: ORL Abt. A Strecke 2 (1916) 50 ff. mit Taf. 5.2 und 9.1; Baatz 109 f. und Abb. 60; Klee 57 f.; Römer in Rheinland-Pfalz 449.

Sector 3, Area WP 3/59 - 3/60
Bad Homburg v. d. Höhe
Hochtaunuskreis

Photos 82 + 83
Maps: Vol. II, Enclosure B IV-8

In the high Taunus, the Limes follows the ridge of the mountains over a long stretch. However, the course does not always lead over the highest elevation, but is offset a little to the south-west. The terrain in front of the Limes is thus not overlooked. This idiosyncrasy of the arrangement of the route, which can be observed numerous times, is assessed as an indication that the Limes was not a defence installation. The 2,005 m long section displays this routing in a particularly striking form. The course of the barrier system here for the most part forms a boundary, even today. To the south-west is Bad Homburg v. d. Höhe, and in front of the Limes lies the region of Wehrheim-Obernheim.

The remains of the barrier installations are excellently preserved in mixed forest of tall beech and spruce. For the first 220 m, rampart and ditch are clearly recognisable. The rampart is still up to 1 m high, while the ditch appears as a shallow trough. The Limes then rises to the heights of the Rosskopf. At the foot of the mountain, another special feature of the Upper German Limes is encountered. From this point, the Romans erected a stone wall 235 m long, which is still recognisable today as the linear trail of its collapsed stone ([photo 82](#)). Rampart and ditch were not constructed here because of the outcrops of hard rock. The wall also makes its appearance on two further sections between Sandplacken and the Saalburg. This example demonstrates the flexibility of the Roman military in the erection of the barrier system.

The watchtower WP 3/59 was situated on the Rosskopf with four watchtowers, two of wood and two of stone. The different towers were built as replacement to the preceding structure at different times. The wooden towers are still visible as gentle elevations. The locations of the stone towers are recognisable as collections of stones. All tower ruins were examined by excavation in the 19th C, the last time in

1893, by the Reichs-Limeskommission. The westerly stone tower lies 16 m behind the Limes wall described above, and had a square ground plan with 4.2 m sides.

It is described as having been plastered, with red paintwork simulating ashlar masonry. The easterly stone tower, at a distance of 24 m, measured 5.8 x 5.3 m, with the shorter side looking toward the Limes. The tower mounds of the two older wooden towers lie one below and the other tight up against the rubble rampart of the Limes wall.

After the heights, earth rampart and ditch follow again for a length of 125 m. The rampart is recognisable. The last 1,425 m of this section again consist of a stretch of masonry wall. It is still recognisable from a trail of scattered stones. Before and after watchtower WP 3/60 Einsiedel, even the rubble rampart of the stone wall is preserved with a height of up to 1 m. The foundations of the not perfectly square stone tower, with sides of 4.2 x 4.07 m, are preserved ([photo 83](#)). At the time of the excavations by the Reichs-Limeskommission in 1893, a total of eight courses of masonry were still preserved, without any signs of a door being present. There can therefore have been no entrance at ground level. Traces of a wooden tower are not known. During the excavations, a round, stone-clad pit was discovered seven meters west of the tower. It perhaps served to hold supplies, or as a water cistern. On the next height, the "Kieshübel", lies watchtower WP 3/61. Here, as at the Rosskopf, two wooden and two stone towers were located, which were excavated in the 19th C. The location of the wooden towers is recognisable from traces of excavation, while the foundations of the stone towers are conserved. After the Kieshübel, the ground declines. Not far from the Hollerkopf, various excavations established the location of watchtower WP 3/62 with a high degree of probability. The site is clearly recognisable from traces of excavations.

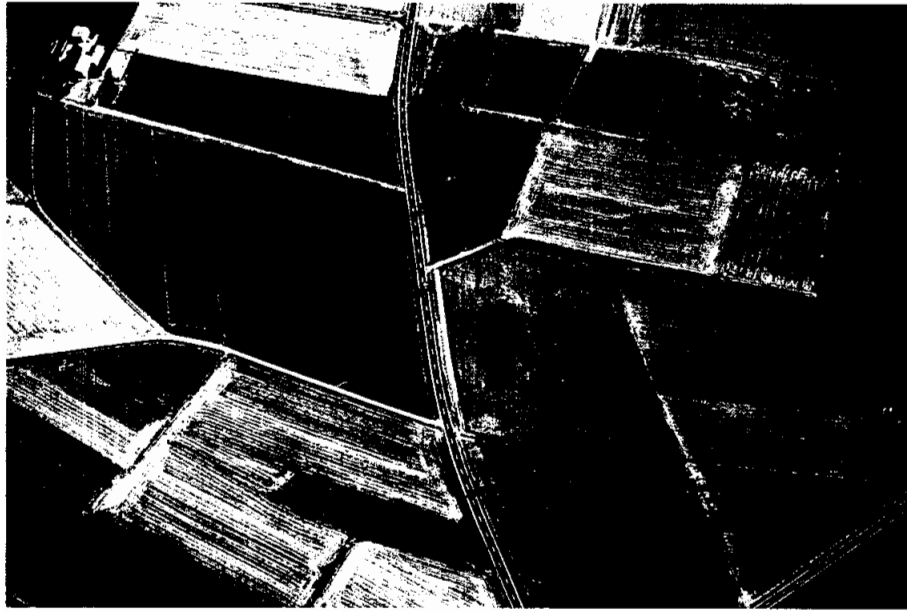
Bibliography: ORL Abt. A Strecke 3 (1935) 119 ff. mit Taf. 8.7, 9.1, 2 und 10.1; Baatz 134 f.; Klee 77 f.; Römer in Hessen 391 ff.



082 - Bad Homburg v. d. Höhe, Hochtaunuskreis. Rubble rampart of the Limes-line between watchtowers WP 3/59 and 3/60. (Landesamt f. Denkmalpflege Hessen).



083 - Bad Homburg v. d. Höhe, Hochtaunuskreis. Rubble rampart of the Limes-line between watchtowers WP 3/59 and 3/60. (Landesamt f. Denkmalpflege Hessen).



084 - Echzell-Bingenheim, Wetteraukreis. Dark line of the Limes-ditch (centre) north of the fortlet Lochberg, WP 4/89 (top right). View from the north. (Landesamt f. Denkmalpflege Hessen L5718/064-1 BR22.08.91).



085 - Echzell-Bingenheim, Wetteraukreis. Limes-line as a depression in the fields south of the fortlet Lochberg (WP 4/89). (Landesamt f. Denkmalpflege Hessen).

**Sector 4, Area WP 4/88 – 4/89
(Lochberg Fortlet)
Echzell-Bingenheim
Wetteraukreis**

**Photos 84 + 85
Maps: Vol. II, Enclosure B IV-13,
VI-6 /-7 /-8**

In the Wetterau, the Limes follows the periphery of the fertile plain. For a long stretch on the eastern side of the Wetterau, the Limes runs between the swampy depression of the Horloff, a minor river, and the westerly fringe of the Vogelberg Mountain. There, the geographical boundaries of Echzell-Bingenheim and Reichelsheim-Blöfeld include the 1990 m long section of the Limes described here.

The Limes consists of two straight sections in different directions. First, the course runs to the south-west in the direction of the heights of the Lochberg, visible in the distance. For a distance of 70 m, it passes by the village of Bingenheim. It then leads for 1280 m through field and meadow. South of the village it is overlaid by the cemetery and a garden. The watchtower WP 4/88, which is not visible above ground, is thought to be in this section. Its location is deduced from the circumstances of the terrain. The aerial photograph shows the course of rampart and ditch ([photo 84](#)). The ditch north of the Lochberg shows up as a dark track. The section reaches an orchard at the foot of the Lochberg. Here, the Limes is visible above ground for a distance of 105 m. A depression 20 m wide and 0.5 m deep marks the course of the ditch. Natural erosion has broadened and flattened the ditch ([photo 85](#)). Shortly before the heights, the Limes makes a sharp bend to the south-east. The change of direction is clearly perceptible in the meadow. The Lochberg fortlet lies in the fields, between the bend and the highest point of the Lochberg, crossed only by a field track.

Of the installation itself, which is counted as watchtower WP 4/89, nothing remains visible above ground. The Reichs-Limeskommission dug here in 1896 and discovered the 410 m² square installation 70 m behind the Limes line. The fortlet had parameter walls 1.8 m thick. A smaller stone building, 5 m in length and width, seems to have stood in its centre. It was apparently already difficult to locate the site in 1896, due to erosion and removal of stones.

From the Lochberg, there is an outstanding view along the Limes line from watchtower WP 4/69, past the Echzell fort (No. 20) as far as watchtower WP 4/96 in the Stammheim forest.

From here, the course leads again through fields, and is no longer visible. The continuing route is, however, assured for a distance of 585 m by aerial photographs.

The remains of the Limes ditch in the meadow at the Lochberg are among the last traces visible above ground in the Wetterau. Agricultural use of the fertile ground has largely removed the traces of rampart and ditch, watchtowers and forts in this region. Only in a few places, where the Limes has never, or only slightly, been turned to field, have traces been preserved. Probably, the area of the meadow at the Lochberg has also never been under the plough.

The Limes section is linearly represented in the land utilisation plans of the Echzell local authority and the city of Reichelsheim, and the Lochberg fortlet is registered.

Bibliography: ORL Abt. A Strecke 4 (1936) 138 f. mit Taf. 10.8; Baatz 165; Klee 108; Römer in Hessen 408.

**Sector 9, Area WP 9/136 – 9/138 (= WP 12/1)
Welzheim and Alfdorf-Pfahlbronn
Rems-Murr-Kreis**

**Photos 86 + 87
Maps: Vol. II, Enclosure B IV-25 /-26,
VI-12**

The southern end of the 80 km mathematically straight section of the Upper German Limes is among the best preserved Limes sections in Baden-Württemberg. North and south of the city of Welzheim, rampart and ditch of the ancient border installations are impressively clear for many kilometres.

After leaving the forest district of Birkig, south of Welzheim, a 175 m stretch begins at the Birkbach meadow which is registered under § 12 DSchG (Denkmalschutzgesetz, Historical Monuments Protection Act) as a natural monument of particular significance. The open meadowland belongs to a golf course. The Limes can be clearly recognised along this section by the course of the ditch (cf. overview [photo 86](#)). The depth of the ditch is around 0.5 m. Behind it, a rise in the ground of up to 0.5 m forms the remains of the rampart. The following 110 m section also passes through a meadow area, which belongs to the golf course. Here the Limes lies on the ground of Alfdorf-Pfahlbronn, which is situated adjacent to the south. The bank of the Limes, with a height of 0.8 m, is here somewhat better preserved ([photo 87](#)). An asphalt field path begins on the next 60 m of the golf course land, which has affected the visibility of the Limes to the south. The position of the watchtower WP 9/137 on the Häldele/Hofwiese meadows has, since the time of the Reichs-Limeskommission, only been conjectured: there are no more recent indications of the location of the tower.

The course of the Limes is crossed by the communication road between the Haghof and the Hagmühle, which has destroyed the visible ground profile. South of the road area on the Häldele/Hofwiese meadows, the visible signs of the 435 m Limes section consist principally of the

remains of the ditch, which has preserved a depth of between 0.3 and 0.6 m in the meadowland used by the golf course. Some trace of the rampart may be preserved in the form of a rise in the land.

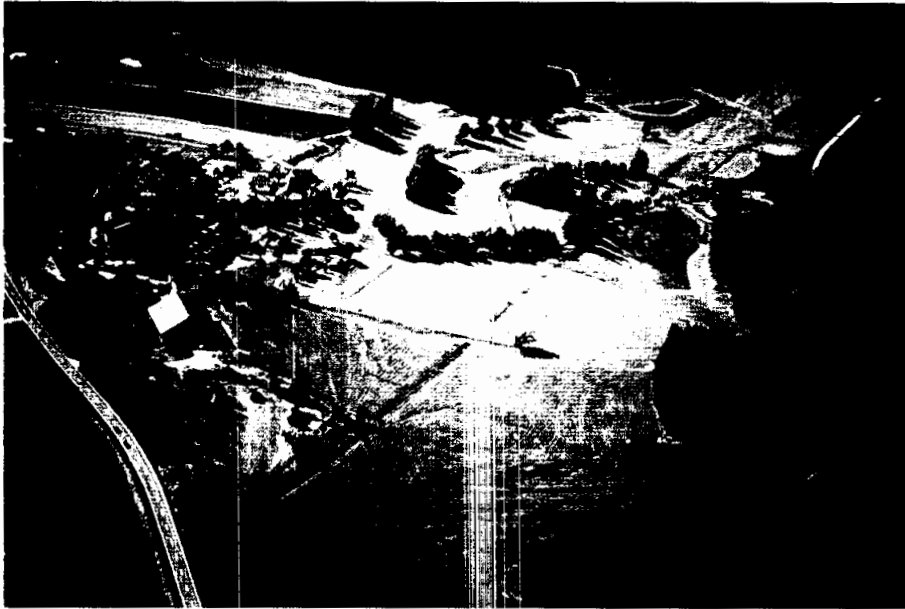
In 1902, E. Fabricius documented two trial trenches through rampart and ditch in this section.

On the last 55 m of meadowland north of the road L 1155, both rampart and ditch are no longer visible. A 25 m wide area of the Limes has been built over by the highway and an adjoining embankment to the south. In the subsequent fallow areas, the course of the Limes makes a sharp turn to the south east (135°). This is the southern termination of the 80 km long dead straight line of the Limes from the Walldürn fort (No. 33). From here, the south side of the road follows the course of the Limes.

The watchtower WP 9/138, which is also counted as WP 12/1, is located directly on the bend in the Limes, on the Weiden/Haghof meadow. It is known that the surviving above-ground remains were carried off through removal of stones in 1825. The site was partially examined by the Reichs-Limeskommission in 1902. The stonework of the probably rectangular tower was recorded as 0.92 m thick, and was at that time still preserved at a height of two courses. The front of the tower was oriented in the north-south direction of the course of the Limes. At the time of the Reichs-Limeskommission, a low debris mound was recognisable at this site, but by the time of the documented autopsy of Baatz in 1971, there was no longer anything visible above ground.

This section of Limes is represented as a natural monument in the update of the land utilisation plan of Welzheim-Kaisersbach for 2005, and in that of the local authority of Alfdorf for 2000-2005.

Bibliography: ORL Abt. A Strecke 7-9 (1931) 196 f. mit Taf. 19.6 und 20.4; ORL Abt. A Strecke 12 (1935) 26 f. mit Taf. 2.1; Baatz 248 f.; Beck/Planck 96.



086 - Alfdorf, Rems-Murr-Kreis. Line of the Limes-ditch in the east of the Haghof. View from the south. (Landesdenkmalamt Baden-Württemberg L7122/028-01 BR 01.03.2002).



087 - Alfdorf, Rems-Murr-Kreis. East of the Haghof. The Limes-ditch between watchtowers WP 9/127 and 9/138. View from the north. (Landesdenkmalamt Baden-Württemberg).



088 - Ellwangen-Röhlingen,
Ostalbkreis. Limes-line between
the Autobahn and Röhlingen,
View from the east.
(Landesdenkmalamt Baden-
Württemberg L7126/048-03 BR
13.12.1998).



089 - Ellwangen-Röhlingen,
Ostalbkreis. Limes-line visible
as a hedge between watchto-
wers WP 12/86 and 12/87 west
of Röhlingen.
(Landesdenkmalamt Baden-
Württemberg).

Sector 12, Area WP 12/86 – 12/87
Ellwangen-Röhlingen
Ostalbkreis

Photos 88 + 89
Maps: Vol. II, Enclosure B IV-29,
VI-14 /-15

The section is part of the course of the Raetian Limes running over 20 km straight to the north-east between the fort Rainau-Buch (No. 43) and the Hesselberg, to the north of the Ruffenhofen fort (No. 46). Further areas are clearly perceptible in the terrain in the form of a hedge or as path and road courses ([photo 88](#)).

Construction of the A 7 motorway, Ulm to Würzburg, destroyed 50 m of the Limes with its carriageways, which are sunk deep into the land at this point. Directly to the east of the motorway, the remains of the Limes wall have been severely ploughed for a length of 80 m, and are not visible, or only indistinctly as remains of the rampart, 0.3m high. On the "Im Holz/Greut/Oberer Hardtenbühl" meadows, two surfaced field paths and the district road K 3223 cross the Limes over a length of 50 m, in total. A marker stone with the inscription "LIMES" is to be found here.

The course of the Limes is not taken up again until the following 30 m in the Oberer Hardtenbühl meadow, with a hedge of medium to old leafy brush. The route of the Limes is clearly visible due to the hedge and an accompanying field path. The hedge was planted in the 1970's during meadow clearance.

The location of the Oberer Hardtenbühl watchtower WP 12/86 can only be identified by the substantial presence of stone rubble by the Limes wall at this point, and by a brief note dating from

1819. More detailed examinations have not been carried out. There is a small sign board at the site. The view to the east reaches up to the watchtower WP 12/106. To the south of the site of the tower lies a burial mound from the Hallstatt period, which has been included in the listed protection zone.

The subsequent 425 m stretch of the Raetian Wall on the "Oberer Hardtenbühl/Hartbühl" meadows is again clearly recognisable as a rubble rampart surmounted by a hedge. The rampart itself is recognisable partly as bank up to 0.5 m high and partly as a rise in the land. The growth of the hedge is similar to that of the previous section described.

At the time of the Reichs-Limeskommission, the section consisted of a "3-4 m wide bank-like concave strip of wasteland, then for about 200 m as hedge". A field path accompanying the hedge records the course of the Limes ([photo 89](#)).

The position of watchtower WP 12/87 on the prominence of the Hardtbühl has since the time of the Reichs-Limeskommission only been conjectured: there are no more recent indications of the location of the tower.

The section is represented as an archaeological monument in the land utilisation plan of the administrative collective of Ellwangen.

Bibliography: ORL Abt. A Strecke 12 (1935) 81 f.; Baatz 266, Beck/Planck 137 f.; Römer in Baden-Württemberg 422 ff.

Sector 14, Area WP14/14 – 14/15
Pfolfeld and Theilenhofen
Landkreis Weissenburg-Gunzenhausen

Photos 90 + 91
Maps: Vol. II, Enclosure B IV-32,
VI-16 /-17

The Limes line runs about 2.5 km north of the Theilenhofen fort position (No. 50). Today, it divides a landscape used predominantly for agricultural purposes to the south of the outcrops of the Gräfensteinberg forest, which stretches directly north from the course of the Limes (photo 90). The investigations of the Reichs-Limeskommission were carried out by the sector commissioner H. Eidam.

The location of the watchtower WP 14/14 on the "Langlauer Buck" (area name: "An der Teufelsmauer") is overgrown with thick scrub. No traces of the former wooden tower are discernible and only minor remains of the stone tower as low elevations with a few selected stones therein. In front of it, to the east, there is an indicator stone with the inscription "Limes", but there is no more precise information on the location of the tower itself.

From here, a field path leads along the Limes line to the east. For a length of 240 m no traces of the Limes are visible above ground. In parts, a drainage ditch runs along the north side of the path. The course of the Limes then reaches the southern fringe of a tall spruce forest (area names "Lix" and "Im Fichtig"). Here, for a distance of 200 m, remains of the collapsed wall of the Raetian Limes are again recognisable as a stone embankment (height: 0.8 m, wide: 3 m). The forest terrain lies higher than the field path. A drainage ditch runs between the path and the embankment. The branch of a forest path and a drainage ditch with pipe outlet has destroyed the Limes rampart for a distance of 10-20 m.

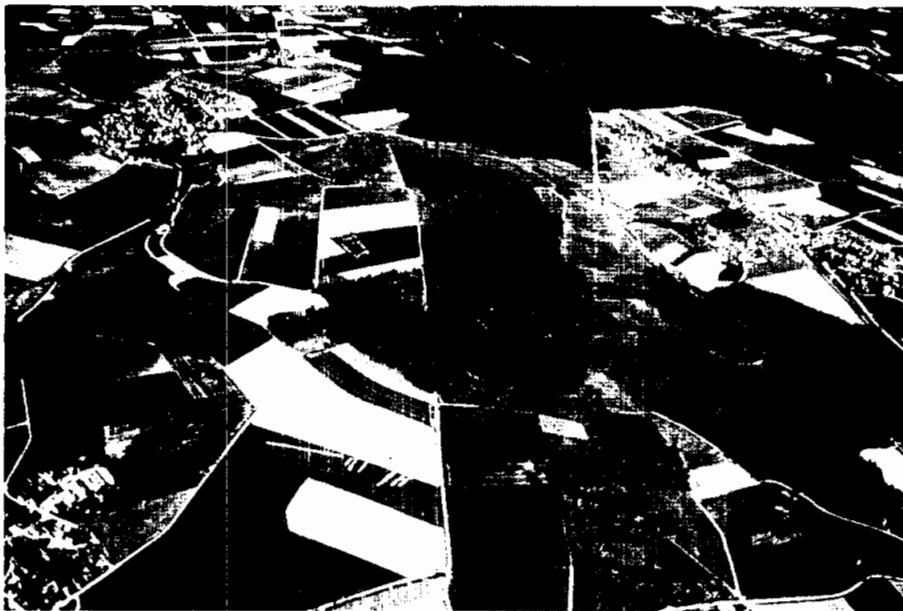
In the adjoining field areas up to the new entrance to the forest, the Limes rampart is very well preserved for a distance of 400 m, as the base of the field path (photo 91). The course of the Limes seems to make a slight bend. The rampart height is at first 0.8 m, with a width of 5-6 m, and increases towards the east. Another indicator stone with the inscription "Limes"

is to be found on the north side of the path.

The watchtower WP 14/15 is situated at the highest point of the plateau. In addition to the stone tower, the Reichs-Limeskommission found a wooden tower with a substantial wooden foundation. The location has been completely levelled and lies today within a field. Two dark spots can be made out, but no inference of the tower can be drawn. From this point, there is a clear view to the west, into the distance.

From the corner of the forest at watchtower WP 14/15, a slight, partial elevation on the north side of the path indicates the further course of the Limes. Forest fringe brush is found on the course of the Limes, and waste wood and building rubble lie in the Limes area. However, the route of the Limes remains clearly perceptible through the fringe of the forest. In the high spruce forest, a forest path follows the course of the Limes for the next 380 m. No visible traces of the stone wall or the palisade ditch can be made out above ground. Based on the neighbouring stretches, the line of the Limes must lie on the northern edge of the path. The forest path is partly strengthened with building rubble. In this section, the Limes forms the boundary between the present-day communities of Pfolfeld and Theilenhofen.

An inventory of this section of the Limes including its tower positions has been made, and it is mentioned in the land utilisation plan of Pfolfeld. Apart from general hazards in the context of forestry and agriculture or from further expansion of the field path, no acute threats to the monument are to be recognised. The forestry authority responsible is the Gunzenhausen Forestry Office. To improve the representation for tourist purposes in the short term, the location of the tower and the Limes line could be indicated under the umbrella of path marking, or potentially, an information board erected.



090 - Pfofeld and Theilenhofen, Landkreis Weißenburg-Gunzenhausen. General situation of the Limes-line between watchtowers WP 14/14 and 14/17. (Bayerisches Landesamt f. Denkmalpflege L6930/090 KL 12.05.01).



091 - Pfofeld, Landkreis Weißenburg-Gunzenhausen. The Limes-line between watchtowers WP 14/14 and 14/15 is visible as a grass-covered embankment running parallel to the modern road. (Bayerisches Landesamt f. Denkmalpflege).



092 - Altmannstein, Landkreis Eichstätt. General situation south of the Schambach-valley. (Bayerisches Landesamt f. Denkmalpflege L7134/210-1 KL 15.02.01).



093 - Altmannstein, Landkreis Eichstätt. Strecke 15/30 - 15/31. Rubble rampart of the "Devil's Wall" (Teufelsmauer) at the west slope of the Kochberg. (Bayerisches Landesamt f. Denkmalpflege).

Sector 15, Area WP 15/30 - 15/31**Altmannstein****Landkreis Eichstätt****Photos 92 + 93****Maps: Vol. II, Enclosure B IV-38, VI-18**

The course of the Raetian Limes, which after crossing over the Altmühl near fort Böhming (No. 56) heads in a dead straight line for the Danube, suddenly bends once more near Altmannstein to run for a distance of 8 km to the north (photo 92). The reasons behind this change of direction, which made it necessary for the Raetian Wall to run twice through the deep cutting of the Schambach valley, are unclear.

On the plateau of the "Messnerberg" between Neuenhinzenhausen and Altmannstein, the Raetian Limes Wall is preserved under present-day property boundaries, at first as embankments, then as grassy ramparts, and finally as a stone embankment next to a field path. Watchtower WP 15/30 was examined by J. Fink on behalf of the Reichs-Limeskommission. The stone foundation, measuring 5.3 x 4.7 m, was between 0.9 m and 1.1 m wide, and still stood up to 0.8 m high. Nothing is recognisable above ground in this area, which is today used as a meadow. Only the broadening of the strip of wasteland in the area of the rampart, with indications of stones, points to the location of the tower. On the south side, a field path runs parallel to the path of the Limes rampart, over the tower.

The course of the Limes continues on the plateau for 235 m as a field track overgrown with grass, of a width of c. 1-2 m, as far as the deep drop into the "Tettenagger Grund". There are no traces here. In the valley, the State road 2231 crosses the Limes. There are no traces of it for a distance of 35 m at the road, the adjacent meadow, and the course of the brook. The only indications of the Limes on the 185 m long western slope of the Kochberg mountain are some large boulders (which were possibly parts of the Limes wall) and a rampart elevation. In this section, a palisade ditch is visible as a

shallow trough c. 15 m in front of the course of the Limes. After the boulders a very uniform rubble wall begins, 5-6 m wide, 60-80 cm high.

In places, the set stones of the foundation are still to be seen. The traces of the palisade ditch in front of the stone rampart become clear.

Both stone rampart and palisade ditch continue on the Kochberg in this form for a distance of 530 m in the mixed forest of tall beech and spruce (photo 93). The forestry authority responsible is the Kipfenberg Forestry Office. The site of the stone tower at watchtower WP 15/31 is recognisable from the earth heaps, which probably stem from the excavation by Fink. The extent of these elevations is c. 10 x 12 m: the actual remains of the tower were described by the Reichs-Limeskommission as "6 m wide and 4.7 m deep, masonry thickness 65 at the front, otherwise 75". The front side was still preserved to a height of 1.17 m. The wooden tower some 20 m further to the west of the forest path is indicated only by various depressions. Neither a totally encompassing ditch, nor an elevation in the centre can be discerned. The mound of the wooden tower, measuring c. 15 x 15 m was not investigated by the Reichs-Limeskommission. After a short interval, the Limes rampart continues from the stone tower as property boundaries c. 4-5 m wide and 0.8 m high, and is accompanied by an outside parallel forest path. The traces of the palisade end at the stone tower.

The Limes section is at risk due to intensive agricultural use, expansion of paths, and forestry measures. Acute threats, however, cannot be recognised. The course of the Raetian Stone Wall is represented in the Altmannstein land utilisation plan.

Bibliography: ORL Abt. A Strecke 15 (1927) 41 f. mit Taf. 4.1, 4.2; Baatz 317 f.; Ulbert/Fischer 103 f.

Presentation of the individual fort locations

(The numerical order refers to the list in Appendix A 1)

1 - Heddesdorf fort site

Neuwied City, Heddesdorf Area
Kreis Neuwied

Photos 94 + 95

Maps: Vol. II, Enclosure B IV-2, V-2

Garrison of the *Cohors II Hispanorum* and later the *Cohors XXVI voluntariorum civium Romanorum* between the end of the 1st and the end of the 2nd century. In 1898, with the help of site observations and excavation trenches in the areas which had not yet been built over, Bodewig was able to determine the ground plan of the fort with some degree of certainty. During extension works on the school in 1965, some parts of the baths were again opened up and were documented.

The stone fort, with an area of 2.8 ha, has an almost rectangular ground plan of c. 160 m x 180 m and was surrounded by an 8 m wide ditch. The excavation finds indicated gate towers, corner towers, and two intermediate towers along each of the sides. Apart from a few sections of masonry wall, nothing significant is known of the internal buildings.

The area of the archaeological monument lies today within the city of Neuwied and parts have been largely destroyed by newer, relatively dense building in the form of apartment buildings with inner courtyards and gardens, and streets. No remains of the fort

are visible above ground. The present-day Geschwister-Scholl-Strasse (formerly Römerstrasse) shows the route of the *via principalis*. The *vicus*, which extended principally to the south and the east of the fort, is today densely built over. The area of the fort baths, which at the time of the Reichs-Limeskommission still lay undisturbed in open fields, is today occupied by the grounds of a school.

Particular dangers are not recognisable as acute. The archaeological monument currently possesses no legally binding status as a monument but is not included in the current land utilisation plan of Neuwied City.

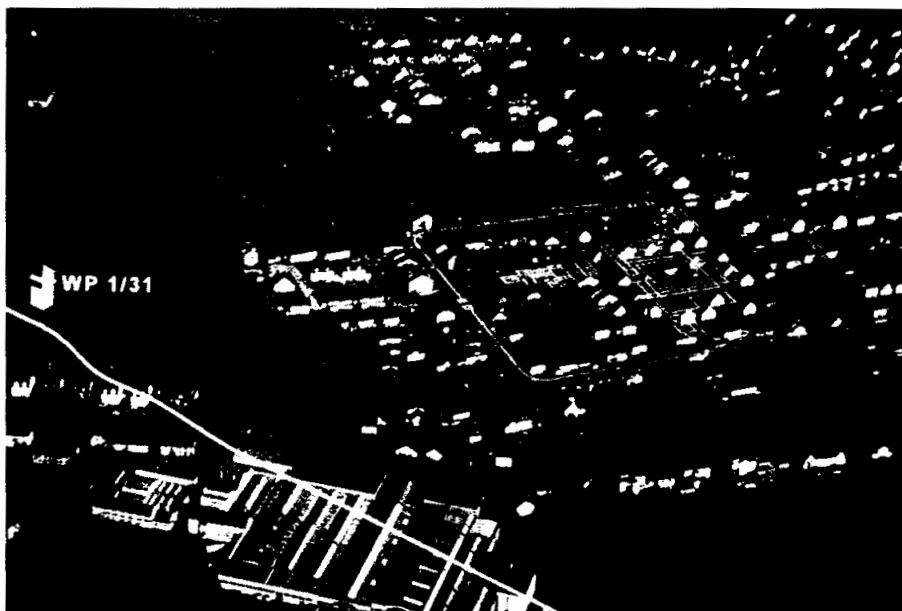
Bibliography: ORL Abt. B Nr. 1 (1903); Baatz, Limes 97 f.



094 - Neuwied-Heddesdorf, Kreis Neuwied. Site of the fort at Heddesdorf, a quarter of Neuwied. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



095 - Neuwied-Heddesdorf, Kreis Neuwied. Detail. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



096 - Neuwied-Niederbieber, Kreis Neuwied. Limes-line and shape of the fort at Niederbieber. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



097 - Neuwied-Niederbieber, Kreis Neuwied. Preserved walls of the fort baths. (Landesamt f. Denkmalpflege Rheinland-Pfalz).

2 - Niederbieber fort site

Neuwied City, Niederbieber-Segendorf Area
Kreis Neuwied

Photos 96 + 97

Maps: Vol. II, Enclosure B IV-2, V-1

Garrison of the *Numerus Exploratorum Garmanicianorum Divitiensium* and the *Numerus Brittonum* between the end of the 2nd and the middle of the 3rd century. In the time of the Reichs-Limeskommission, the fort still lay in open fields, and its interior was also extensively researched (cf. ORL B Vol. 1 No. 1a, Tbl. 2). After 1960, numerous rescue excavations took place on the site of the fort as houses were built or sewer trenches were laid. The vicus was uncovered between 1965 and 1974 due to large-area pumice mining and was investigated in conjunction with the digging.

The 5.2 ha stone fort, with a rectangular ground plan of c. 265 m x 198 m, was surrounded by a 6 m wide V-shaped ditch. Inside, the principia were located centrally, with rectangular storage buildings to either side and baths in the northern half of the fort. In the southern area of the fort, remains of timber barracks and hearths were found.

The area of the archaeological monument, to the north-east of the present-day town centre, has been built over, principally with detached houses and gardens. Remains are still present, both within the fort area itself, and also to the south and west, in areas where cellars were not included in building. However, large-scale pumice mining has taken place in the area of the fort vicus, which adjoins, to the north and to the east and it has thus been destroyed. The preserved foundation walls of the fort baths and the northern access gate are visible.

Particular dangers are not recognisable as acute. The archaeological monument has been listed since 30/10/1985 as the protected excavation area "Kastell Niederbieber". It is not included in the current land utilisation plan of Neuwied City.

Bibliography: ORL Abt B Nr. 1a (1937); H. Eiden, *Trierer Zeitschr.*, Bh. 6, 1982, 137 ff.; Baatz, *Limes* 95 f.

3 – Niederberg fort site

Koblenz City, Niederberg Area
 Stadtkreis Koblenz

Photos 98 + 99

Maps: Vol. II, Enclosure B IV-3, V-3

The garrison of the *Cohors VII Raetorum equitata*, on a high terrace opposite the mouth of the Moselle, existed between the middle of the 1st century and the middle of the 3rd. The stone fort, of an area of 2.8 ha, with a rectangular ground plan of 177 m x 158 m, was surrounded by two V-shaped ditches 9 m and 6 m wide.

In 1895, Dahm investigated the defence wall with the gates and the principia with the auxiliary buildings and further building remains in the retentura. The baths were also discovered in front of the southern corner of the fort. The State Office for Monument Conservation in Koblenz was only able to carry out a small rescue excavation when the fort area was built over after 1950.

The area of the archaeological monument lies on the southern edge of the town of

Niederberg and has for the most part been built over since the 1950's with detached houses and gardens. The only substantial area not built over is in the region of the south-west corner of the fort. No traces of the fort are visible above ground. A number of low elevations and structures resembling sunken paths are to be seen in the meadowland to the south and south-east of the fort, which are related to the buildings of the vicus.

Particular dangers are not recognisable as acute. The archaeological monument has been listed since 16/07/2001 as the protected excavation area "Römisches Kastell mit Badeanlage in Koblenz-Niederberg" (Roman fort with baths in Koblenz-Niederberg). It is not included in the current land utilisation plan of Koblenz City.

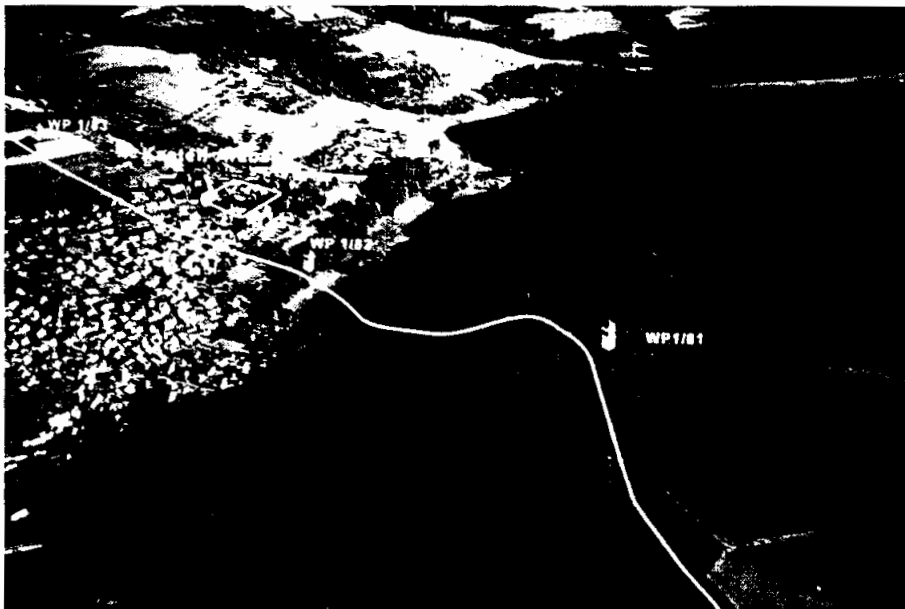
Bibliography: ORL Abt. B Nr. 2a (1896); Baatz, Limes 105.



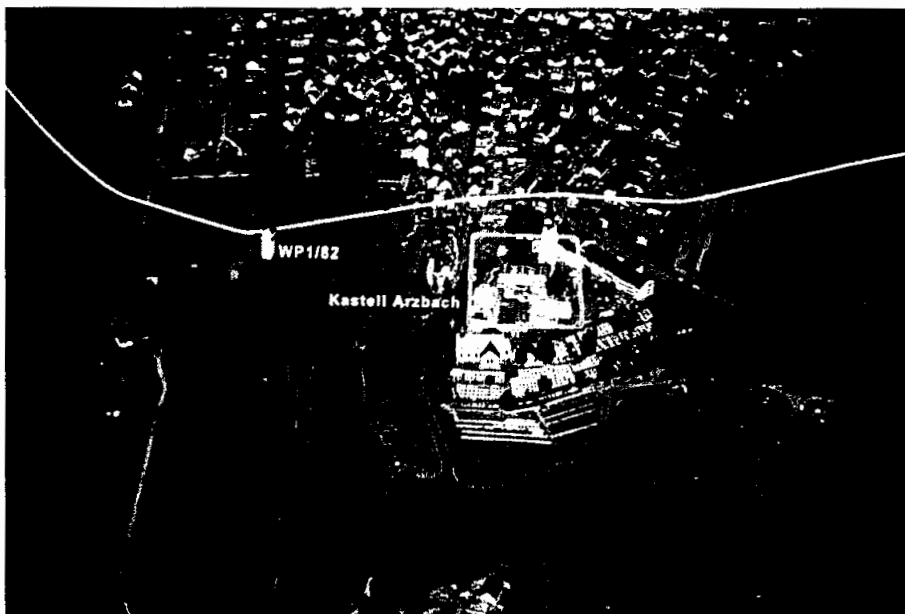
098 - Koblenz-Niederberg, Stadtkreis Koblenz. Site of the fort at Niederberg. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



099 - Koblenz-Niederberg, Stadtkreis Koblenz. Site of the fort at Niederberg between the modern house-building. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



100 - Arzbach, Rhein-Lahn-Kreis. Limes-line and site of the fort at Arzbach. View from the west. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



101 - Arzbach, Rhein-Lahn-Kreis. Limes-line and site of the fort at Arzbach. View from the south. (Landesamt f. Denkmalpflege Rheinland-Pfalz).

4 - Arzbach fort site

Arzbach Local Authority
Rhein-Lahn-Kreis

Photos 100 + 101

Maps: Vol. II, Enclosure B IV-3, V-5

Garrison location for an unknown *numerus* between the beginning of the 2nd century and the middle of the 3rd. The stone fort, of an area of 0.7 ha with a rectangular ground plan of c. 79 m x 93 m, possessed a double ditch system. The gates and corners of the fort were additionally secured with towers. In 1894, Dahm investigated the parameter walls with the entrances, parts of the internal buildings with the principia, and three further buildings (cf. ORL B Vol. 1 No. 3, Tbl. 2). When new construction took place in the fort area, the State Office for Monument Conservation in Koblenz documented the defensive wall for a length of 40 m and the double ditch system in 1962, and in 1994/5, cellars, hearths and a number of pits. Individual and stray finds, which have mostly been communicated orally (see ORL), suggest fort baths under the present-day church, remains of buildings of the vicus to

the east of that, and graves in the southern part of the modern cemetery.

The area of the archaeological monument lies on the southern edge of the town of Arzbach in the region of an old people's home, a kindergarten, a community hall and the old priest's house. No traces are visible above ground. Modern building in the form of a number of building complexes have destroyed about a third of the remains. In between, there are still large undisturbed surfaces with lawns or stone paving.

Particular dangers are not recognisable as acute. The archaeological monument currently possesses no legally binding status as a monument but is not included in the current land utilisation plan of the Bad Ems Community Association.

Bibliography: ORL Abt. B Nr. 3 (1900); A. v. Berg, Neue Funde aus dem Limeskastell von Arzbach. Die Augst 10, 2000, 7 ff.; Baatz, Limes 105.

5 - Bad Ems fort site

Bad Ems City
Rhein-Lahn-Kreis

Photos 102 + 103

Maps: Vol. II, Enclosure B IV-4, V-4

Garrison location for an unknown *numerus* between the beginning of the 2nd century and the middle of the 3rd. The 1.3 ha stone fort possessed a slightly skewed, rectangular ground plan c. 90 m x 140 m and with a V-shaped ditch in front of the wall. Due to the already old later buildings, the Reichs-Limeskommission could only undertake a few excavation trenches. Investigations were mainly restricted to the south gate, the south-west corner, parts of the west wall, and conjectured remains of the east side gate. The north and west sides of the fort cannot be considered as known with certainty. Almost nothing is known about the internal buildings apart from a few masonry remains. The principia are thought to have been in the area to the south of the present-day St. Martin's church. The pattern of distribution of buildings outside the fort can only be

deduced from individual finds, which in most cases have only been passed along orally.

The area of the archaeological monument within the centre of the city of Bad Ems has in large part been destroyed by old construction (farmhouse, St. Martins church, priest's house, residential buildings). Only in the northern half and in the area of the south-east corner do larger open areas suggest better preservation of the features.

There are particular dangers from small-scale construction projects. The archaeological monument currently possesses legally binding status as a monument only around St. Martin's church, and is not included in the current land utilisation plan of the Bad Ems Community Association.

Bibliography: ORL Abt. B Nr. 4 (1912); Baatz, Limes 106.



102 - Bad Ems, Rhein-Lahn-Kreis. Site of the fort at Bad Ems. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



103 - Bad Ems, Rhein-Lahn-Kreis. Site of the fort at Bad Ems. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



104 - Marienfels, Rhein-Lahn-Kreis. Site of the forts at Marienfels. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



105 - Marienfels, Rhein-Lahn-Kreis. Detail. (Landesamt f. Denkmalpflege Rheinland-Pfalz).

6 – Marienfels fort site

Marienfels Local Authority
Rhein-Lahn-Kreis

Photos 104 + 105

Maps: Vol. II, Enclosure B IV-5, V-6

Garrison location for an unknown *numerus* between the end of the 1st century and the middle of the 2nd. The dimensions of the two timber forts, which were built one on top of the other, and of their outer ditches have not been securely established. Because of the existing overbuilding, the Reichs-Limeskommission made only a few excavation trenches, which mainly served to clarify the outer defences of the fort. The better known older fort (area 1.0 ha) had a rectangular ground plan with sides 117 m x 98 m long. For the later fort, a rectangular ground plan (area c. 2.8 ha) with sides of some 150 m x over 190 m is postulated. A long rectangular stone building, 39 m x 7 m, has been determined in the interior, which, on the basis of its orientation, could belong to the second fort.

The fort baths had already been extensively excavated in 1849. The fort vicus extended in a broad curve around the fort. Substantial occupation levels and, at a number of locations, rows of posts with stone wedges and well preserved wet timbers were

documented by the State Office for Monument Conservation in Koblenz when a sewer trench was laid and an equipment shed was built in the region of the "Bornwiesen" in the 1980's.

The area of the archaeological monument is located at the eastern edge of the town of Marienfels, between older and newer town buildings in the form of houses, gardens and fruit-tree cultivation. The two forts have been largely destroyed by the town buildings. To the north of this, however, in the "Bornwiesen", the fort baths and parts of the vicus have been preserved. Here, slight elevations of the land indicate stone buildings of the vicus.

There are dangers due to expansion of the town and the erection of agricultural utility buildings. Excavation protection has been applied for in respect of the area around the Marienfels fort. The archaeological monument is listed in the current land utilisation plan of the Nastätten Community Association.

Bibliography: ORL Abt. B Nr. 5a (1903); H.-H. Wegner, Neue römische Befunde aus Marienfels, Rhein-Lahn-Kreis. Heimatjahrbuch Rhein-Lahn-Kreis 1987, 61 ff.; Baatz, Limes 109.

7 – Hunzel fort site

Hunzel Local Authority
 Im Broch / In den Engwiesen Areas
 Rhein-Lahn-Kreis

Photos 106 + 107

Maps: Vol. II, Enclosure B IV-5, V-7

Garrison of an unknown *numerus* between the middle of the 2nd and the middle of the 3rd century. The stone fort of an area of 0,7 ha with a rectangular ground plan of c. 83.5 m x 89.2 m, was surrounded by a V-shaped ditch 4 m wide and 1.37 m deep. The northern quarter of the fort from the *porta praetoria* to the *porta sinistra* could not be excavated by the Reichs-Limeskommission because of the dampness of the terrain and a field path that runs here. Only remains (foundation pits and debris) of the flat foundations of the walls were preserved. Three of the fort entrances were flanked by gate towers, but not the *porta decumana*, which had a double entrance. Of the internal buildings, the most important parts of the *principia*, with an area of 27.4 m x 19.75 m and weak foundations, were documented.

A profile was recorded to the north along the field path when a channel was constructed in 1992. A post-hole and a foundation trench with slate debris were discovered.

The location of the fort vicus is now indicated only by a few scattered finds from the time of the Reichs-Limeskommission that were discovered in the field behind the *decumana* side, in a small region some 100 m wide.

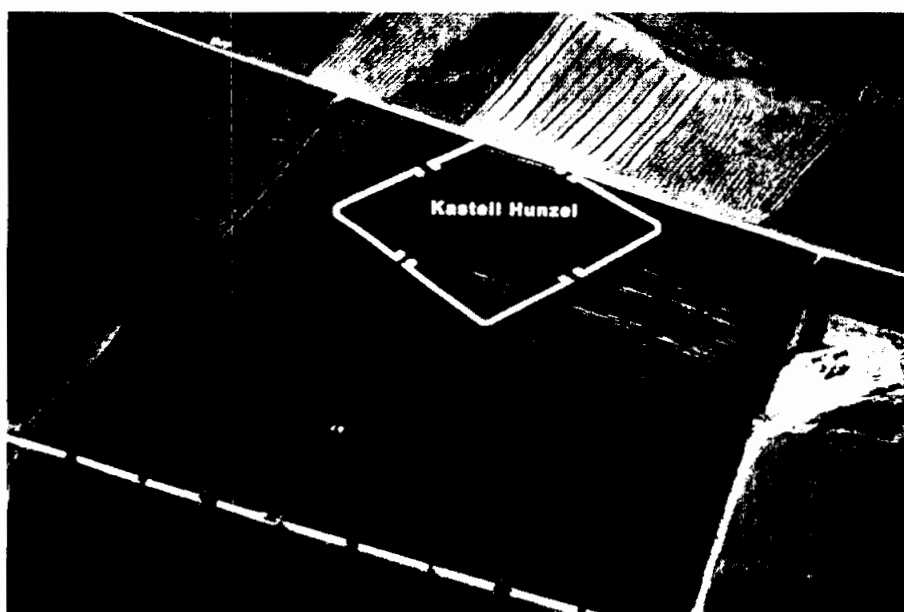
The area of the archaeological monument lies about 750 m to the west of the town centre of Hunzel at the edge of a meadow area through which the Hunzelbach stream flows. No traces are visible above ground.

The area is currently used as fields. The fort does not have any legally binding monument protection. It is listed in the current land utilisation plan of the Nastätten Community Association.

Bibliography: ORL Abt. A Bd. I.2 (1916) 48; ORL Abt. B Bd. 5 (1897); Baatz, Limes 109.



106 - Hunzel, Rhein-Lahn-Kreis. General situation of the Limes-line and site of the fort at Hunzel. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



107 - Hunzel, Rhein-Lahn-Kreis. Limes-line and site of the fort at Hunzel. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



108 - Holzhausen, Rhein-Lahn-Kreis. Preserved gates of the fort. (Landesamt f. Denkmalpflege Rheinland-Pfalz).



109 - Holzhausen, Rhein-Lahn-Kreis. Preserved walls of the PRINCIPIA. (Landesamt f. Denkmalpflege Rheinland-Pfalz).

8 – Holzhausen fort site

Holzhausen a.d. Haide Local Authority
Rhein-Lahn-Kreis

Photos 108 + 109

Maps: Vol. II, Enclosure B IV-5, V-8

Garrison of the *Cohors II Treverorum* between the end of the 2nd and the middle of the 3rd century. The stone fort, of an area of 1.4 ha, with a rectangular ground plan of 135 m x 105 m, was surrounded by a V-shaped ditch 6 m wide. Towers protected the corners of the walls and flanked all four gates. Excavations (by v. Cohausen: 1874, 1882; RLK, L. Pallat: 1897, K. Naß 1932) concentrated on the surrounding defences of the fort and, internally, on the area of the principia, with auxiliary buildings and a spring.

The area of the archaeological monument, with associated fort baths and vicus, lies in thinly wooded, tall beech forest (spruce in the area of the excavation area of 1932). The stone walls of the fort with the inner earth ramparts are preserved up to a height of c. 3 m. The fort ditch is to be seen as a trough, particularly in front of the decumana and the right gate sides, with traces of excavation trenches in front of the porta praetoria and porta decumana. Ramparts and corners are covered with grass, and, particularly in front

of the northern long side, with thick scrub. Internally, the old excavation trenches are recognisable as slight depressions, and the spring as a funnel-shaped hole. The walls of the gates, the fort corners with their installations, and the components of the principia that were built of stone (apsis of the standards shrine and two neighbouring rooms) were preserved.

Numerous elevations in the forest terrain, over a broad surrounding area, point to the largely undisturbed and unresearched remains of the vicus. However, these also include pre-Roman burial mounds, depressions resulting from mediaeval mining, and mediaeval and early modern quarrying.

Particular dangers are not recognisable as acute within the forest area managed by the Katzenelnbogen Forestry Office. The archaeological monument has been registered as the monument zone "Upper German Limes in the region of the Rhein-Lahn District" since 27/01/1984. It has been adopted in the current land utilisation plan of the Nastätten Community Association.

Bibliography: ORL Abt. B Nr. 6 (1904); K. Naß, Kastell Holzhausen, Grabung 1932. Nassau. Ann. 54, 1934, 233 ff. mit Taf. 1-6; Baatz, Limes 112 f. – Vicus: ORL Abt. A Bd. I.2 (1916) 69 f.

9 – Kemel fort site

Heidenrod Local Authority
Rheingau-Taunus-Kreis

Photos 110 + 111
Maps: Vol. II, Enclosure B IV-6, V-9

Garrison of an unknown *numerus*. The stone fort, with an area of 0.7 m (93 m x 77 m) was erected after the middle of the 2nd century. It had a rectangular ground plan, possessed corner towers, four gates, and was surrounded by a ditch. Nothing is known of the internal buildings, The vicus extended to the south, south-east and north-west of the fort. Two older forts from the end of the 1st century and the first half of the 2nd century were located on the "Pohl", a height some 250 m distant from the stone fort. The earlier installations, extending 39 m x 39.5 m and 56 m x 46 m possessed timber and earth defences and two ditches. The internal buildings of both installations are known. The Reichs-Limeskommission carried out excavations on the fort installations between 1898 and 1900. The cellar of a house in the vicus was partly dug out in a rescue

excavation by the Hesse State Office for Monument Conservation.

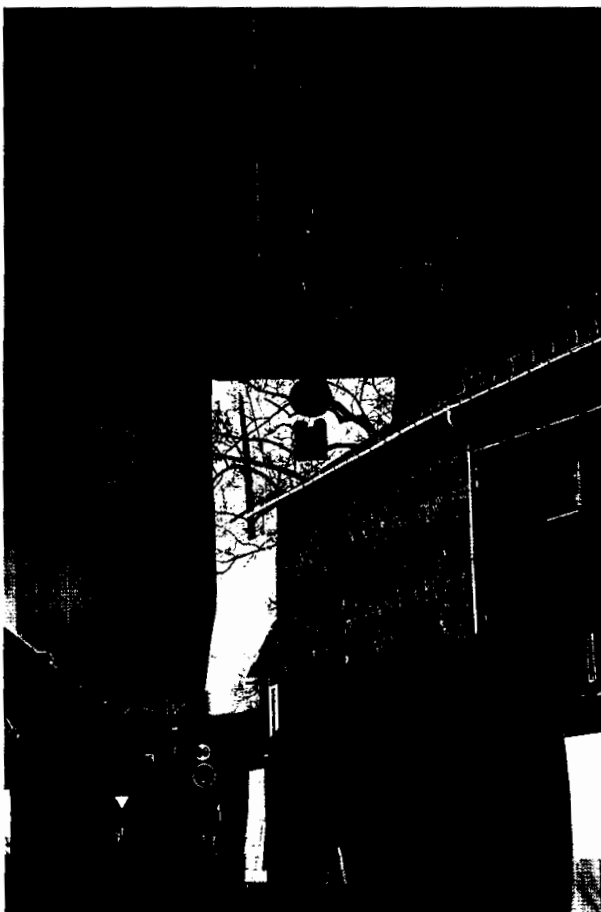
The stone fort and the vicus have been overbuilt as gardens, apart from a few remaining areas. In addition, the area of the stone fort has largely been destroyed below ground. The areas of the earlier forts are in meadows outside the new construction. There is no longer anything of the forts visible. The course of Bäderstrasse, the main street of Kemel, forms the last trace of the stone fort. It was led through the two side gates of the fort in the early days of the town. The side gates and the course of the *via principalis* are thus visible in the shape of the town. The stone fort became the kernel of the town of Kemel.

All three forts are registered in the land utilisation plan of Heidenrod Local Authority.

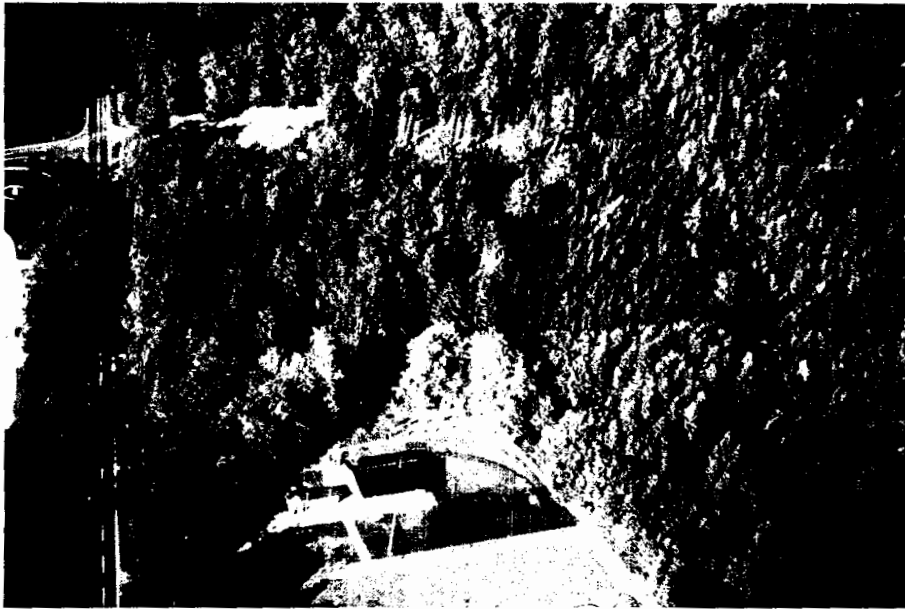
Bibliography: ORL Abt. B Nr. 7 (1901); Römer in Hessen 372 f.



110 - Heidenrod-Kemel, Rheingau-Taunus-Kreis. View from the site of the earlier forts towards the Hochtaunus. (Landesamt f. Denkmalpflege Hessen).



111 - Heidenrod-Kemel, Rheingau-Taunus-Kreis. Centre of the fort. The street marks the former VIA PRINCIPALIS. (Landesamt f. Denkmalpflege Hessen).



112 - Taunusstein-Orlen, Rheingau-Taunus-Kreis. Site of the fort Zugmantel. (Landesamt f. Denkmalpflege Hessen L 5914/020-1 BR 10.10.90).



113 - Taunusstein-Orlen, Rheingau-Taunus-Kreis. Amphitheatre inside the Vicus of the fort Zugmantel. (Landesamt f. Denkmalpflege Hessen).

10 – Zugmantel fort site

City of Taunusstein, Orlen Borough
Rheingau-Taunus-Kreis

Photos 112 + 113

Maps: Vol. II, Enclosure B IV-7, V-10

The *Cohors I Treverorum equitata* was stationed in a 2,1 ha (124.5 m x 171 m) stone fort which was completed in the year 223 AD. The rectangular installation possessed four gates and was surrounded by a ditch. Of the internal buildings, the staff building, the principia, is completely known. The fort had three predecessors that stood in the same place and were smaller. Around 90 AD, a fort of an area of 0.7 ha with an earth and timber defence wall was built and was extended a few decades later to an area of about 1.1 ha. Around the middle of the 2nd century, a stone fort with an area of 1.7 was erected.

The extension of the fort vicus on all four sides of the fort is almost completely known. The core of the settlement developed on both sides of the road from the main gate to the spring of the Aar, where the baths were located. There was a market place in front of the gate. Three shrines are known of next to the bath house. One of these was dedicated to *Jupiter Dolichenus*, and another possibly to the *Magna Mater*. Two small amphitheatres on the northern and eastern edges of the fort vicus are something out of the ordinary. A burial ground was located by the road which ran to the south from the south gate.

The size of the fort vicus and the two amphitheatres demonstrate the special significance of the location. Here, the Limes was crossed by the road which led from *Mogontiacum/Mainz*, the capital of the province of *Germania superior*, via *Aquae*

Mattiacorum/Wiesbaden, the ancient bathing town and the capital of *Civitas Mattiacorum*, by the shortest route to Germania.

After small excavations in the middle of the 19th century, the investigations of the Reichs-Limeskommission began in 1894. These were continued by the Saalburg Museum until 1934, and then again later. Fort and fort vicus are thus among the best known fort locations on the Upper German-Raetian Limes.

The fort is situated in forest, and has not been built over. Parts of the fort vicus were destroyed in the west and south by the construction of the "Hühnerstrasse", the present-day road B 417, a factory building and a sports ground.

The whole surrounding defence wall is visible as a rampart, apart from a section to the north of the sports ground. There are occasional shallow signs of the ditch. The sites of the four gates are also visible. A short section of the defence wall of the smaller stone fort is visible in an excavation trench at the south-east corner. The remains of the two amphitheatres are impressively preserved. Of the supposed temple of the *Magna Mater*, only the foundations are still recognisable. Otherwise, only traces in excavations still indicate the buildings of the fort vicus.

The land utilisation plan of the city of Taunusstein records the fort area only selectively and completely inadequately.

Bibliography: ORL Abt. B Nr. 8 (1909); Römer in Hessen 501 ff.; F.-R. Herrmann, Kastell Zugmantel und der Limes bei Orlen. Arch. Denkmäler in Hessen 33 (Wiesbaden 1983).

11- Alteburg-Heftrich fort site

Idstein City, Heftrich Borough
Rheingau-Taunus-Kreis

Photos 114 + 115

Maps: Vol. II, Enclosure B IV-7, V-11

Garrison of the *Numerus Cattharensium* in a 0.7 ha (78 m x 93 m) stone fort, which was erected after the middle of the 2nd century. It had a rectangular ground plan, possessed corner towers, four gates, and was surrounded by a ditch. Of the internal buildings, we know the principia. The fort vicus extended to the south and east of the fort. The location of the baths is known. Two older fortlets from the end of the 1st century and the first half of the 2nd century were situated somewhat higher, at distances of 330 m and 560 m. The earlier installations had surrounding defences of timber and earth, and were surrounded in one case by one ditch, and in the other by two. The internal buildings of both installations are known. The installations were first discovered in 1980 and 1989 through aerial photography. In the 12th century, a monastery was built in the ruins of the stone fort and the fort vicus. The monastery church was dedicated to St.

Kilian. The "Alteburger Markt" (Old Fortress Market), which is held several times a year in the market place in front of the main gate of the stone fort, may go back to church festivals which were held there. The only excavation in the fort and the fort vicus was carried out by the Reichs-Limeskommission in 1893.

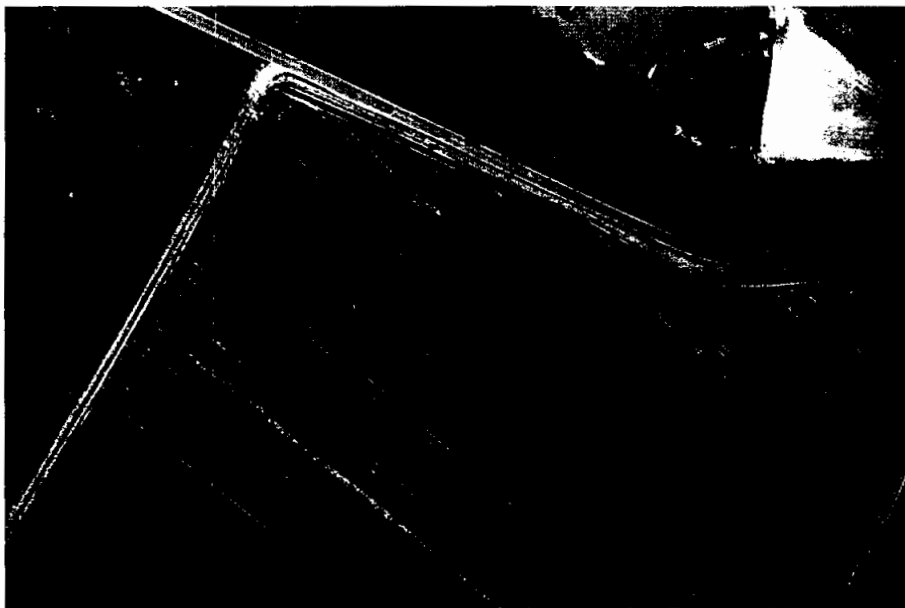
The area of the stone fort lies in meadowland. The remains of the fort vicus are situated partly in meadowland, in fields, and under the tree-lined market place. The remains of both the earlier forts lie in fields. The whole surrounding defences of the stone fort can still be recognised as an elevation, which is particularly clear in the east and the south. On the east side, even a shallow trace of the ditch is to be seen. Otherwise, there are no longer any traces above ground.

Only the stone fort is represented in the land utilisation plan of the city of Idstein.

Bibliography: ORL Abt. B Nr. 9 (1904); Römer in Hessen 343 ff.



114 - Idstein-Heftrich, Rheingau-Taunus-Kreis. Site of the fort Alteburg-Heftrich. (Landesamt f. Denkmalpflege Hessen).



115 - Idstein-Heftrich, Rheingau-Taunus-Kreis. Site of the fortlet "Alteburg-Heftrich 1". (Landesamt f. Denkmalpflege Hessen L 5716/006-1 BR 20.06.89).



116 - Glashütten and Schmitten-Niederreifenberg, Hochtaunuskreis. Site of the fort Feldberg. (Landesamt f. Denkmalpflege Hessen L 5716/018-1 BR 04.02.93).



117 - Glashütten and Schmitten-Niederreifenberg, Hochtaunuskreis. Preserved foundations of the PRINCIPIA inside the fort Feldberg. (Landesamt f. Denkmalpflege Hessen).

12 – Feldberg fort site

Glashütten Local Authority
Schmitten Local Authority,
Niederreifenberg Area
Hochtaunuskreis

Photos 116 + 117**Maps: Vol. II, Enclosure B IV-8, V-12**

It is the highest fort on the Upper German-Raetian Limes (700 m above sea level). The *Exploratio Halicanensium* was stationed in the stone fort, which has an area of 0.7 ha (78 m x 93 m) and was erected in the middle of the 2nd century. It had a rectangular ground plan, possessed corner towers, four gates, and was surrounded by a ditch. Of the internal buildings, we know the principia, a timber building with the standards shrine built of stone, the *Horreum* (storage building) and parts of a further stone building. The fort vicus extended to the south-west, south-east and north-east between the fort and the Limes. The baths were also situated there. A burial ground was discovered at a distance of 400 m south-west of the fort.

Excavations were carried out as early as the middle of the 19th century. At that time, the fort baths were investigated, which were known in popular parlance as the "heathen church". The excavations of the Reichs-Limeskommission began in 1892, and continued until 1904. The Saalburg Museum then excavated here again between 1926 and 1928. The outstanding finds included

leather shoes, which were discovered in the swampy grounds in front of the north-east gate.

The fort is excellently preserved in the forest, with the internal area and the terrain between the fort and the Limes being largely free of trees. The defence wall is visible all round. To be seen are the lowest part of the surrounding wall with the earth rampart heaped up behind it, the four gates, with their preserved towers, the corner towers and the foundation walls of the standards shrine and the storage building. Also clearly visible is the hill in which the foundations of the baths lie. Otherwise, only signs of excavations indicate the few buildings that have been investigated in the area of the fort vicus.

The fort and its environment have been made accessible for walking visitors with the "Rundweg Feldbergkastell" (Feldberg Fort Tour). Information on the fort and the Limes is provided on numerous information boards for those interested.

No particular dangers are recognisable.

Bibliography: ORL Abt. B Nr. 10 (1905); Römer in Hessen 266 ff.; D. Baatz, Das römische Kastell am Kleinen Feldberg im Taunus. Arch. Denkmäler in Hessen 58² (Wiesbaden 2001)

13 - Saalburg fort site

Bad Homburg v. d. Höhe City

Hochtaunuskreis

Photos 118 + 119**Maps: Vol. II, Enclosure B IV-8, V-13**

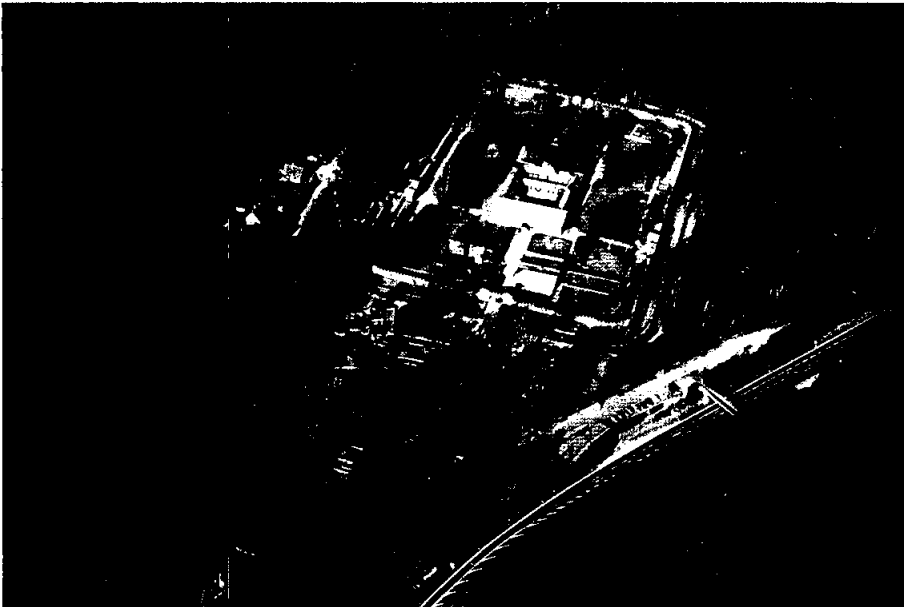
The Saalburg fort location is something special on the Upper German-Raetian Limes. The Saalburg is the only fort that has been largely reconstructed. Here the Saalburg Museum is located, a research institute and, besides the Limes Museum in Aalen, the only Museum specifically dedicated to the Limes. As well as this, at no other fort location are so many visible remains to be encountered. The location is among the best researched on the Limes.

Probably around 90 AD, a fort with an area of 0.7 ha was built for an unknown *Numerus*. It had a rectangular ground plan, corner towers, intermediate towers and two gates, and was surrounded by a ditch. The baths were located in front of the fort. Around 135 AD, a 3.2 ha (221 m x 147 m) fort was built, the garrison of the *Cohors II Raetorum civium Romanorum*. The installation was rectangular, with four gates, possessed a defence wall of stone and timber, and was surrounded by two ditches. In the second half of the 2nd century, the defence wall was constructed in stone. Of the internal buildings, we know as stone buildings the *principia*, the *horreum* and probably parts of the *praetorium*, as well as timber buildings and numerous wells. The fort vicus extended on all sides of the fort. The main axis of the settlement was the road which led from the main gate, dead straight in a south-eastern direction towards *Nida*, the capital of the *Civitas Taunensium* at the north edge of Frankfurt. Here the baths and the guest house were situated. Then the houses of the fort vicus began, on both sides of the road. They were followed by a zone with shrines,

and finally a burial ground. In front of the west gate there was a large stone building. Two older fortlets from the end of the 1st century were situated not far to the north-east of the fort. One had a polygonal ground plan, one gate, and a defence wall with fence, ditch and rampart. The second small fort lay south of it. It had an almost square ground plan, one gate, and a defence wall of timber and earth, together with two ditches. Traces of a U-shaped troop barracks are known. Large-scale excavations were carried out between 1853 and 1862. Then in 1870, excavations began which lasted several decades. In 1897, Emperor Wilhelm II, who often stayed in Bad Homburg, decided on the reconstruction of the fort, which was completed during the years leading up to the First World War.

The Saalburg lies in a large open space in the forest. The inside of the fort is laid out as a park. The B 456 road passes through the area of the fort vicus. Other than this, the village lies in the forest and in the park landscape to the south and west of the fort. In the reconstruction, the stone defence wall with the earth embankment behind it and the four gates, the *principia*, the *horreum*, parts of the conjectured *praetorium*, two troop barracks and numerous springs were erected. *Principia* and *horreum* are used for the museum. The rooms of the postulated commander's quarters house the museum's administrative offices. The stone foundations of buildings in the fort vicus have been preserved following the excavations, and form a landscape thick with ruins.

Bibliography: ORL Abt. B Nr. 11 (1937); Römer in Hessen 469 ff.; M. Klee, Die Saalburg. Führer hessische Vor- u. Frühgesch. 5² (Stuttgart 2000); E. Schallmayer (Hrsg.), Hundert Jahre Saalburg. Vom römischen Grenzposten zum europäischen Museum (Mainz 1997).



118 - Bad Homburg v. d. Höhe, Hochtaunuskreis. Site of the fort Saalburg. (Landesamt f. Denkmalpflege Hessen L 5716/019-1 BR 04.02.93).



119 - Bad Homburg v. d. Höhe, Hochtaunuskreis. The reconstructed southern gate (PORTA PRAETORIA) of the fort Saalburg. (Saalburgmuseum P. Knierriem).



120 - Rosbach v. d. Höhe - Ober-Rosbach, Wetteraukreis. Preserved western gate of the fort Kapersburg. (Landesamt f. Denkmalpflege Hessen).



121 - Rosbach v. d. Höhe - Ober-Rosbach, Wetteraukreis. Fort Kapersburg, preserved walls at the east side. (Landesamt f. Denkmalpflege Hessen).

14 – Kapersburg fort site

Rosbach v. d. Höhe City
 Ober-Rosbach Borough
 Wetteraukreis

Photos 120 + 121

Maps: Vol. II, Enclosure B IV-9, V-14

Garrison of the *Numerus Nidensium*, which lay in a stone fort with an area of 1.6 ha (134 m x 122 m). The installation, which was probably built towards the end of the 2nd century, had a rectangular ground plan, four gates, and was surrounded by a ditch. Of the internal buildings, we know the principia, the *Horreum*, a troop barracks and the foundations of further stone buildings. The fort had two predecessors which stood at the same location and were smaller. At the end of the 1st century, a fort was built with a defence wall of timber and earth, of an area of 0.8 ha, which was replaced by a stone fort with an area of 1.3 ha during the first half or in the middle of the 2nd century. The fort vicus extended on all sides, but particularly to the east. Traces of settlement were found more than 300 m in front of the fort. A burial ground has also been found here. It is not known how far the settlement reached to the north and the south. The only building of the fort vicus which is known is the baths, between the fort and the Limes.

The first excavations took place in 1878 and 1879. The Reichs-Limeskommission carried out extensive excavations in 1896 and 1897, as well as in 1901 and 1905. The excavations were then continued under different leadership in the years 1906 to 1914, and the stonework uncovered was then preserved.

The fort is excellently preserved in the forest. The defence wall is visible all round. On the west and east sides, the surrounding wall and the gates have been preserved. At these points, the ditch has also been excavated. Further preserved and visible stone walls are the standards shrine with two neighbouring spaces, the storage building, and the foundations of buildings whose function is unclear. Outside the fort, the preserved foundation walls of the baths can be seen.

No particular dangers are recognisable.

Bibliography: ORL Abt. B Nr. 12 (1906); Römer in Hessen 364 ff.; B. Beckmann, Das römische Kastell Kapersburg und das Kleinkastell Ockstadt im Taunus. Arch. Denkmäler in Hessen 59 (Wiesbaden 1988).

15 – Langenhain fort site

Ober-Mörlen Local Authority
Langenhain-Ziegenberg Area
Wetteraukreis

Photos 122 + 123

Maps: Vol. II, Enclosure B IV-9, V-15

The *Cohors I Biturigum equitata* has been demonstrated in the stone fort, of an area of 3.2 ha (198 x 161.5 m), which may have been erected under the emperor Trajan (98 - 117 AD). It had a rectangular ground plan with four gates, and was surrounded by two ditches. Of the internal buildings, we know most of the principia. On the same site, an older, smaller fort with an outer defence of timber and earth, which was surrounded by a ditch, is known from aerial photography. The fort vicus extended to the west, the north, and particularly to the east. The only large stone building from the fort vicus which is known to date has been established in the east on the road towards Friedberg, together with a potter's kiln and the burial ground. The only excavation at the fort was carried out in 1892 by the Reichs-Limeskommission. The stone building in the fort vicus, to the east of the fort, was also investigated at that time. Two cellars in the fort vicus were excavated by the Roman-Germanic

Commission and the Hesse State Office for Monument Conservation in 1987 and 1988.

The fort lies under meadowland and fields. Only the burial area in the south has been disturbed by an isolated farmhouse. The remains of the fort vicus are located almost entirely in fields.

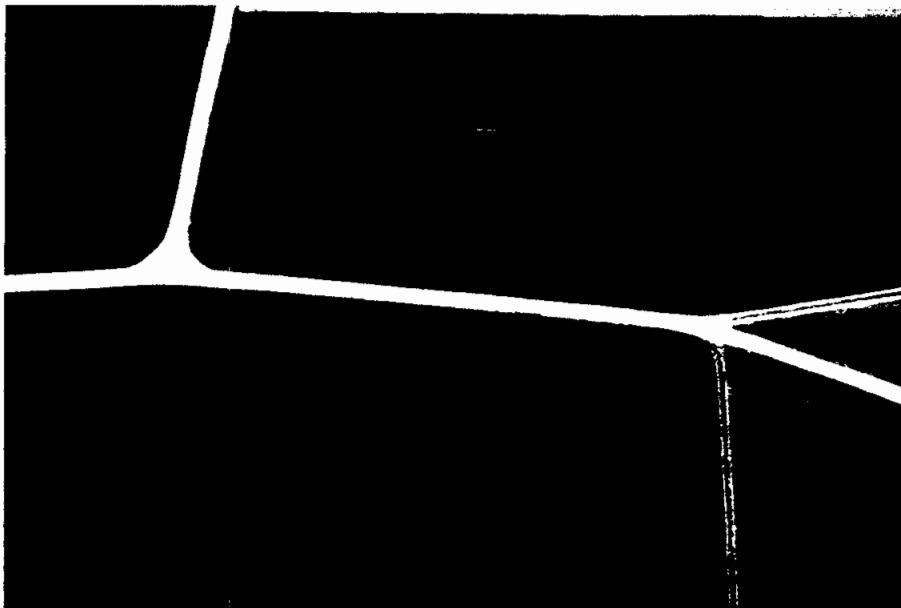
Nothing can be seen of the fort and the fort vicus. The last visible evidence of the presence of the Roman military is a building stone of the *Legio XXII Primigenia Pia Fidelis* from the fort location, which has been built into the wall on the south-east corner of the parish church in Langenhain-Ziegenberg.

The fort is represented in the land utilisation plan of Ober-Mörlen Local Authority.

Bibliography: ORL Abt. B Nr. 13 (1897); Römer in Hessen 456 f.; H.-G. Simon/H.-J. Köhler, Ein Geschirrdepot des 3. Jahrhunderts. Grabungen im Lagerdorf des Kastells Langenhain. Mat. Röm.-Germ. Keramik 11 (Bonn 1992).



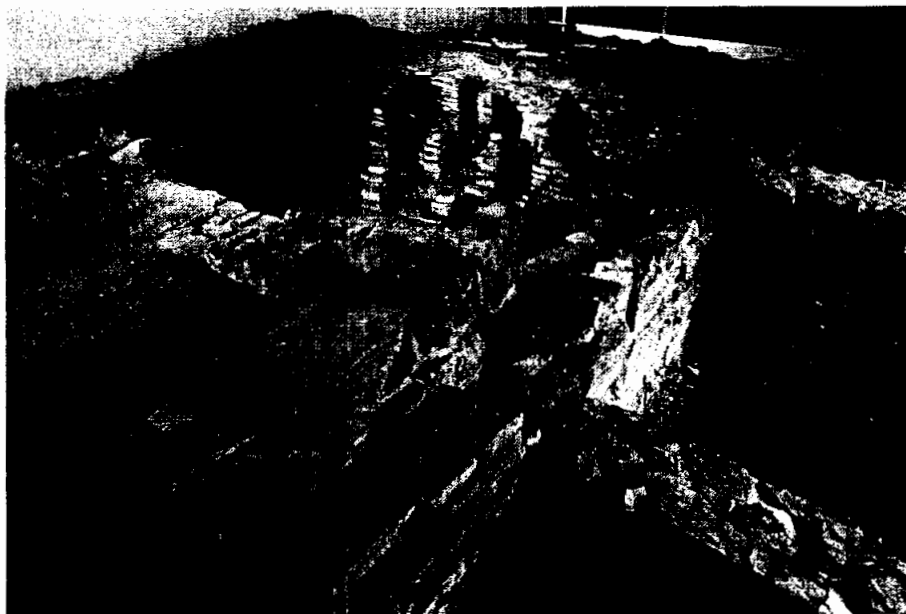
122 - Ober-Mörlen - Langenhain-Ziegenberg, Wetteraukreis. Site of the fort Langenhain. View from the north-east. (Landesamt f. Denkmalpflege Hessen L 5716/002-1 BR 11.07.88).



123 - Ober-Mörlen - Langenhain-Ziegenberg, Wetteraukreis. Site of the Vicus east of the fort Langenhain. (Landesamt f. Denkmalpflege Hessen L5716/002-1 BR 24.05.94).



124 - Friedberg, Wetteraukreis. Site of the former fort. View from the south.
(Landesamt f. Denkmalpflege Hessen L 5718/148-1 RG 21.06.90).



125 - Friedberg, Wetteraukreis. Preserved fort baths in the Burggymnasium.
(Landesamt f. Denkmalpflege Hessen).

16 – Friedberg fort site

Friedberg City (Hesse)
Wetteraukreis

Photos 124 + 125

Maps: Vol. II, Enclosure B IV-9, V-20

In the middle of the Wetterau, the Friedberg Burgberg stands out from the plain. Military camps were built on the heights in the early imperial period, and under the Flavian emperors. Even when the Limes was erected on the fringe of the Wetterau, the military location remained important right up until the abandonment of the Limes. At this time, the *Cohors I Flavia Damascenorum milliaria equitata sagittariorum* was stationed here. The fort is not known in detail. It was largely destroyed in the building of the mediaeval castle. The fort will have been around 4 ha, about the same size as the mediaeval fortress. Of the internal buildings, baths are known of, which probably belonged to the house of the troop commander. The large fort vicus extended to the south. Many roads meet here, at the centre of the Wetterau. For this reason, there was a station of the *beneficarii* here. Shrines to the god Mithras have also been discovered. We also know of potter's kilns. In addition to this, the manufacture of bricks has been demonstrated. Two burial grounds adjoining to the south are known.

The only large-scale excavations on the Burgberg were carried out by the Reichs-Limeskommission in 1894. The small baths were discovered in excavations in 1963.

The area of the fort was built over with the mediaeval fortress. In the Middle Ages, the city with its densely packed buildings developed on the site of the fort vicus. The only visible remains are the baths in the underground floor of the fortress high school, which can be seen from outside through large glass panes. However, the continuity of the structure of the settlement, which is determined by the topography, is impressive. The fortifications were located on the spur of the hill, and the road led from the main gate towards the south. On this, the present-day Kaiserstrasse, there are houses on both sides, as there were in Roman times.

The fort is not recorded in the land utilisation plan of the City of Friedberg.

Bibliography: ORL Abt. B Nr. 26 (1913); Römer in Hessen 305 ff.

17 – Butzbach fort site

Butzbach City
Wetteraukreis

Photos 126 + 127

Maps: Vol. II, Enclosure B IV-10, V-16

In Butzbach, different units were stationed, one after another, in forts of various sizes, which were located on the same site. The *Cohors II Raetorum civium Romanorum* and a further unknown troop were garrisoned in a fort of an area of somewhat over 4 ha, with a defence wall of turf, timber and earth, which was erected soon after 90 AD. It had a rectangular ground plan with four gates, and was surrounded by two ditches. Internal buildings are not known. A stone fort with an area of 2.8 ha was erected probably around 135 AD. It also had a rectangular ground plan with four gates, and possessed corner towers and numerous intermediate towers. Two ditches surrounded the fort. At this time, the *Cohors II Augusta Cyreneica equitata* was stationed here. The fort was extended to 3.3 ha around the middle of the 2nd century.

Apart from the size, the form of the fort was not changed. The *Ala Moesica felix torquata* may now have formed the occupation of the fort. Of the internal buildings of the stone fort, the principia and the praetorium, the residence of the commander, are known. The fort vicus developed around the fort, but particularly towards the west, on the road which led to an important Limes crossing. With its size and structure, it had more the character of a small town than of a village. The location of the baths is unknown. It has been possible to locate a large burial ground to the south of the fort, on the Roman road

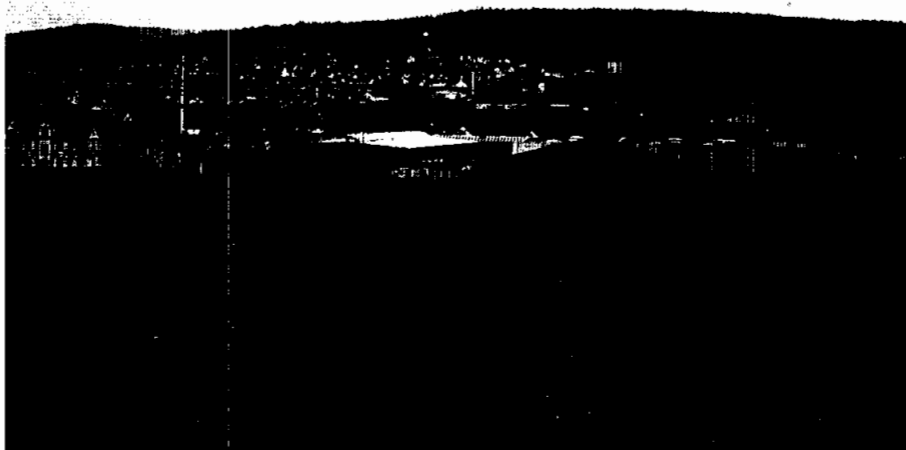
towards Friedberg. The significance of the Roman masonry which has been established at a distance of 300 m to the north-east of the fort is unclear. The appearance of the fort vicus makes point to the significance of the location. There was an important road here, which led to the Germanic settlements in the Giessen basin, and further into the interior of Germania.

The first excavations took place in 1842. The fort was not discovered until the excavations of the Reichs-Limeskommission in 1892. Extensive excavations were carried out in the fort vicus to the west of the fort from 1953 to 1956. Excavations were carried out in the fort in 1955 and 1961. Finally, excavations lasting a number of years took place starting in 1977.

There is no longer anything of the fort or the fort vicus to be seen. The B3 road leads through the area of the fort. Next to it, in this area, are mainly a few detached residential buildings with gardens and a riding school. Otherwise, the area has not been built on and is either meadow or riding land. Apart from a few remaining surfaces, the fort vicus and the burial ground have been built over. The site of the remains to the far north-east is in fields.

The fort is not included in the land utilisation plan of the city of Butzbach.

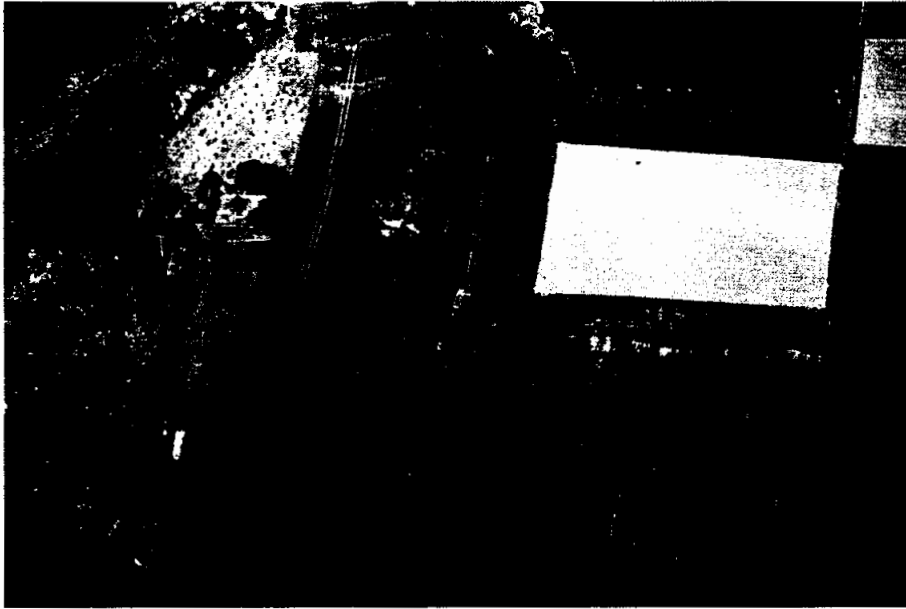
Bibliography: ORL Abt. B Nr. 14 (1894); Römer in Hessen 246 ff.



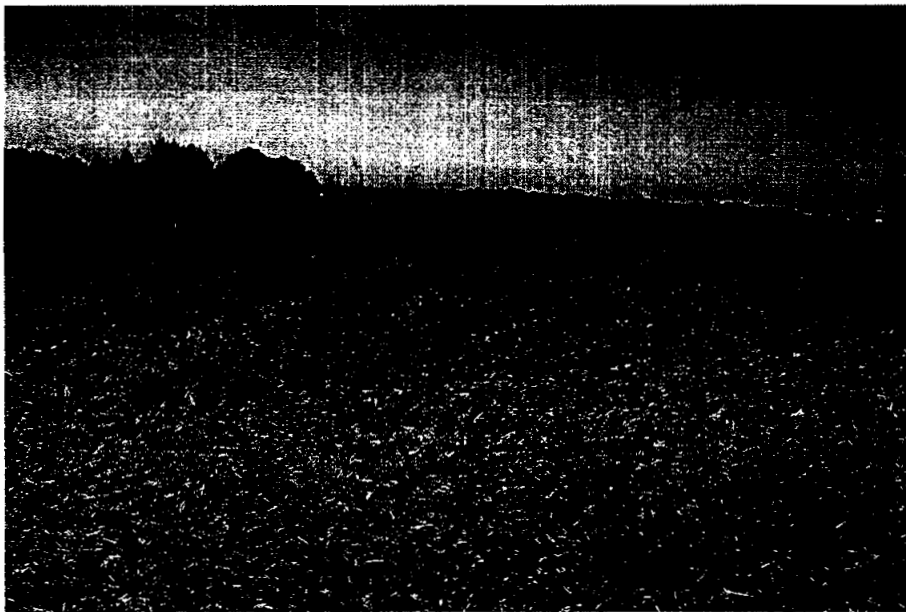
126 - Butzbach, Wetteraukreis. Site of the fort and the Vicus. (Landesamt f. Denkmalpflege Hessen).



127 - Butzbach, Wetteraukreis. Site of the fort. (Landesamt f. Denkmalpflege Hessen).



128 - Lich-Muschenheim, Landkreis Gießen. Site of the fort Arnsburg. View from the west. (Landesamt f. Denkmalpflege Hessen L 5518/001-1 KL 29.05.90).



129 - Lich-Muschenheim, Landkreis Gießen. View from the Vicus to the fort site. (Landesamt f. Denkmalpflege Hessen).

18 – Arnsburg fort site

Lich City, Muschenheim Borough
Landkreis Giessen

Photos 128 + 129**Maps: Vol. II, Enclosure B IV-11, V-17**

The stone fort, of an area of 3.0 ha (185 m x 161 m) had a rectangular ground plan, four gates, intermediate towers and was surrounded by a ditch. It is thought that the *Cohors V Dalmatarum* was stationed here. Of the internal buildings, we know the *principia* and a large building, probably the *praetorium*. A first fort with a defence wall of timber and earth may already have been erected at this location by the later 1st century AD. Aerial photographs suggest a still older, small rectangular fort with a defence wall of timber and earth, which was surrounded by a ditch. Stray finds go back to the time long before the erection of the Limes. These possibly indicate a military camp from the time of the Germanic wars under the emperors Augustus and Tiberius (12 BC – 16 AD). The ditches of two large military camps around 400 m north of the fort were documented by aerial photographs. In all probability, they belong to the time before the Limes.

The fort vicus extends to the west, east and south. The core of the settlement developed on both sides of the road to the south, which led to the heart of the Wetterau. There were baths here, then the houses of the fort vicus start on both sides of the road. These were adjoined by a large burial ground. Further baths to the east, in front of the *porta praetoria*, were discovered by aerial photography. The remains of another large stone building are also situated here, which perhaps served as accommodation for visitors. Only a little to the north of the fort, aerial photographs show a building complex which, on the basis of its characteristic ground plan, can be considered to be an estate.

A Benedictine monastery was founded on the site of the fort in 1151. It only lasted a few years. Building of the church had begun, but it was never completed.

Our knowledge of the fort location has only been substantially increased by aerial photography of recent years. The only excavation was carried out by the Reichs-Limeskommission in 1893. Parts of the north wall were subsequently preserved, and fenced in in a meadow area. A small archaeological park was created here. The historian of antiquity, Theodor Mommsen, visited Arnsburg in 1893, and considered these remains to be among the finest and best preserved of all forts which had been excavated in Germany up to that time.

The fort and the fort vicus lie in fields and meadows. Only a small family cemetery marks the site of the fort itself. A lime tree, surrounded by a large pile of collected stones, between the *porta praetoria* and the *principia* forms a landmark visible from far away.

In front of the fort, parts of the defence wall can still be recognised. On the south and west sides, embankments in the fields mark its course. Of walls, the remains of the eastern tower of the north gate, the adjoining surrounding wall and the north-west corner are still to be seen, in a meadow. No signs of the fort vicus are still visible. Only the Roman road which led from the south gate towards Friedberg still survives today, as a field path.

There are dangers from agricultural usage of the extended fort vicus. The fort is represented in the land utilisation plan of the city of Lich.

Bibliography: ORL Abt. B Nr. 16 (1902); Römer in Hessen 228 ff.; St. Bender, Schon wieder römische Lager. Neue Befunde nördlich des Kastells Arnsburg bei Lich-Muschenheim (Landkreis Gießen). Hessen Arch. 2001, 72 f.

19 – Inheiden fort site

Hungen City, Inheiden Borough
Landkreis Giessen

Photos 130 + 131

Maps: Vol. II, Enclosure B IV-12, V-18

Garrison of an unknown *numerus*. The stone fort, with an area of 1.1 ha, had a rectangular ground plan, four gates, and was surrounded by two ditches. Aerial photographs show numerous stone buildings in the interior, including the principia. Located on the same site was an earlier fort (0.7 ha) with a nearly square defence wall of timber and earth. It was surrounded by a ditch, and probably possessed only one gate. The fort vicus extended to the west, the east, and particularly to the south. Here was situated the road which led from the *porta praetoria* to the Echzell fort. To both sides of it, buildings were strung together, some of them large. At the southern edge of the buildings, a graveyard adjoined.

Two older forts, probably from the end of the 1st century and the first half of the 2nd century, were established to the west of the stone fort. One installation was situated directly in front of the western wall, the other at a distance of 300 m. The earlier installations had surrounding defences of timber and earth, and were surrounded in one case by one ditch, and in the other by two. The internal buildings of both installations are unknown.

They were first discovered in 1985 and 1986 through aerial photography.

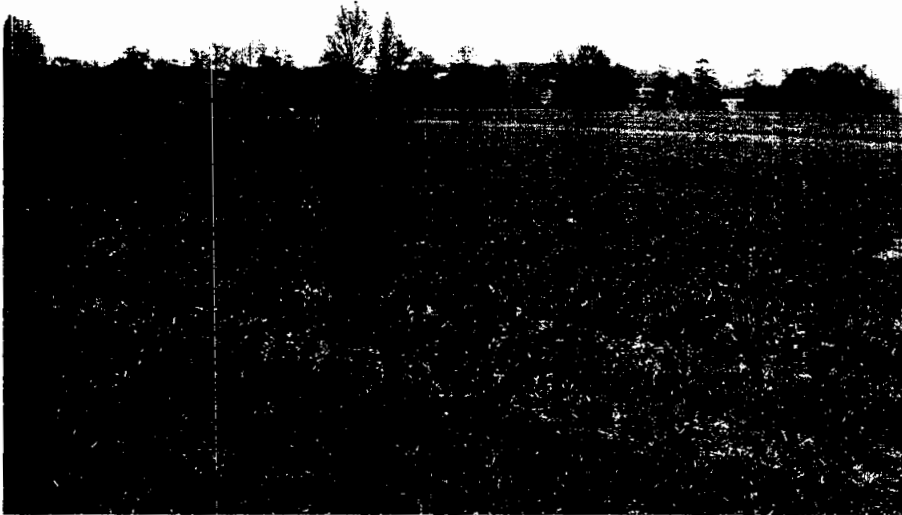
The only extensive excavation in 1885 did not provide any clear picture of the ground plan of the fort. It was not until the aerial photography of recent decades that we came to know of the fort location. In 1976, a stone building in the fort vicus was excavated.

The remains of the fort are located in an area of fields. Apart from a few meadows, the area of the fort vicus is also in fields. Only the southern border of the fort vicus may partly be built over with allotments. The burial ground is for the most part overbuilt with allotments and a part destroyed by lignite mining. A railway line crosses the ancient settlement area.

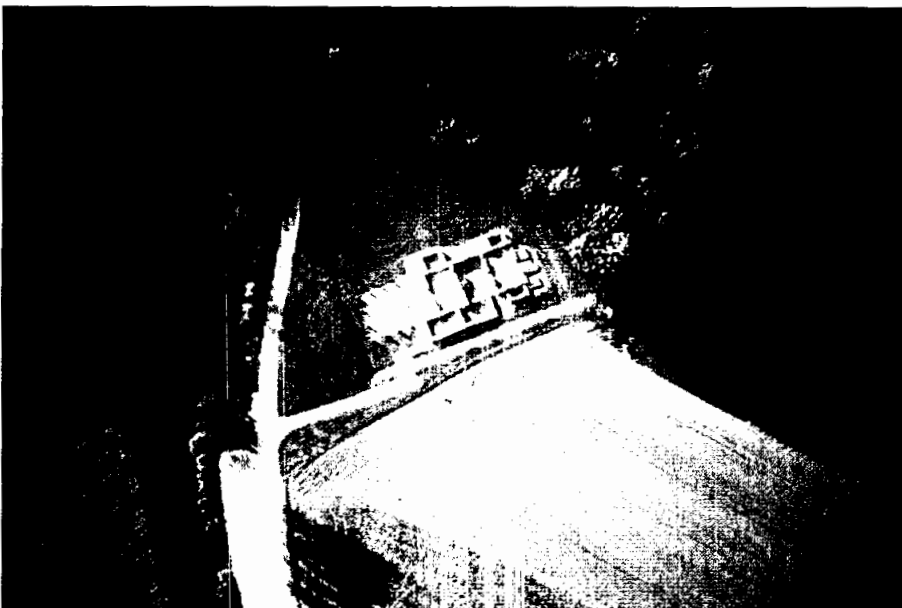
There is no longer anything of the fort and the fort vicus to be seen.

Only the stone fort is represented in the land utilisation plan of the city of Hungen.

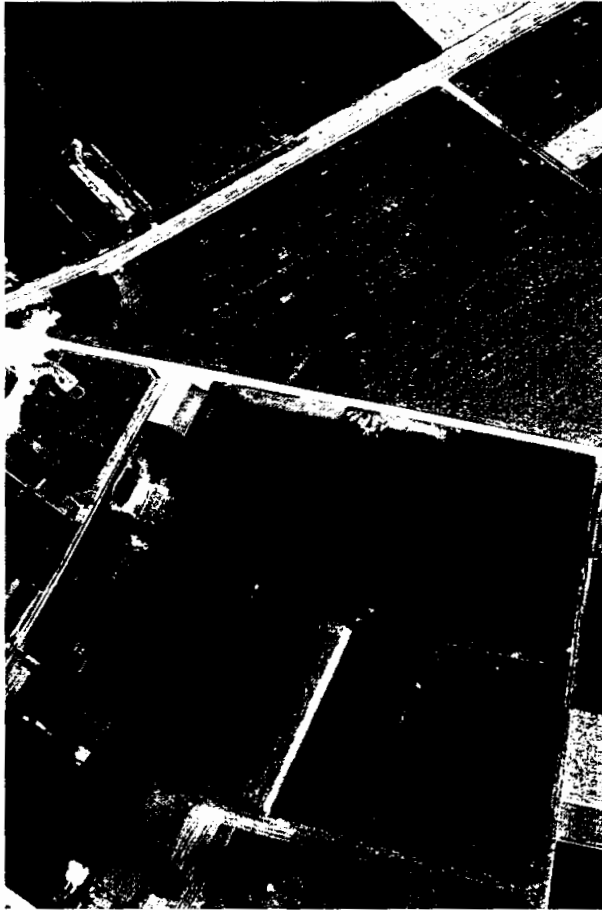
Bibliography: ORL Abt. B Nr. 17 (1912); Römer in Hessen 362 f.



130 - Hungen-Inheiden, Landkreis Gießen. View from the Vicus to the fort site. (Landesamt f. Denkmalpflege Hessen).



131 - Hungen-Inheiden, Landkreis Gießen. Southern gates of the fort and central part of the Vicus. View from the south. (Landesamt f. Denkmalpflege Hessen L 5518/003-1 04.07.86).



132 - Echzell, Wetteraukreis.
West walls of the fort with
roadway leaving the gates.
View from the north-east.
(Landesamt f. Denkmalpflege
Hessen L5718/007-01 30.06.86).



133 - Echzell, Wetteraukreis. Site of the Vicus. The fort baths are marked out in the pavement around the church. (Landesamt f. Denkmalpflege Hessen L5718/160-1 KL 11.04.91).

20 – Echzell fort site

Echzell Local Authority
Wetteraukreis

Photos 132 + 133

Maps: Vol. II, Enclosure B IV-12, V-19

With an area of 5.2 ha (248 m x 208 m), the Echzell fort was among the largest on the Upper German-Raetian Limes. It was built at the end of the 1st century AD at the end of the reign of the emperor Domitian, as a timber/earth fort. It was probably re-built in stone under the emperor Hadrian (117 - 138 AD). It is probable that an *Ala quingenaria* and a *Cohors quingenaria peditata* were stationed here concurrently. The only occupation that has so far been established with safety is that of the *Ala Indiana Antoniniana* in the early 3rd century.

Of the internal buildings, we know the *principia* and four troop barracks. A large fort vicus developed on all sides. By the end of the 19th century, traces of Roman settlement had already been established over a total area of 81 ha. The baths, on the site of the church, with a length of around 50 m, were among the largest on the Upper German-Raetian Limes. Another large stone building was situated next to the baths, probably accommodation for visitors. A large courtyard-like area in the north-west of the fort is striking. There was a rubbish dump in front of the west gate in Roman times. A burial ground has been located south of the fort vicus.

The Echzell fort has become still more well-known because of the wall paintings which were found from the ceiling of one of the troop barracks. They show scenes from Graeco-Roman mythology.

The excavation by the Reichs-Limeskommission in 1897 yielded the evidence for the fort. The Saalburg Museum conducted excavations at the fort in 1958, and from 1962 to 1965, and investigated the history of the construction of the fort. The larger area of the fort vicus in front of the south gate of the fort was only excavated between 1990 and 1992 by the district archaeologists of the Wetterau district.

The south-west wall of the fort has been built over. Otherwise the sites lie principally in the region of gardens and only to a small extent in meadows and fields. The fort vicus has not been built over in the north-west and north-east. The area of the burial ground in the south has been extensively destroyed by lignite mining.

There is no longer anything of the fort to be seen. Apart from the baths, this also applies to the fort vicus. The church of Echzell was erected largely on the foundations of the baths. Stone walls are to be seen in a cellar under the church. Further sections of walls from the region of the baths which has not been built over were marked on the square in front of the church with stone paving. The fort is recorded in the land utilisation plan of Echzell Local Authority.

Bibliography: ORL Abt B Nr. 18 (1903); Römer in Hessen 261 ff.; B. Steidl in E. Schallmayer (Hrsg.), Der Augsburger Siegesaltar. Zeugnis einer unruhigen Zeit. Saalburg-Schr. 2 (Bad Homburg v. d. H. 1995) 27 ff.; M. Schleiermacher, Die römischen Wand- und Deckenmalereien aus dem Limeskastell Echzell (Wetteraukreis). Saalburg-Jahrb. 46, 1991, 96 ff.; J. Lindenthal/V. Rupp/A. Birley, Eine neue Veteraneninschrift aus der Wetterau. In: S. Hansen/V. Pingel (Hrsg.), Archäologie in Hessen. Neue Funde und Befunde. Festschr. F.-R. Hermann. Internationale Archäologie. Studia honoraria 13 (Rahden/Westf. 2001) 199 ff.

21 - Ober-Florstadt fort site

Florstadt Local Authority, Ober-Florstadt Area
Wetteraukreis

Photos 134 + 135
Maps: Vol. II, Enclosure B IV-13, V-21

The *Cohors XXXII voluntarium civium Romanorum* was stationed in the 2.8 ha (183 m x 155 m) stone fort. The fort may have been erected as early as 100 AD. It possessed a rectangular ground plan and four gates, and was surrounded by two ditches. Aerial photographs show within the area of the fort an earlier camp with an area of about 1.0 ha and a rectangular defence wall of timber and earth. It was surrounded by one ditch. Only one gate is known. It was built towards the end of the reign of the emperor Domitian (81 - 96 AD). The fort vicus extended on all sides, particularly to the north-west and the north-east. Numerous stone buildings, including the baths, were situated in front of the main wall of the fort in the north-east. This area was surrounded by at least one ditch, which began at the outer fort ditch. At the edge of the fort vicus, a shrine to the god Mithras was discovered. A ditch, which ran in front of the rear wall of the stone fort at a distance of almost 80 m, became known from aerial photographs. It shows an interval for a gate. It is probably a

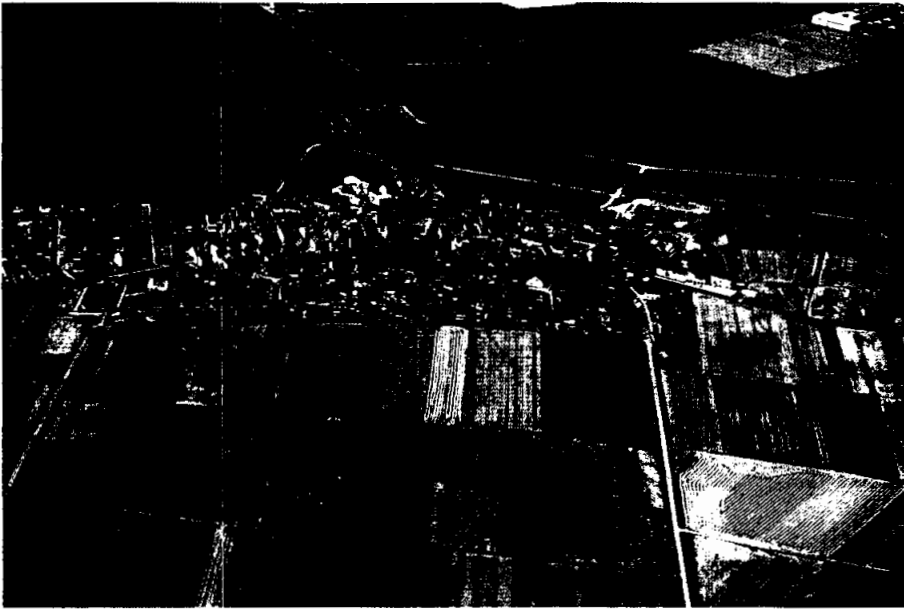
remnant of a large military fort from before the time of the Limes.

Excavations in 1886 led to proof of the existence of the fort. The baths were also investigated at that time. The Mithras shrine was excavated in 1888. The only excavations of the Reichs-Limeskommission at the fort were carried out in 1893. It was not until building began to take place on some parts of the fort vicus, from 1974, that small investigations were carried out within the framework of the building projects. Our knowledge of the fort location has only been substantially increased by the aerial photography of recent years.

The remains of the fort and the fort vicus are situated in fields and meadows. Only the north-east corner lies under the neighbouring residential buildings. Large parts of the fort vicus have been built over.

There is no longer anything of the fort and the fort vicus to be seen. The fort is represented in the land utilisation plan of Florstadt Local Authority.

Bibliography: ORL Abt B Nr. 19 (1903); Römer in Hessen 274 f.; P. Wagner, Der Nordwestvicus des Kastells Ober-Florstadt. In: V. Rupp (Hrsg.), Archäologie der Wetterau (Friedberg [Hessen] 1991) 245 ff.; St. Bender, Neues römisches Militärlager an altbekanntem Kastellplatz. Arch. Deutschland 2001/3, 68.



134 - Florstadt - Ober-Florstadt, Wetteraukreis. Site of the fort and the Vicus in front of the modern village. View from the south. (Landesamt f. Denkmalpflege Hessen L5718/025-1 KL 14.07.90).



135 - Florstadt - Ober-Florstadt, Wetteraukreis. Site of the fort. (Landesamt f. Denkmalpflege Hessen).



136 - Altenstadt, Wetteraukreis. Site of the fort. (Landesamt f. Denkmalpflege Hessen).



137 - Altenstadt, Wetteraukreis. South-east corner of the fort marked by a bend of the Frankfurter Straße. (Landesamt f. Denkmalpflege Hessen).

22 – Altenstadt fort site

Altenstadt Local Authority
Wetteraukreis

Photos 136 + 137

Maps: Vol. II, Enclosure B IV-13, V-22

Garrison of an unknown *numerus* from the first half of the 2nd century. It was initially stationed in a fort with an area of some 0.9 ha. This was rectangular, had a defence wall of timber and earth, and was surrounded by a ditch. One gate and a corner tower are known. Remains of various internal buildings are known. A new fort was later erected, probably around 135 AD. It is likely to have had an area of more than 1 ha and a defence wall of turf. The northern half of the fort was offset somewhat to the west. The installation possessed four gates, corner towers, and was surrounded by a ditch. Of the internal buildings, a stores building with cellar and remains of the principia, the commander's house and a troop barracks are known. Around 150 AD, a stone fort of an area of 1.5 ha (132 m x 114 m) with a rectangular ground plan, and four gates, corner towers, and numerous intermediate towers was erected. Two ditches surrounded the fort. Of the internal buildings, we know a water basin and remains of the principia, the presumed commander's house, troop barracks and further buildings. Before the stationing of the

numerus, two smaller forts were located on the same site. They possessed parameter walls of timber and earth, and a ditch. The fort vicus extended on all sides. Apart from the burial ground in the north, only individual observations are available.

It was possible to prove the existence of a fort by an excavation of 1886. The Reichs-Limeskommission only undertook a small excavation in 1911. The Saalburg Museum investigated the complicated building history of the fort in 1955, 1956 and 1959.

Fort and fort vicus have been completely built over. The B 521 road runs through the middle of the fort. The eastern half of the fort bears old constructions with large courtyards and commercial buildings.

There is no longer anything of the Roman installations to be seen. Only the bend in Frankfurter Strasse to the south-west takes account of the course of the south-west corner of the stone fort: so to speak, the last visible trace of the Roman fort installation. The fort is not recorded in the land utilisation plan of the Altenstadt Local Authority.

Bibliography: ORL Abt B Nr. 20 (1912); Römer in Hessen 227 f.; H. Schönberger/H.-G. Simon, Die Kastelle in Altenstadt. Limesforsch. 22 (Berlin 1983).

23 - Marköbel fort site

Hammersbach Local Authority

Marköbel Area

Main-Kinzig-Kreis

Photos 138 + 139**Maps: Vol. II, Enclosure B IV-14, V-23**

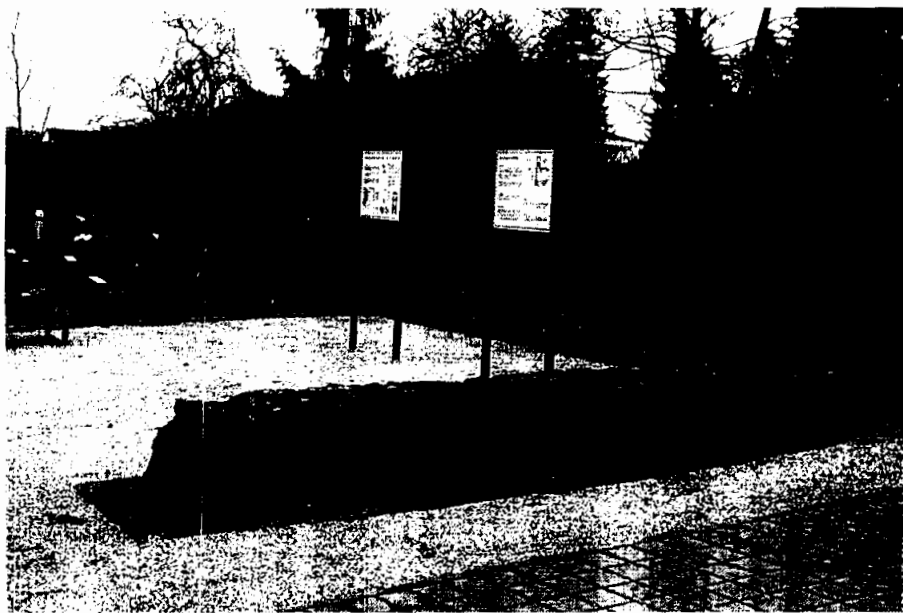
The fort formed the garrison of an unknown *cohors* or *ala quingenaria*. The stone fort, with an area of 3.3 ha (198 m x 164.5 m), had a rectangular ground plan, corner towers, four gates, and was surrounded by two ditches. Of the internal buildings, we know a part of the principia, with the standards shrine. An earlier fort with a defence wall of timber and earth from the time of Trajan (98 – 117 AD) was situated on the site of the stone fort. The fort vicus was established to the east, south and the west. The discovery of a brick kiln is worthy of mention. Baths were found in front of the south corner of the fort, by the church. A burial ground was discovered to the west. The fort was discovered in 1884 during excavations. The Reichs-Limeskommission investigated the fort and the fort vicus again more thoroughly in 1892. The baths were not found until 1951. They were almost completely excavated between 1963 and 1965. In 1983 and 1994, the last large area of the fort which had not been built upon was excavated by the Hesse State Office for Monument Conservation before installation and expansion of the new cemetery.

Fort and fort vicus have today been built over. As well as residential housing with gardens, a large part was taken in by the old and the new cemeteries. The mediaeval city wall ran through the area of the fort. It separates the old buildings in the east from the cemeteries and the modern construction in the west. The foundations of the baths lie in the region of the churchyard, in so far as they are not built over by the church. After the excavations of 1994, a section of the foundation of the stone wall of the fort, 4.7 m long, has been made visible again in the grounds of the new cemetery. Even though nothing else of the Roman installations remain visible, the form of the town is still shaped by the structure of the Roman settlement. The front wall of the fort is marked by the Mittelgasse, and the Obergasse follows the south wall. The road which led from the porta praetoris to the Limes is preserved in the main street. The fort is not represented in the land utilisation plan of Hammersbach Local Authority.

Bibliography: ORL Abt. B Nr. 21 (1896); Römer in Hessen 429 ff.; P. Jüngling, Ausgrabungen im römischen Kastell und mittelalterlichen Ortsbereich von Hammersbach-Marköbel. Neues Magazin Hanau. Gesch. 8, 1984, 161 ff.



138 - Hammersbach-Marköbel, Main-Kinzig-Kreis. View from the Limes-line to the site of the fort Marköbel. (Landesamt f. Denkmalpflege Hessen).



139 - Hammersbach-Marköbel, Main-Kinzig-Kreis. Preserved wall of the fort in the village's graveyard. (Landesamt f. Denkmalpflege Hessen).



140 - Erlensee-Rückingen, Main-Kinzig-Kreis. Site of the former fort.
(Landesamt f. Denkmalpflege Hessen).



141 - Erlensee-Rückingen, Main-Kinzig-Kreis. Preserved foundations of the
baths. (Landesamt f. Denkmalpflege Hessen).

24 – Rückingen fort site

Erlensee Local Authority, Rückingen Area
Main-Kinzig-Kreis

Photos 140 + 141

Maps: Vol. II, Enclosure B IV-14, V-24

The *Cohors III Dalmatarum pia fidelis* was stationed in the stone fort, which had an area of 2.5 ha (180 m x 140 m). The fort is likely to have been built between 110 and 125 AD. It had a rectangular ground plan with four gates, and was surrounded by two ditches. Of the internal buildings, only a part of the principia with the standards shrine and remains of the praetorium and troop barracks are known. There was probably an older, smaller predecessor fort. Remains of the fort vicus have been established to the south, west and north of the fort. There was also a shrine to Mithras and a brickyard here. The baths were located between the fort and the minor river, the Kinzig. Two burial grounds have been localised to the west of the fort. The baths had already been excavated in 1802 and 1804. In 1872, an investigation of the southern burial ground took place. It was

not possible to demonstrate the existence of the fort until an excavation in 1883. The northern burial ground was excavated between 1960 and 1962.

The area of the fort has been overbuilt with tower blocks. The fort vicus has been overbuilt with residential housing and an industrial estate. In the west, there are still uncovered areas in fields and in the forest. There is no longer anything of the fort to be seen. A last trace is found only in a slight curve of the B 40 road at the entrance to the town from Rückingen. Here, the earlier road, the "Alte Leipziger Strasse", avoided the north-west corner of the fort. The foundation walls of the baths are almost completely preserved and can be visited.

The fort is not recorded in the land utilisation plan of the Erlensee Local Authority.

Bibliography: ORL Abt B Nr. 22 (1913); Römer in Hessen 466 ff.

25 - Gross-Krotzenburg fort site

Gross-Krotzenburg Local Authority
Main-Kinzig-Kreis

Photos 142 + 143

Maps: Vol. II, Enclosure B IV-15, V-25

Garrison of the *Cohors IIII Vindelicorum* in a stone fort, with an area of 2.2 ha (175 m x 123 m), which was probably built between 105 and 110 AD. It possessed a rectangular ground plan, four gates, corner towers and intermediate towers, and was surrounded by two ditches. Of the internal buildings, remains of the principia are known. There was probably an older, smaller predecessor fort. The fort vicus extended to north, but particularly to the west. The baths were discovered to the west of the rear gate. North-west of the fort, a shrine to the god Mithras was found at the edge of the fort vicus, in the neighbourhood of a burial ground. A station of the *beneficarii* was situated not far from the Roman bridge over the Main. The fort vicus had particular significance as the location of a brickyard which was operated by the occupants of the fort. Bricks that were produced here were found on the Limes as far away as Niederbieber and Walldürn.

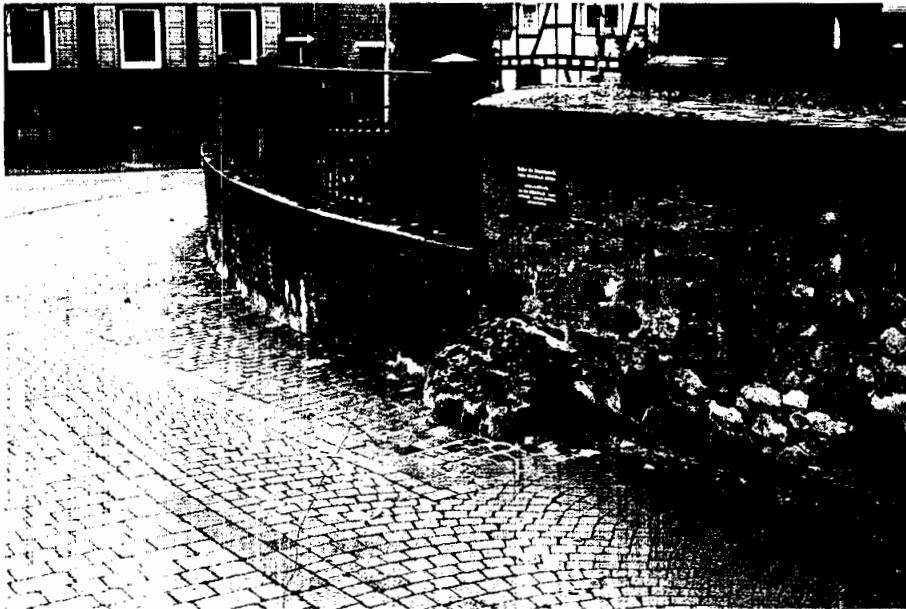
The first excavation in 1881 demonstrated the existence of the fort. The Reichs-Limeskommission conducted excavations in 1893. The excavation in 1982 and 1983 in

the region of the brick kiln was one of many important small investigations within the framework of building projects.

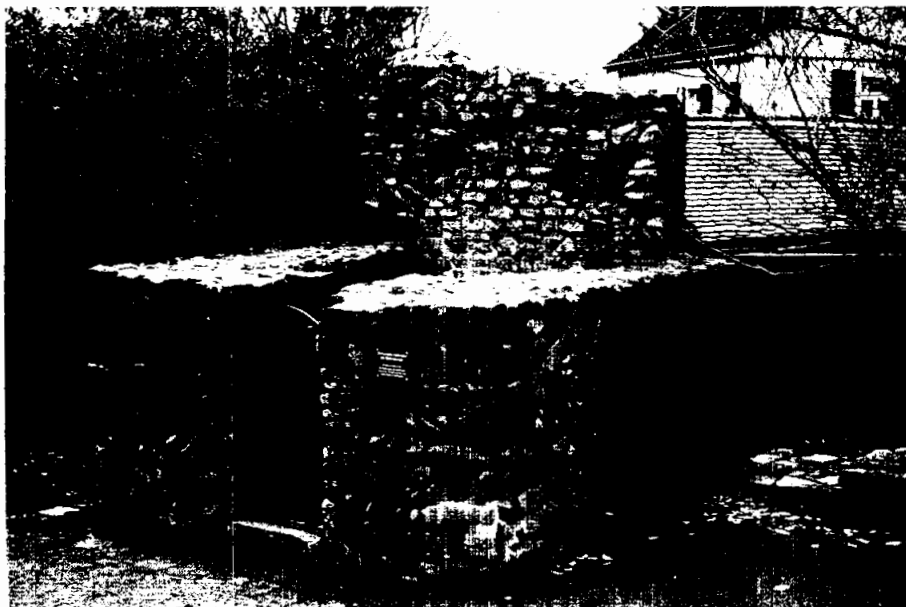
Fort and fort vicus have been built over. Only in the south-western part of the fort area there is a larger uncovered area.

The stone fort has become the kernel of the town of Grosskrotzenburg. The street axes of the fort still shape the centre of the town today. The Sackgasse marks the course of the *Via praetoria*, Kirchstrasse runs over the *via principalis* and Breite Strasse over the *Via decumana*. Parts of the defence wall of the fort are visible. Remains of the south wall to the west of the church rise perhaps even more than 1.5 m from the ground in the region of the property 22, Nebenstrasse. The south-west corner, with the lower part of the corner tower, has also been preserved. Of the western tower of the south gate, a block of wall 0.5 m high rises from the cobble stone in front of the church. Both side gates and the rear gate are made recognisable on the ground as far as possible with basalt plaster. The fort is not listed in the land utilisation plan of the Grosskrotzenburg Local Authority.

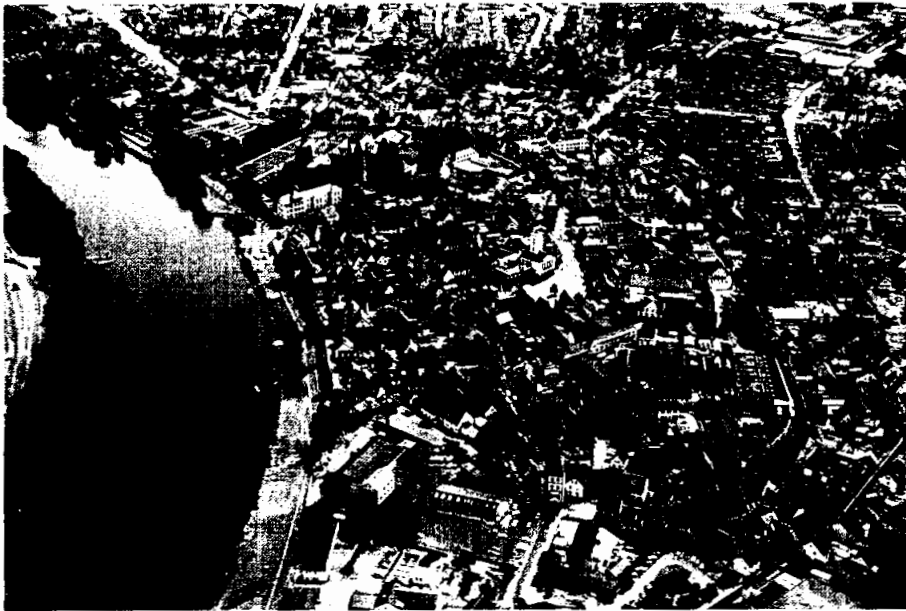
Bibliography: ORL Abt B Nr. 23 (1903); Römer in Hessen 325 ff.; P. Jüngling/D. Perzl, Die Ausgrabung 1982/83 in der römischen Ziegelei von Großkrotzenburg. Neues Magazin Hanau. Gesch. 7, 1983, 248 ff.



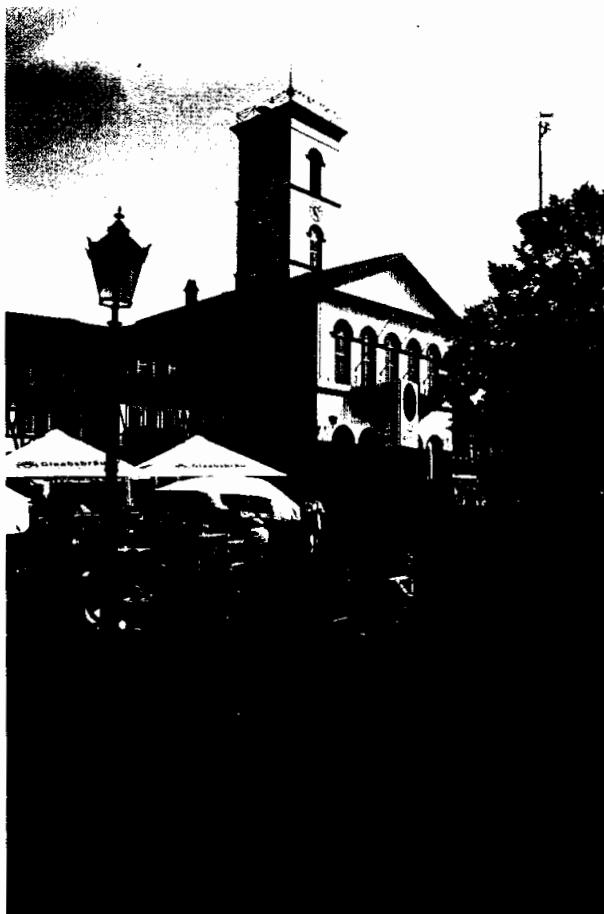
142 - Großkrotzenburg, Main-Kinzig-Kreis. Wall of the southern gates of the fort near the modern church. (Landesamt f. Denkmalpflege Hessen).



143 - Großkrotzenburg, Main-Kinzig-Kreis. Preserved tower of the south-west corner of the fort. (Landesamt f. Denkmalpflege Hessen).



144 - Seligenstadt, Landkreis Offenbach. Site of the fort in the area of the medieval town near the river Main. View from the north. (Landesamt f. Denkmalpflege Hessen L5918/033-01 RG 01.06.90).



145 - Seligenstadt, Landkreis Offenbach. Site of the former fort in the area of the market place and the town hall. (Landesamt f. Denkmalpflege Hessen).

26 – Seligenstadt fort site

Seligenstadt City
Landkreis Offenbach

Photos 144 + 145

Maps: Vol. II, Enclosure B IV-15, V-26

With Seligenstadt, the fort locations on the Main begin. The stone fort, with an area of 3.0 ha (184 m x 167.5 m), which was erected around the middle of the 2nd century, was the garrison of the *Cohors I Civium Romanorum equitata*. Only the rectangular ground plan of the fort, a small section of the internal buildings and the ditch that surrounded the fort are known. A fort of timber and earth was probably erected previously on this site under Trajan (98 – 117 AD). It is likely to have been somewhat smaller. The extensive fort vicus was situated to the west, south and north, where graves were located on all three streets. South-east of the fort, at the Main, was the bath house. Two ditches outside the fort area could derive from two earlier forts. A part of the baths was excavated in 1819 and 1840/1841. In spite of excavations in 1886, and then under the Reichs-Limeskommission in 1896 and 1902, it was not possible to provide evidence of the

existence of the fort until 1937/1938, within the framework of canalisation work. Large-scale investigations in the fort vicus took place in 1951. In 1975 and 1976, E. Schallmayer carried out excavations on the site of the fort.

The area of the fort and the fort vicus were built over early-on, mostly buildings without large cellars. Three larger areas have remained free of buildings.

There is no longer anything of the fort and the fort vicus to be seen. There is also nothing preserved in the form of the town.

The last visible evidence of the presence of the Roman military is a building stone of the *Cohors I Civium Romanorum*, which was built into the south wall of the nave of the Einhard Basilica.

The fort is not registered in the land utilisation plans of the planning association of the urban area of Frankfurt/Rhein-Main.

Bibliography: ORL Abt. B Nr. 32 (1915); Römer in Hessen 477 ff.; E. Schallmayer, Das römische Seligenstadt, Kreis Offenbach. Arch. Denkmäler in Hessen 9 (Wiesbaden 1979); E. Schallmayer, Ausgrabungen in Seligenstadt. Zur römischen und mittelalterlichen Topographie. Saalburg-Jahrb. 43, 1987, 5 ff.

27 – Niedernberg fort site

Niedernberg Local Authority
Landkreis Miltenberg

Photos 146 + 147
Maps: Vol. II, Enclosure B IV-16, V-27

Location of the *Cohors I Ligurum et Hispanorum*, probably built at the beginning of the 2nd century. Earlier forts are not known. The Reichs-Limeskommission under Conrady restricted its investigations to a few soundings to localise the parameter walls and gates. More recent excavations were carried out in 2000/2001 in connection with the laying of pipelines.

The stone fort, with an area of 2.2 ha, had slightly irregular, almost square ground plan with 135 to 144 m sides, and is aligned to the east, towards the Main. Large parts of a bath house lying between the fort wall and the bank of the river were uncovered in 1884/85.

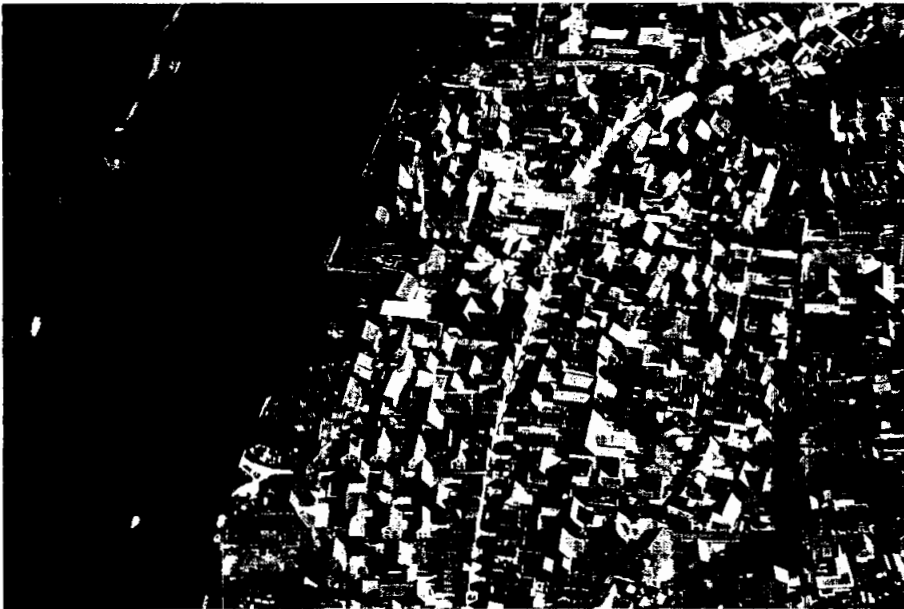
The fort and the area of the vicus lie in the southern part of the old centre of the town, and have been completely built over. The ground plan of the present-day city is derived from the road crossing of the fort. No remains are visible above ground. Only the free space in front of the south-west corner (parking area) makes the position of the fort ditch

perceptible. Remains are likely to be preserved principally under buildings without cellars and in the gardens west of the town centre. It was possible to determine the northern extension of the vicus indirectly, by identifying the burial ground.

Large parts of the monument are not accessible to the public due to the high building density. Markings in the street surface indicate the position of the gate tower foundations. Reproductions of a grave stone of *Marcellus Bolgedonis* and a cast of a well mask have been made accessible. Information boards concerning known remains with plans has been set up.

There are dangers due to increasing density of buildings and disturbance of the ground necessary for settlement purposes, which are monitored during construction and archaeologically documented.

Bibliography: ORL Abt B Nr. 34 (1896); Römer in Hessen 455; A. Wagner, Das Römerkastell Niedernberg 1984; A. Wagner, Niedernberger Heimatbuch 1994 27; Arch. Jahr Bayern 2000, 75.



146 - Niedernberg, Landkreis Miltenberg. Site of the fort. (Bayerisches Landesamt f. Denkmalpflege L6120/016 KL 20.06.01).



147 - Niedernberg, Landkreis Miltenberg. Town centre. The shape of the Roman gateway is marked out in the pavement of the modern street. (Bayerisches Landesamt f. Denkmalpflege).



148 - Obernburg, Landkreis Miltenberg. Site of the fort. (Bayerisches Landesamt f. Denkmalpflege L6120/014 KL 20.06.01).



149 - Obernburg, Landkreis Miltenberg. Votive altar in the wall of a modern building in the Römerstraße, dedicated to Jupiter by the praefectus Petronius Florentinus, the commanding officer of the garrison. (Bayerisches Landesamt f. Denkmalpflege).

28 – Obernburg fort site

Obernburg City
Landkreis Miltenberg

Photos 148 + 149

Maps: Vol. II, Enclosure B IV-17, V-28

Garrison of the *Cohors IIII Aquitanorum equitata*, and possibly also at the same time of the *Numerus Brittonum et exploratorum Nemaningensium*. Excavations were carried out by the Reichs-Limeskommission (Conrady). Later observations of remains by the State Office for Monument Conservation supplemented the knowledge of the extent of the vicus and the burial grounds.

The stone fort, with an area of 2.9 ha and a nearly rectangular ground plan of c. 185/188 x 160 m was oriented to the Main. A beneficiarii station has been demonstrated on the Limes road south of the fort, from which numerous dedication stones have been secured.

Fort and vicus grounds were densely built over by the mediaeval town centre, and give no impression of the situation in Roman times. No remains are visible above ground

in the dense urban settlement. The Roman construction axes remain perceptible only to a small extent, even in the axes of the streets and property boundaries of the town. In spite of over-building, remains are likely to be preserved, principally under buildings without cellars and in the gardens west of the town centre.

Large parts of the monument are not accessible to the public due to the high building density. Dangers exist due to (new) construction projects, particularly those with which large-area cellar construction is linked. The finds of the dedication stones of the beneficiarii station are to be exhibited in a newly established museum.

Bibliography: ORL Abt B Nr. 35 (1903); L. Hefner, Obernburg. Führer zu vor- und frühgesch. Denkmälern 8, 1967, 149 ff.; W. Schleiermacher, Zu den römischen Weihesteinen von Obernburg am Main. Bayer. Vorgeschbl. 21, 1956, 115 ff.; Römer in Hessen, 457; Arch. Jahr Bayern 2000, 81.

29 - Wörth fort site

Wörth am Main City
Landkreis Miltenberg

Photos 150 + 151

Maps: Vol. II, Enclosure B IV-17, V-29

Garrison for an unknown number, possibly for the *Numerus Brittonum et exploratorum Nemaningensium*. The time of the foundation could be as far back as the 1st century, and usage continued until at least into the 3rd century. Excavations of the Reichs-Limeskommission were carried out by Conrady in 1881-1883 and 1887-1900. As well as the perimeter walls, these uncovered primarily the principia and the fort baths south-east of the fort.

The stone fort, with an area of 0.8 ha, has a rectangular ground plan of 93 x 84 m and is oriented towards the Main. The fort, surrounded by a defensive ditch, had an extended civilian settlement, which gives rise to expectations of dense Roman construction particularly in the north-west.

The fort lies near the exit from the city of Wörth, to the west of the Main and north of the opening of the Mutterbach (Steinbach) into the Main. In the even fields of the Obere Au area, a swell in the ground shows the

south-west side of the fort. Otherwise no remains of the structures are visible. Parts of the monument, including the area of the baths, lie in orchards, which are partly fenced off. Some 50 m to the west of the fort, the form of the land has been substantially altered by the construction of the B 469 road. The former extension of the vicus is no longer topographically perceptible due to overbuilding of a strip up to 200 m wide.

The archaeological monument is included in the land utilisation plan of the city Wörth am Main, and listed as a "protected zone". It is anticipated that the area will become the property of the city of Wörth in the course of re-allocation of areas.

Bibliography: ORL Abt B Nr. 36 (1900); L. Wamser, Ausgrabungen und Funde in Unterfranken 1979. Frankenland NF 32, 1980, 157 f.; Römer in Hessen, 498; E. Schallmayer, Der Odenwaldlimes (Stuttgart 1984) 59 f.; W. Trost, Wörth a. Main, Chronik einer fränkischen Kleinstadt, Band 2.



150 - Wörth a. Main and Obernburg, Landkreis Miltenberg. The site of the fort Wörth lies in the foreground between the river Main and the streets, in the background the fort site and town of Obernburg. (Bayerisches Landesamt f. Denkmalpflege L6120/046-2 KL 20.06.01).



151 - Wörth am Main, Landkreis Miltenberg. Site of the fort near the outskirts of the modern town. (Bayerisches Landesamt f. Denkmalpflege).



152 - Klingenberg-Trennfurt, Landkreis Miltenberg. Site of the fort Trennfurt between the town and the River Main. (Bayerisches Landesamt f. Denkmalpflege L6320/026-2 KL 20.06.01).



153 - Klingenberg-Trennfurt, Landkreis Miltenberg. Site of the fort in the north of the modern town. (Bayerisches Landesamt f. Denkmalpflege).

30 – Trennfurt fort site

Klingenberg City (Trennfurt Borough)
Landkreis Miltenberg

Photos 152 + 153

Maps: Vol. II, Enclosure B IV-18, V-30

Garrison of an unknown numerus. The dating is uncertain.

Conrady undertook excavations on behalf of the Reichs-Limeskommission as the sector commissioner. The fort has an extent of 0.6 ha, with an approximately rectangular form (89 x 64 m). For a vicus, which has so far been impossible to find, only the flood-free areas to the south-west, west and north-west come into consideration.

The fort lies to the north of the old centre of the town of Trennfurt, between the built-up area and the railway line. Here, the land begins to fall away several metres from west to east, towards the Main, with the result that a part of the archaeologically relevant zone already lies in the flood zone. Most of the area of the archaeological monument is garden, orchard and field strips. The great majority is private land and not freely accessible.

The east side of the fort lies under the rail embankment. Further to the east (area name *Insel*), there is an earlier arm of the Main which reaches almost to the fort. No Roman remains can be made out above ground. The whole region has been highly constricted by buildings. Individual houses and outbuildings lie very near to, and in some cases over the remains of the fort. An altar stone from the year 212 AD has been built into the wall of the Catholic Parish Church of St. Mary Magdalen.

Particular dangers are not recognisable as acute. General dangers exist from the continued intensification of construction in the flood-free region. The archaeological monument is recorded in the current land utilisation plan of the city of Klingenberg as a mixed zone.

Bibliography: ORL Abt B Nr. 37 (1900); Römer in Hessen 482.

31 - Miltenberg-Altstadt fort site

Miltenberg City
Landkreis Miltenberg

Photos 154 + 155

Maps: Vol. II, Enclosure B IV-18, V-31

Stone fort with an area of 2.7 ha for the *Cohors I Sequanorum et Rauracorum* and possibly an additional numerus (*Exploratio Triputiensis*). The fort, oriented towards the river, was erected around the year 160 AD, first in timber, and later in stone. The location may have been used until 260 AD. In the late Middle Ages, a city was founded in the ruins of the fort (*Walehusen*). It was, however, of short duration. The area name "Altstadt" (Old City) originates from this period, together with various remains of walls. Conrady undertook excavations on behalf of the Reichs-Limeskommission from 1875 – 1892. Excavations by the State Office for Monument Conservation (Beckmann) took place in 1970-76 and 1988-1989.

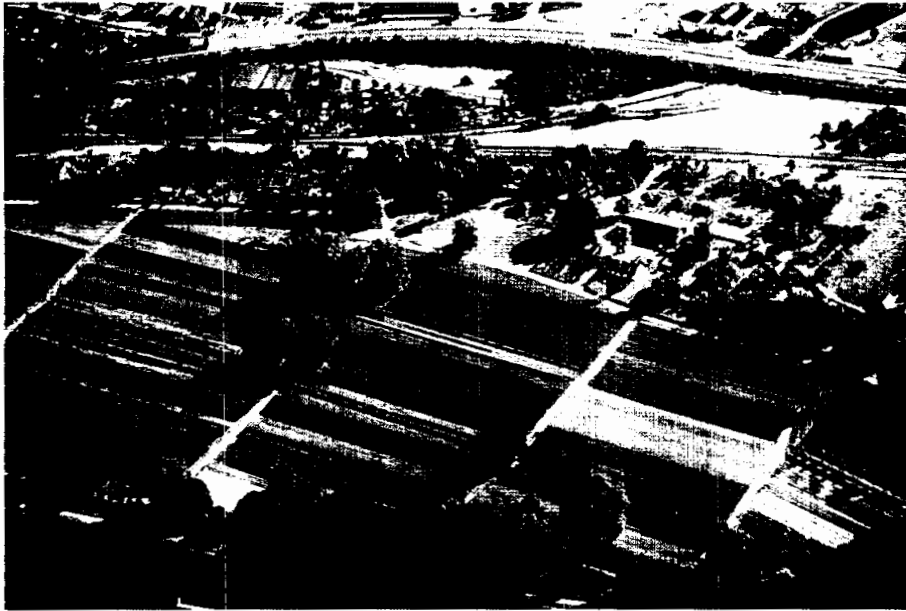
The fort lies around 1 km north-west of the edge of the city of Miltenberg, between the railway line and the Main. A Roman landing station is postulated at the bank of the river, which, however has not been substantiated. The extension of the vicus is also uncertain: it may have extended principally to the west and south of the fort. There was probably no area favourable for settlement in the east in Roman times, due to the region exposed to flooding (potential change of course of the

river by straightening, etc.). Information is also lacking to the north.

The fort, and particularly the vicus area, have been covered by a road embankment and railway tracks. The ground plan of the fort is partly recognisable in modern path routes and property boundaries (access road from the south-east, north and east sides of the fort). The area of the archaeological monument has been partly built over by commercial and individual buildings in the south-east corner and in front of the north-east corner. The majority of the relevant area is in private ownership, and is not accessible. To the south, parts of the fort baths, with their foundation walls, are represented in the ground plan.

Particular dangers are not recognisable as acute. General dangers exist from a further increase of construction to the west of the road. The archaeological monument is recorded in the land utilisation plan of the city of Miltenberg. An older construction plan has thus far not been carried out.

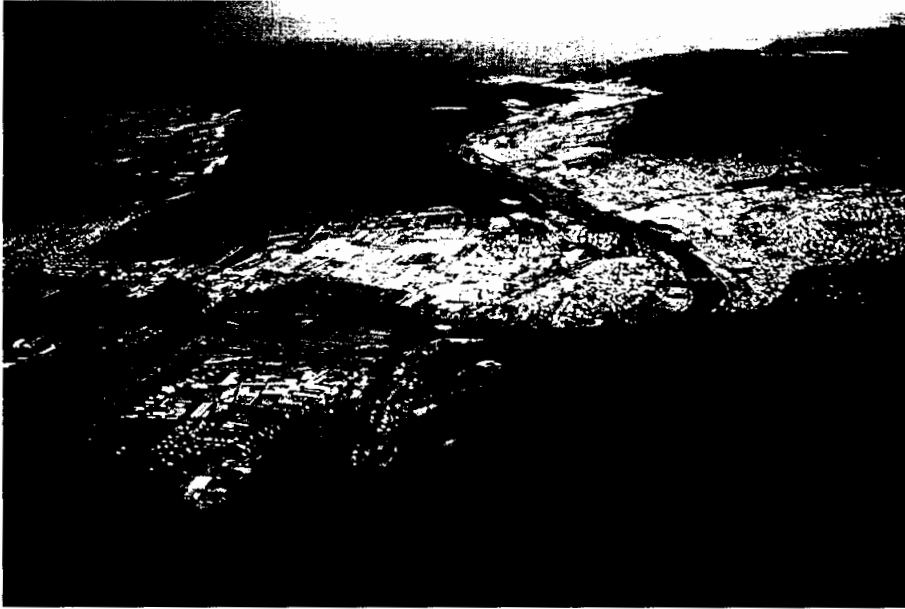
Bibliography: ORL Abt. B Nr. 38 (1911); Kastelle in Miltenberg, Führer vor- und frühgesch. Denkmäler 8, 1967; Römer in Hessen 437; Arch. Jahr Bayern 1989, 129 (Kastell).



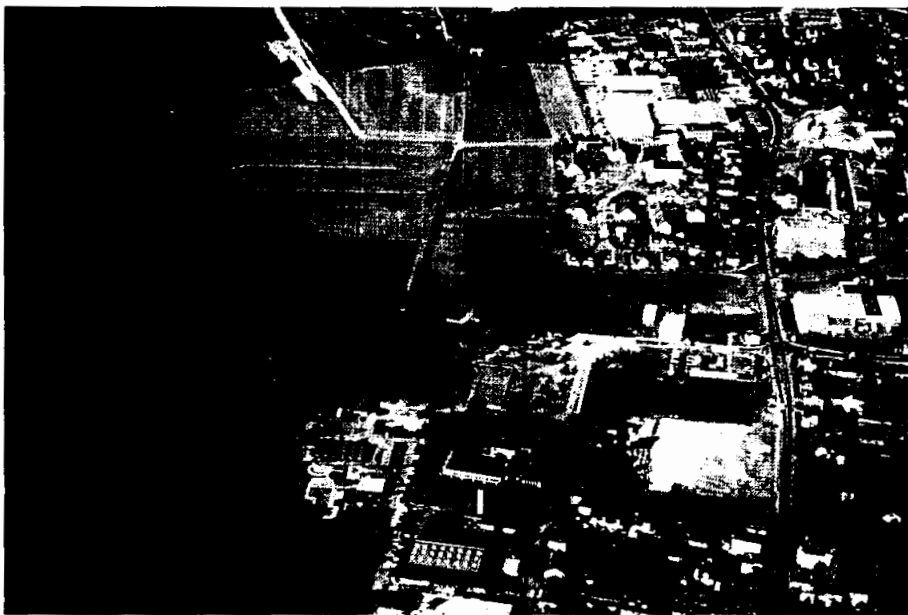
154 - Miltenberg, Landkreis Miltenberg. Site of the fort Miltenberg-Altstadt. (Bayerisches Landesamt f. Denkmalpflege L6320/003 KL 20.06.01).



155 - Miltenberg, Landkreis Miltenberg. Site of the fort Miltenberg-Altstadt in the north-west of the modern town. (Bayerisches Landesamt f. Denkmalpflege).



156 - Miltenberg, Landkreis Miltenberg. Course of the river Main. In the foreground the site of the fort Miltenberg-Altstadt, on the right the town of Miltenberg with the fort Miltenberg-Ost. (Bayerisches Landesamt f. Denkmalpflege L6320/028-1 KL 20.06.01).



157 - Miltenberg, Landkreis Miltenberg. Site of the fort Miltenberg-Ost and the beginning of the Limes-line south of the river Main. (Bayerisches Landesamt f. Denkmalpflege L6320/003 KL 20.06.01).

32 - Miltenberg-Ost fort site

Bürgstadt and Miltenberg City Local
 Authorities
 Landkreis Miltenberg

Photos 156 + 157

Maps: Vol. II, Enclosure B IV-18, V-32

Garrison of the *Numerus exploratorum Seiopensium*, probably built around the year 160 AD, at the same time as the Miltenberg-Altstadt fort 2.5 km upstream along the Main, at the meeting of the Limes line with the course of the river. The stone fort, with an area of 0.6 ha, dimensions 74 m x 86 m, was oriented to the north-west, towards the Main.

No Roman remains are visible. The fort lies at the eastern edge of the present-day city, around 300 m from the Main. Excavations were carried out in 1912 by Winterhelt. Parts of the fort were excavated 1998 prior to new construction. In the years 1984 and 1998, the State Office for Monument Conservation took soundings in the flood zone in front of the west side of the fort, where no remains were found. It was possible to document the extension of the vicus up to 250 m west of the fort in connection with construction projects.

The fort and the whole area of the vicus were not discovered until after completion of the investigations of the Reichs-

Limeskommission, and have experienced increasing over-building by private houses since then. The archaeological monument is therefore in parts densely built over with small town development, and reasonably large islands of remains can only be expected in gardens and rear courtyards. The areas are private and not accessible. The former topographical layout has also completely disappeared from the present-day form of the city, since no borders and road paths refer to the former courses.

Particular dangers are not recognisable as acute. General dangers exist from continued intensification of construction, particularly in the eastern part of the city. The archaeological monument is a residential area, and will become further built up.

Bibliography: ORL Abt. B Nr. 38a (1929); Römer in Hessen, 439; Arch. Jahr Bayern 1998, 80 (Kastell), 82 (Töpferofen).

33 – Walldürn fort site

Walldürn City
Neckar-Odenwald-Kreis

Photos 158 + 159

Maps: Vol. II, Enclosure B IV-19, V-33

Garrison of an unknown unit of the size of a numerus, possibly one of the units named in an inscription on the bath house, *exploratores Stu[...], Brittones gentiles or dediticii Alexandriani*, probably built from the middle of the 2nd century. The fort was mentioned by Hansselmann in the 18th century, and was already investigated in the early 19th century with smaller excavations. The Reichs-Limeskommission investigated the fort and bath house very extensively. In 1972 and 1973, the fort baths were again excavated, and subsequently preserved. In the 70's, the fort area was one of the first archaeological monuments in Baden-Württemberg to be taken into public ownership. In 1982 and 1983, a smaller excavation took place in the vicus area to the north of the fort, to clarify the preservation of remains severely threatened by agricultural use.

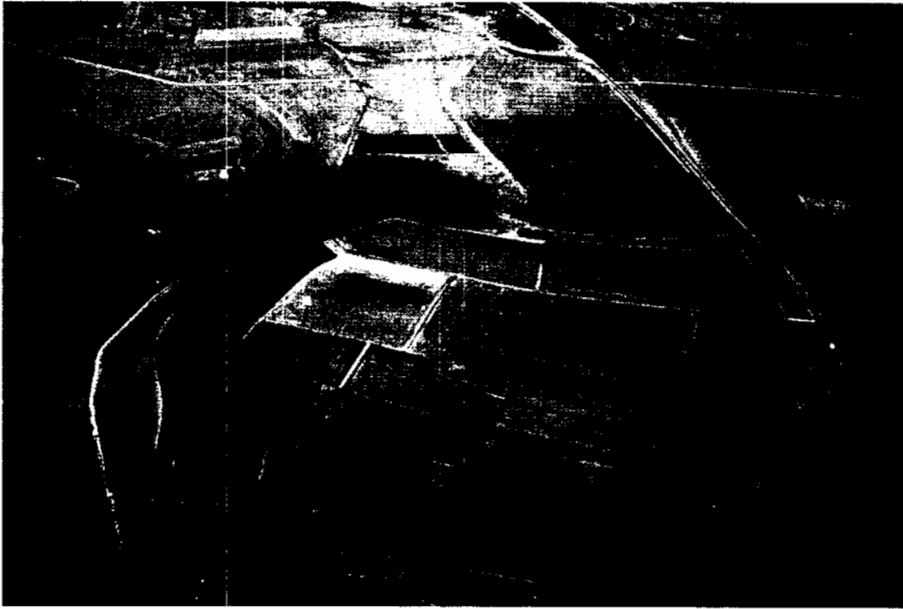
The fort, with an area of 0.8 ha and a rectangular ground plan of 96.5 x 84.3 m was surrounded by a stone defence wall, with a ditch in front of it. Remains of a further surrounding ditch, which indicates an earlier phase of construction were situated below the wall. Four gateway passages in the

middle of the sides give no indication, except for the east gate, of any demonstrable gate constructions. Apart from a few isolated post-holes, no traces of the internal buildings are so far known.

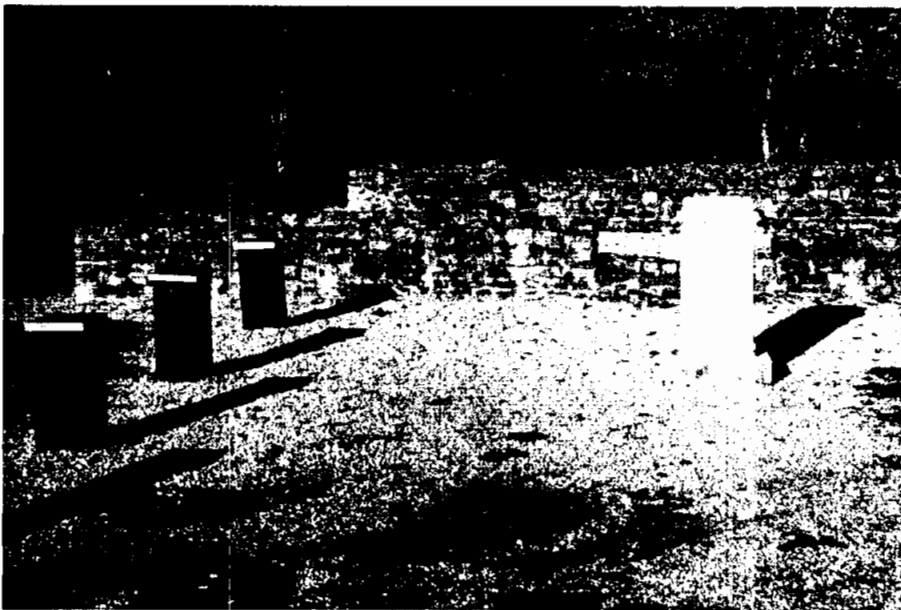
The area of the archaeological monument lies today in the agriculturally used environment east of the city of Walldürn. The fort area itself is today used as a meadow area, while the U-shaped vicus lying around the fort continues to be subjected to agricultural usage. The foundations of the baths complex are preserved, and can be visited as a small open-air installation.

Particular dangers to the monument are not recognisable as acute, apart from the intensive agricultural usage of the vicus area. The Baths complex was registered as a monument of special significance under § 12 DSchG (Denkmalschutzgesetz, Historical Monuments Protection Act), while the fort area is in public ownership. The monument was registered in the maps and the text appendix of the land utilisation plan of the local government association of Hartheim-Walldürn which came into effect on 21/07/2001.

Bibliography: ORL Abt. B Nr. 3 (1904); Archäologische Ausgrabungen in Baden-Württemberg 1982, 146 ff.; 1983, 186 ff. D. Baatz In: Saalburg-Jahrb. 35, 1978, 61 ff. E. Schallmayer, In: Fundberichte Baden-Württemberg 10, 1985, 197 ff. S. Weinrich-Kemkes In: Fundberichte Baden-Württemberg 18, 1993, 253 ff. E. Schallmayer In: P. Assion (Hrsg.), 1200 Jahre Walldürn (Walldürn 1995) 17 ff.



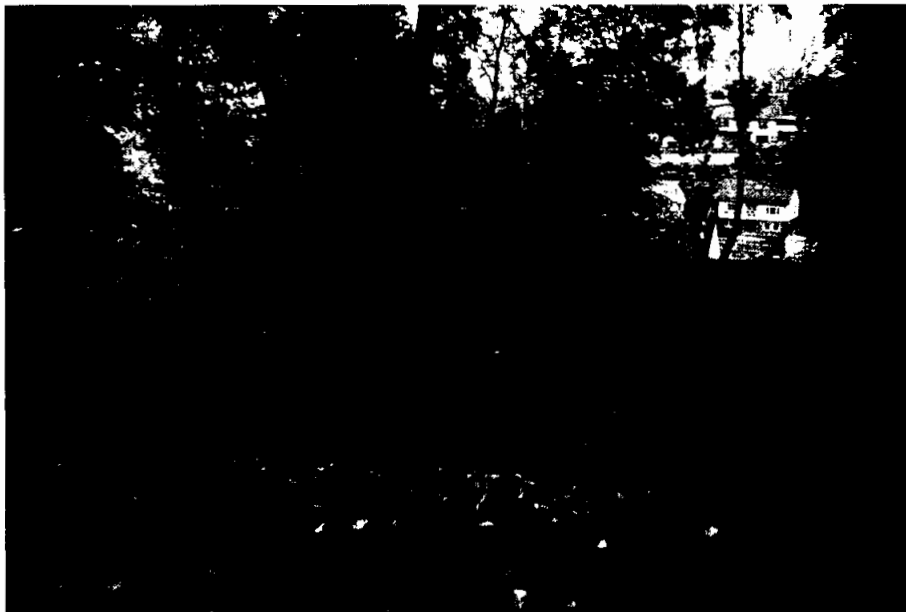
158 - Walldürn, Neckar-Odenwald-Kreis. Site of the fort and the Vicus. General view looking north. (Landesdenkmalamt Baden-Württemberg L6522/004-01 BR 26.06.1995).



159 - Walldürn, Neckar-Odenwald-Kreis. Preserved fort baths. (Landesdenkmalamt Baden-Württemberg).



160 - Osterburken, Neckar-Odenwald-Kreis. Town centre. Site of the former two forts and the central part of the Vicus. View from the north.
(Landesdenkmalamt Baden-Württemberg L6522/003 BR 12.10.90).



161 - Osterburken, Neckar-Odenwald-Kreis. Preserved walls and ditches of the annex-fort. (Landesdenkmalamt Baden-Württemberg).

34 -- Osterburken fort site

Osterburken City
Neckar-Odenwald-Kreis

Photos 160 + 161

Maps: Vol. II, Enclosure B IV-21, V-34

Garrison of the *Cohors III Aquitanorum*, on the southern fringe and slope of the valley. According to dendro-chronological dates, it existed from the early 60's of the 2nd C. Already known since the 18th century – first mentioned by Ernst Christian Hansselmann. Initial explorations were made by the priest Wilhelmi from Sinsheim in 1838, while more extensive investigations were carried out by the Mannheim Historical Association in 1867. The Reichs-Limeskommission then conducted the first systematic investigations, which give us an analysis of the sizes of the two forts. Until the 1960's only minor observations were made in Roman Osterburken, after which larger excavations in the 70's led, among other things, to the discovery of two baths houses (1973 and 1976) and an extensively preserved sacred district (1982 – 1984).

Cohors fort

The extent of this installation is well known as a result of the researches of the Reichs-Limeskommission and various site observations. The fort has external dimensions of 186 x 115 m, thus covering an area of 2.14 ha. There are no indications of an earlier installation of timber and earth preceding the fort, which is secured with a stone defence and a 7 m wide ditch. The positions of all four gates in the middle of the sides and towers in the corners and on the long sides are known, while of the internal buildings only small parts of the principia and a few masonry remains of a storage building (?) have been demonstrated. The remaining buildings seem to have been constructed in timber.

Annex fort

An approximately trapezoidal extension building, with an area of c. 1.35 ha (86 x 143 x 99 m), was erected on the south-east long side of the cohorts fort towards the end of the 2nd century, on the steep slope of the Kirnau valley. The masonry wall of this fort was provided with three gates, one on each side, and towers and protective platforms at the corners and in the intermediate areas. No remains at all of the internal buildings are thus far known.

The area of the archaeological monument lies in the western part of the city of Osterburken. The greater part of the cohorts fort was built over with detached houses in the middle of the 20th century, which largely destroyed all archaeological remains without observations being made. In contrast, the surrounding wall of the annex fort was preserved after the work of the Reichs-Limeskommission, and the area arranged as a park, which is today in the ownership of the State. The civilian settlement lies principally to the north-east of the fort below the mediaeval city and uncongested modern construction. Parts, including a larger burial ground, are however probably to be found on the other side of the Kirnau.

Particular dangers are not recognisable as acute. The archaeological monument is reported for information purposes in the current land utilisation plan of the Osterburken Local Authority administration association.

Bibliography: ORL Abt. B Nr. 40 (1895); Archäologische Ausgrabungen in Baden-Württemberg 1982, 138 ff.; 1983, 117 ff.; 1984, 147 ff.; 1986, 105 ff.; 1991, 120 ff.; 1992, 125 ff., 159 ff.; 1996, 183 ff.; F. Reutti In: Fundberichte Baden-Württemberg 4, 1979, 230 ff. A. Gaubatz-Sattler/W. Seidenspinner, Osterburken. Archäologischer Stadtkataster Bd. 16 (Stuttgart 2001) mit weiterer Literatur.

35 – Jagsthausen fort site

Jagsthausen Local Authority
Kreis Heilbronn

Photos 162 + 163

Maps: Vol. II, Enclosure B IV-22, V-35

Garrison of the *Cohors I Germanorum*, probably erected around the year 160 AD at the same time as the two other fort locations between Walldürn and Lorch. The fort lies in a broad sweep of the river on a bluff over the Jagst, and was oriented to the east, towards the Limes running past at a distance of around 400 m. Its defence wall and the position of the principia were determined by the Reichs-Limeskommission with a few sounding trenches (1892 and 1902).

The stone fort, with an area of c. 3.0 ha, had a long rectangular ground plan of 195 m x 155 m. Defensive ditches have not been established with certainty. A single gate passageway in the east has been demonstrated, while the remaining gates had doubled passages. Four corner towers and at least ten intermediate towers are situated along the sides. Nothing is known of the internal buildings with the exception of the southern part of the principia and a few masonry remains of the postulated

praetorian. An extended civilian settlement surrounded the fort area in the south-east, south and west. The vicus has been the object of research through many years of excavations for almost two hundred years and is one of the best-known fort settlements of the ORL.

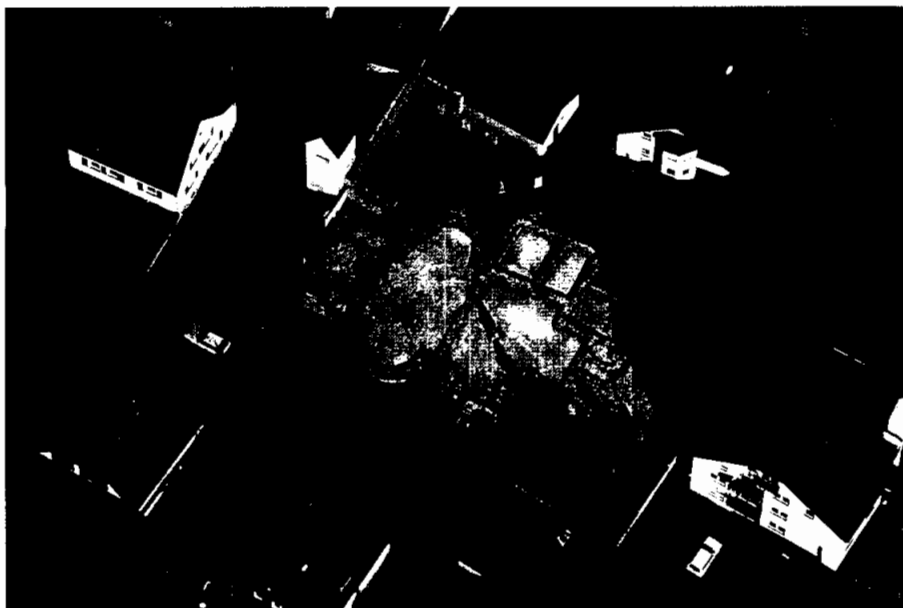
The area of the archaeological monument is situated for the most part within the (old) built up area of the town. No remains of the fort are visible above ground. Its northern part lies in a private park area, protected as a complete installation. Within the vicus, the fort baths are presented in a small open-air museum.

Dangers exist through the increasing density of buildings in the area of the town and from disturbance of the ground by the relocation of pipelines and cables. An application has been made for listing of the areas relevant to the monument as a protected excavation area.

Bibliography: ORL Abt. B Nr. 41 (1909); Führer vor- und frühgesch. Denkmäler 24 (1973) 150 ff.; Römer in Baden-Württemberg (Stuttgart 1986) 351 ff.; Arch. Ausgrabungen Baden-Württemberg 1984, 150 ff.; 1987, 135 ff.; 1988, 107 ff.; 1989, 155 ff.; 1992, 163 ff.; 1995, 172 ff.; 1997, 109 ff.; Baatz, Limes 234.



162 - Jagsthausen, Kreis Heilbronn. Village centre. Site of the former fort and the central part of the Vicus. (Landesdenkmalamt Baden-Württemberg L6722/010-03 BR 15.02.1998).



163- Jagsthausen, Kreis Heilbronn. Open-air park with the fort baths. The original Roman structures are preserved under the reconstructed foundations of the building. View from the west. (Landesdenkmalamt Baden-Württemberg L6722/010-03 BR 22.11.1998).

36 – Westernbach fort site

Zweiflingen Local Authority
 Westernbach Area
 Hohenlohekreis

No Photos**Maps: Vol. II, Enclosure B IV-22, V-36**

Garrison of an unknown unit, probably the size of a *numerus*. Due to a lack of small finds, it is not thus far possible to contribute anything towards a precise dating of the installation. The location and size were established by the Reichs-Limeskommission through excavations of the site (1902).

The stone fort, with an area of c. 1.0 ha, had a long rectangular ground plan of c. 117 m x 88 m, and was surrounded by two ditches over 4 m wide. Two single gate passageways have been demonstrated at the west and east sides, although the gate on the west side shows a double passageway. There were no corner towers or intermediate towers along the sides. Apart from a few pit remains, nothing significant is known about the internal buildings. There are no direct indications of a civilian settlement, although some aerial photographs could point towards this.

The area of the archaeological monument lies today in an area used for agricultural purposes to the east of the Westernbach area. No remains of the fort are visible above ground, although the old division of agricultural areas is partly oriented to the position of the fort. There are reports of changes to the terrain in the 20th century although it has not been established with certainty whether the fort itself was affected.

Particular dangers are not recognisable as acute. The archaeological monument currently possesses no legally binding status as a monument, and is included in the currently applicable extension of the land utilisation plan of the administrative collective of Öhringen-Pfedelbach-Zweiflingen.

Bibliography: ORL Abt. B Nr. 41a (1929); Führer vor- und frühgesch. Denkmäler 24 (1973) 147 f.

37 – Mainhardt fort site

Mainhardt City
Kreis Schwäbisch Hall

Photos 164 + 165
Maps: Vol. II, Enclosure B IV-23, V-39

Garrison of the *Cohors I Asturum equitata* between the middle of the 2nd century and the end of the Limes. The Reichs-Limeskommission was able to determine through excavations the dimensions and size of the principia of the fort, which then still lay at the fringe of the town. Since 1978, the State Office for Monument Conservation has been carrying out repeated excavations in advance of overbuilding, which have delivered in particular information on the internal buildings of the installation.

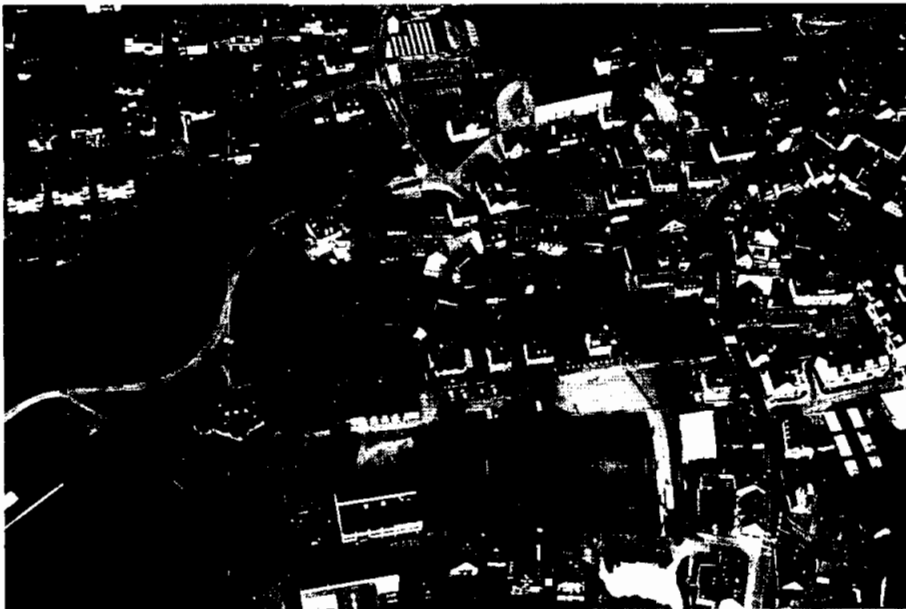
The stone fort, with an area of 2.4 ha, had a nearly rectangular ground plan of c. 177 m x 142 m and was surrounded by two ditches, 6.5 to 7 m wide. The excavation finds demonstrate a gate with double passage-way on the east side, single gates in the middle of the other sides, corner towers, and an intermediate tower along each side. Of the internal buildings, parts of the principia and remains of the troop barracks are known. More recent excavations have provided indications of an earlier timber construction phase. The associated vicus extended to the north, south, and probably to the west of the fort. Remains of a shrine have been found to

the east. The positions of the fort baths and the burial grounds are not thus far known. It may be conjectured that the baths are to be found in the agricultural area "Baad".

The area of the archaeological monument lies today in the middle of modern buildings and only in the region of a few garden properties has it not been built over. The remains have been extensively destroyed, partly by old and partly by new, relatively dense construction in the form of apartment blocks with inner courtyards, gardens and streets. Above ground, the preserved south-west corner of the fort wall and the western wall are visible as a rise and a rubble embankment, respectively.

Particular dangers are the advancing overbuilding of the area of the fort and the associated vicus. The archaeological monument currently possesses no legally binding status as a monument and is not included in the current land utilisation plan of Mainhardt City.

Bibliography: ORL Abt. B Nr. 43 (1909); Planck, *Archäologische Ausgrabungen* 1978, 46 ff.; *Archäologische Ausgrabungen in Baden-Württemberg* 1987, 134 f.; 1990, 101 ff.; 1995, 170 ff.; 2000, 84 ff.; 2001, 93 ff.



164 - Mainhardt, Kreis Schwäbisch Hall. Village centre. Site of the fort. View from the south. (Landesdenkmalamt Baden-Württemberg L6922/003-00 BR 01.03.2002).



165 - Mainhardt, Kreis Schwäbisch-Hall. The west walls of the fort are covered by a rampart and a hedge. (Landesdenkmalamt Baden-Württemberg).



166 - Murrhardt, Rems-Murr-Kreis. Town centre. Site of the fort. View from the east. (Landesdenkmalamt Baden-Württemberg L7122/032-01 BR 15.02.2002)



167 - Murrhardt, Rems-Murr-Kreis. General view of the town centre. (Landesdenkmalamt Baden-Württemberg).

38 – Murrhardt fort site

Murrhardt City
Rems-Murr-Kreis

Photos 166 + 167

Maps: Vol. II, Enclosure B IV-24, V-40

Garrison of the *Cohors XXI voluntariorum civium Romanorum* and perhaps also the *Exploratores Triboci et Boi*, whereby the latter named unit may also have been stationed in another, not yet discovered camp. Initial excavations took place in 1885 and from 1892 in the area of the defence wall and in the principia. Large-scale excavations in the retentura of the fort took place in the 70's in advance of overbuilding. In 1988 it was possible to excavate a small section of the civilian settlement.

The stone fort, with an area of 2.2 ha, had an approximately rectangular ground plan of c. 135.5 and 130.7 m x 164 m. Outside were two surrounding ditches. In more recent excavations it was possible to establish three phases of construction of the fort. Three larger tower platforms along the wall and a gate in each of the long sides have been demonstrated. Of the internal buildings, the extent of the principia, and parts of the troop barracks are known. The civilian settlement associated with the fort is known in its

extension to the south, west and north of the fort, while any indications have thus far been found neither of associated baths nor of the burial grounds.

The area of the archaeological monument lies today under uncongested private houses and large-area allotments which were constructed in the 1960's and 70's. No remains of the fort are visible above ground, although the present-day Riesbergstrasse records the course of the *via principalis*. The civilian settlement lies today under modern construction, and in the north under the centre of the mediaeval city.

Particular dangers are not recognisable as acute. The archaeological monument has for the most part been registered as a protected excavation area under § 22 DSchG (Denkmalschutzgesetz, Historical Monuments Protection Act). The monument is recorded only for reporting purposes in the current continuation of the land utilisation plan of the city.

Bibliography: ORL Abt. B Nr. 44 (1894); O.Schweizer, *Archäologische Ausgrabungen* 1975, 39 ff.; D. Planck, *Archäologische Ausgrabungen* 1977, 59 ff.; R. Krause, *Fundberichte. Baden-Württemberg* 9, 1984, 289 ff.; *Archäologische Ausgrabungen in Baden-Württemberg* 1988 111 ff.

39 – Welzheim-East Fort

Welzheim City
Rems-Murr-Kreis

Photos 168 - 171

Maps: Vol. II, Enclosure B IV-25, V-41

Fort of a numerus (*Numerus Brittonum L...* or *Exploratores ...*), not erected until after the construction of the ala fort (west fort). The dimensions and two stone internal buildings were already established by the Reichs-Limeskommission. In 1980, it was possible to remove the fort area from the planned new construction area and preserve it as an archaeological reserve. In this connection, the south-west corner was excavated and preserved. In 1993, the fort area was geophysically investigated.

The stone fort, with an area of 1.6 ha, possessed an almost square ground plan of c. 136 m x 123 m, and was completely surrounded by one ditch and on the west side by a second. The west and east gates were secured with towers. At the north and south gates, it was only possible to demonstrate gate flanks. Of the internal buildings, two stone buildings (a bath house from the post-fort period (?) and a storage building) and additional timber construction buildings (troop barracks?) are known.

It was possible to preserve the area of the archaeological monument as an archaeological reserve. The defence wall is partly preserved and partly built up. The greater part has been made visible as a heaped-up rampart. The associated vicus, with its burial grounds, lies to the west between the east and the west fort (q.v.). The vicus, which extended principally to the south and the east of the west fort, is now heavily

overbuilt. The locations of the fort baths and a burial ground are known.

Particular dangers are not recognisable as acute. The archaeological monument has been registered as a monument of special significance under § 12 DSchG BW and has been adopted into the land utilisation plan of the administrative collective of Welzheim-Kaisersbach.

West Fort

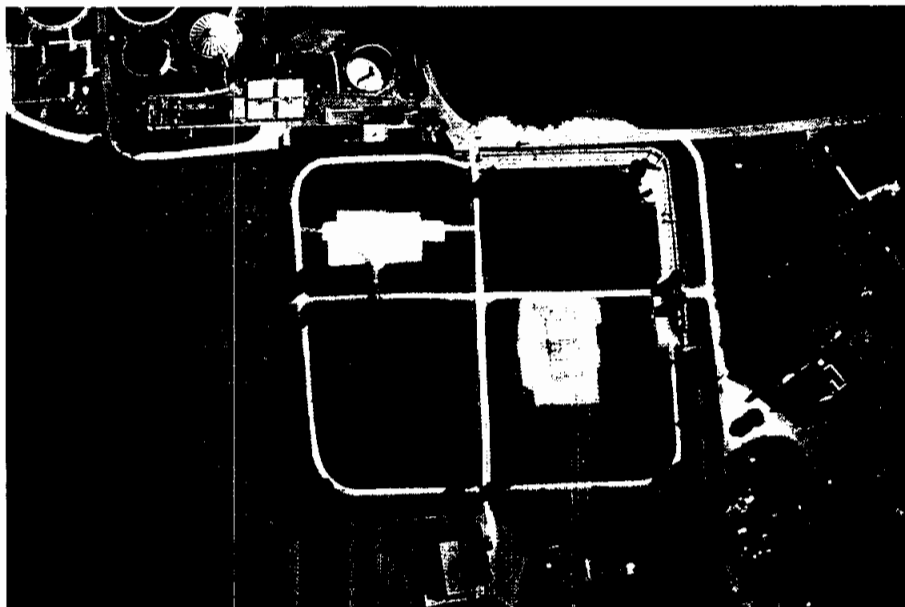
Garrison of the *Ala Scubulorum* probably from the middle of the 2nd century AD. The stone fort, with an area of 4.3 ha, was one of the largest forts on the Upper German Limes. Excavations in advance of overbuilding in the 1970's to the 90's provided information on details of the buildings and the internal structure of the installation. The area of the fort lies today in a built-up region, which at the time of the Reichs-Limeskommission was still the undeveloped edge of the town. Above ground, no remains of the fort are still visible. However, the modern Schorndorfer Strasse and Christian-Bauer-Strasse seem to record the course of the *via principalis* and the *via praetoria*.

The fort baths of the West Fort are registered as a monument of special significance under § 12 DSchG BW.

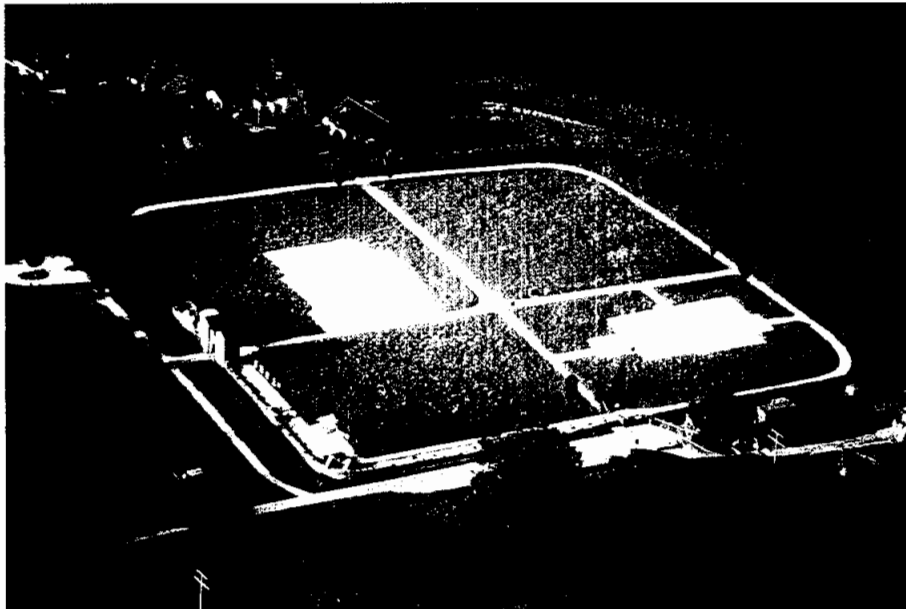
Bibliography: ORL Abt. B Nr. 45a (1904); D. Planck, Arch. Ausgrabungen 1976, 50 ff.; 1977, 61 ff.; Arch. Ausgrabungen Baden-Württemberg 1981, 169 ff.; 1985 153 f.; 1993, 135 ff. (geophysics); Forsch. Ber. Vor- und Frühgesch. Baden-Württemberg 14 (1983); 42 (2001).



168 - Welzheim, Rems-Murr-Kreis. Town centre. The site of the so-called West-fort lies in the modern town centre, in the foreground the preserved so-called East-fort. View from the east. (Landesdenkmalamt Baden-Württemberg L7122/003-02 BR 17.08.1993).



169 - Welzheim, Rems-Murr-Kreis. So-called East-fort with reconstructed exterior wall and gate in its original size. The fort is preserved as an archaeological park. (Landesdenkmalamt Baden-Württemberg L7122/003 BR 30.07.2001)



170 - Welzheim, Rems-Murr-Kreis. The preserved so-called East-fort. View from the south. (Landesdenkmalamt Baden-Württemberg L7122/003-02 BR 29.07.1993).



171 - Welzheim, Rems-Murr-Kreis. Reconstructed western front of the so-called East-fort. (Landesdenkmalamt Baden-Württemberg).





172 - Lorch, Ostalbkreis. Town centre. Site of the Roman fort.
(Landesdenkmalamt Baden-Württemberg L7324/031 22.07.86).



173 - Lorch, Ostalbkreis. Preserved tower of the western-gates of the fort.
(Landesdenkmalamt Baden-Württemberg).

40 – Lorch fort site

Lorch City
Ostalbkreis

Photos 172 + 173

Maps: Vol. II, Enclosure B IV-26, V-42

Garrison of an unknown *cohors quingenaria equitata*. The fort was discovered at the end of the 19th century within the framework of the work of the Reichs-Limeskommission, and the dimensions established with trenches. In the 1960's, it was possible to document the western gate of the fort. It was possible to research a section of the internal buildings within the framework of an excavation in 1986/87.

The stone fort, with an area of 2.47 ha, possessed an almost rectangular ground plan of 153.5 x 158.4 x 154 x 162.8 m. Probably because of the densely built up state of the area, it has thus far not been possible to demonstrate surrounding ditches. Only a small number of tower and gate buildings on the wall have so far been proved. Of the internal buildings, apart from slight masonry remains in the area of the principia, it is particularly the three barracks buildings from the excavation in 1986/87 which are known.

The area of the archaeological monument lies today under the centre of the mediaeval city of Lorch. However, the excavations of 1986/87 showed well preserved remains under c. 1.5 m of post-Roman colluvium. Above ground, only the preserved remains of the northern gate tower of the west gate are visible. The vicus, which stretched predominantly west and east from the fort, is now heavily overbuilt. However, the probable location of the fort baths in front of the east gate and existence of two cemeteries is known.

Particular dangers are not recognisable as acute, apart from occasional construction activities. The archaeological monument currently possesses no legally binding status as a monument and is recorded in the current land utilisation plan of Lorch City only for reporting purposes.

Bibliography: ORL Abt. B Nr. 63 (1896); Archäologische Ausgrabungen in Baden-Württemberg 1986, 92 ff.; 1987, 92 ff.; H.U. Nuber in: Lorch. Beiträge zur Geschichte von Stadt und Kloster, Heimatbuch der Stadt Lorch Bd. 1 (1990) 9 ff.; Th. Becker, Magazin 900 Jahre Kloster Lorch (Stuttgart 2002) 98 ff.

41 – Schirenhof fort site

City of Schwäbisch Gmünd
Ostalbkreis

Photos 174 + 175

Maps: Vol. II, Enclosure B IV-26, V-43,

VI-1 - /-5

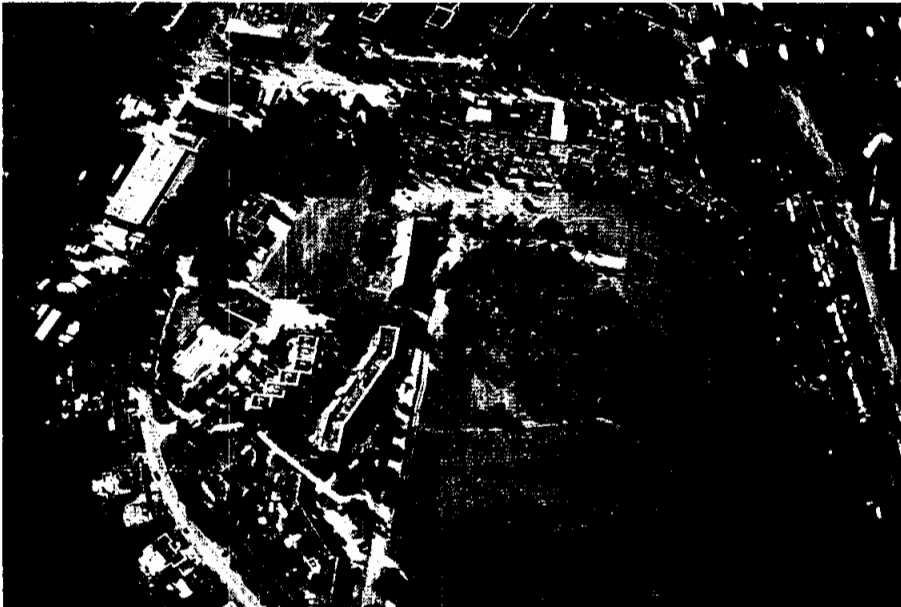
This fort was probably founded around the middle of the 2nd century as the garrison of the *Cohors ... Raetorum*. The Reichs-Limeskommission researched the extent of the fort itself. In the 1970's and 80's, it was possible to investigate parts of the vicus buildings and a burial ground in advance of their destruction. Planned investigation and conservation of the bath house was carried out in 1972 and 1973.

The stone fort, with an area of 2 ha, has a nearly rectangular ground plan of c. 157 m x 130 m and is surrounded by three broad ditches. The fort, which is oriented towards the Limes, had four gates, one in the middle of each side, some with semi-circular gate towers projecting outwards. Towers were also located at the corners of the fort, and in the intermediate spaces. Of the internal buildings only the rear wall of the principia is known from excavation and aerial photography.

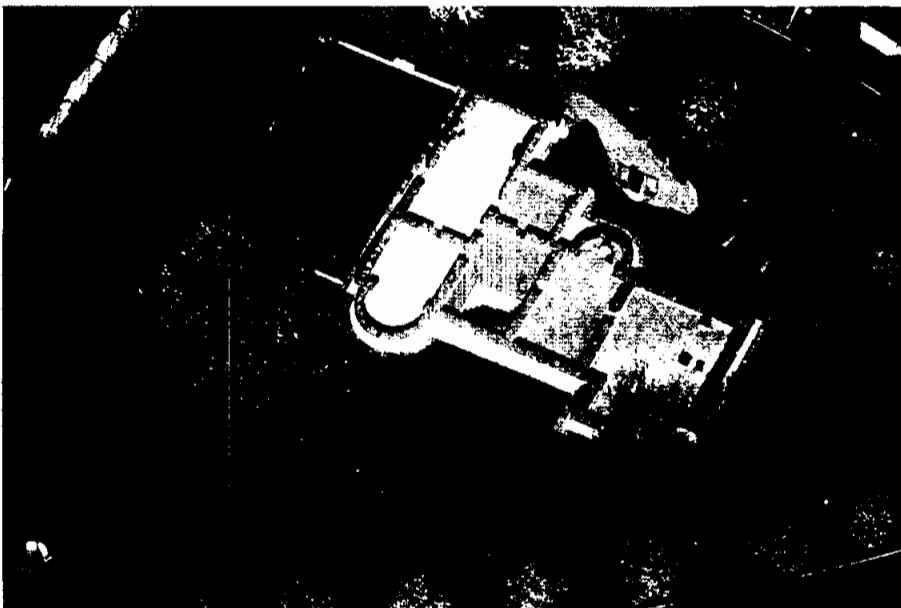
The area of the archaeological monument today lies around and under the "Schirenhof", an area which is for the most part meadowland and orchard. Only the north-west corner of the fort is overlaid by farm buildings. There are no longer any remains of the fort visible above ground. The vicus, situated to the west and south of the fort, was densely built over in the 70's and 80's. The excavated and preserved fort baths today lie in a small park. Indicative signboards are displayed throughout the whole area of the archaeological monument, showing the extent of the Roman settlement.

Particular dangers are not recognisable as acute. Partial areas of the fort (the area of the buildings of the Schirenhof) are registered in accordance with § 12 DSChG BW as monuments of special significance. The monument was adopted as a whole into the text of the 2nd continuation of the land utilisation plan of the administrative collective of Schwäbisch Gmünd-Waldstetten.

Bibliography: ORL Abt. B Nr. 64 (1897); H.U. Nuber, Studien zu den Militärgrenzen Roms II (1977) 225 ff. (Bad); D. Planck, Archäologische Ausgrabungen 1977, 67 ff.; 1980 95 ff.; H.U. Nuber in: Geschichte der Stadt Schwäbisch Gmünd (1984) 25 ff.; Klein, Das römische Limeskastell Schirenhof/Schwäbisch Gmünd (Diss. Freiburg 1987).



174 - Schwäbisch-Gmünd, Ostalbkreis. Roman fort at the Schirenhof. View from the south. (Landesdenkmalamt Baden-Württemberg L7324/001-01 BR 30.07.2001).



175 - Schwäbisch Gmünd, Ostalbkreis. Preserved baths of the fort at the Schirenhof. (Landesdenkmalamt Baden-Württemberg L7324/001-01 BR 05.10.2002).



176 - Böbingen, Ostalbkreis. Site of the fort at Unterböbingen.
(Landesdenkmalamt Baden-Württemberg L7124/005 BR 09.07.91).



177 - Böbingen, Ostalbkreis. Preserved southern gates of the fort.
(Landesdenkmalamt Baden-Württemberg).

42 – Unterböbingen fort site

Böbingen Local Authority
Ostalbkreis

Photos 176 + 177

Maps: Vol. II, Enclosure B IV-27, V-44

Garrison of an unknown *cohors quingenaria*. At the end of the 19th century, the dimensions of the fort and parts of its internal buildings were investigated and documented after which, in the 1930's, the northern third of the installation fell victim to gravel extraction during the construction of the road. In the 70's, the area of the fort was investigated with broad trial trenches in advance of overbuilding. Excavations in the vicus and at the fort baths took place in 1975, 1978 and 1981.

The stone fort, with an area of 2 ha, has an almost square ground plan of c. 148 m x 135 m and is surrounded by three ditches, 8 m wide, cut in the adjacent field. The excavations yielded four gates defended by towers, corner towers, intermediate towers and protective platforms (?) along the sides. Of the internal buildings, as well as the principia, four further structures built of stone are known (grain store, praetorium baths, and two buildings of unknown function).

The area of the archaeological monument lies under an area predominantly overbuilt with modern sports facilities and a hotel complex. Within the framework of the excavations in 1973, it was possible to conserve the foundations of parts of the south and west faces. The vicus, which extended principally to the south and east of the fort, is also today densely overbuilt by sports facilities and residential buildings. There is a meadow area in the region of the fort baths.

Particular acute dangers for the archaeological monument are the overbuilding, which still continues. The archaeological monument currently possesses no legally binding status as a monument, but is, however, included in the 4th extension of the land utilisation plan of the administrative collective of Rosenstein.

Bibliography: ORL Abt. B Nr. 65 (1894); H.U. Nuber, *Fundber. Schwaben N.F.* 18/1, 1967, 283 ff; D. Planck, *Archäologische Ausgrabungen* 1975, 52 ff.; *Archäologische Ausgrabungen in Baden-Württemberg* 1981, 171 ff.

43 – Aalen fort site

Aalen City
Ostalbkreis

Photos 178 + 179

Maps: Vol. II, Enclosure B IV-28, V-45

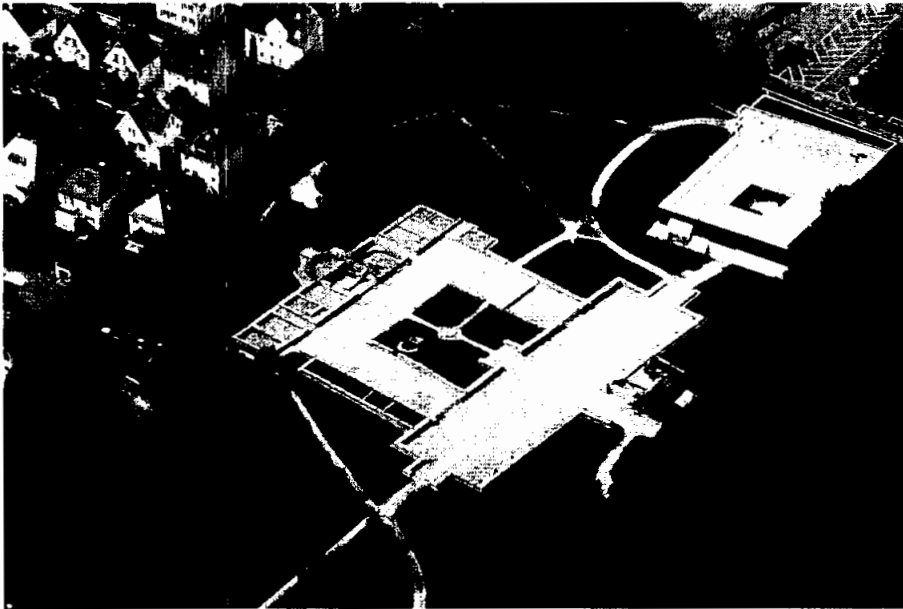
Garrison of the *Ala II Flavia milliaria* and headquarters of the military administration of the Raetian section of the Limes. At the time of the Reichs-Limeskommission, the area of the fort was for the most part still not built on. During the establishment of the Limes Museum, it was possible in 1964 and 1977 to carry out excavations in the area of the north-west gate. In the years 1978 to 1986, the principia were excavated, additionally there were excavations of the defence wall in 1997 and 1999.

The stone fort, with an area of 6.07 ha, is the largest one on the Raetian section of the Limes, and has a nearly rectangular ground plan of c. 277 m x 214 m. In recent excavations on the south-east side, four ditches have been established which must have surrounded the whole fort. The defence wall is reinforced with gates secured by towers, corner towers and intermediate towers along the sides. Of the internal buildings, besides the masonry principia, further buildings constructed of stone and slight remains of timber troop barracks have been demonstrated.

The area of the fort lies in a modern part of the city of Aalen. A third of the fort lies under the old cemetery, which is now no longer used. The Limes Museum with its open-air installations occupies the middle third, where the principia also lies, preserved after the excavations. The last third is covered by modern houses. Above ground, besides the principia, there is also the north-west gate and the north-east gate, which is marked in the paving. The vicus, which extended principally to the north-east and south-east, is also today densely overbuilt. The location of the fort baths in front of the north corner of the fort is known, while there are up to now no indications of the burial grounds which would have been necessary.

Particular dangers are not recognisable as acute. Parts of the archaeological monument have been registered in accordance with § 12 DschG BW as a monument of special significance. It has been recorded as a whole in the map of the land utilisation plan of the administrative collective of Aalen.

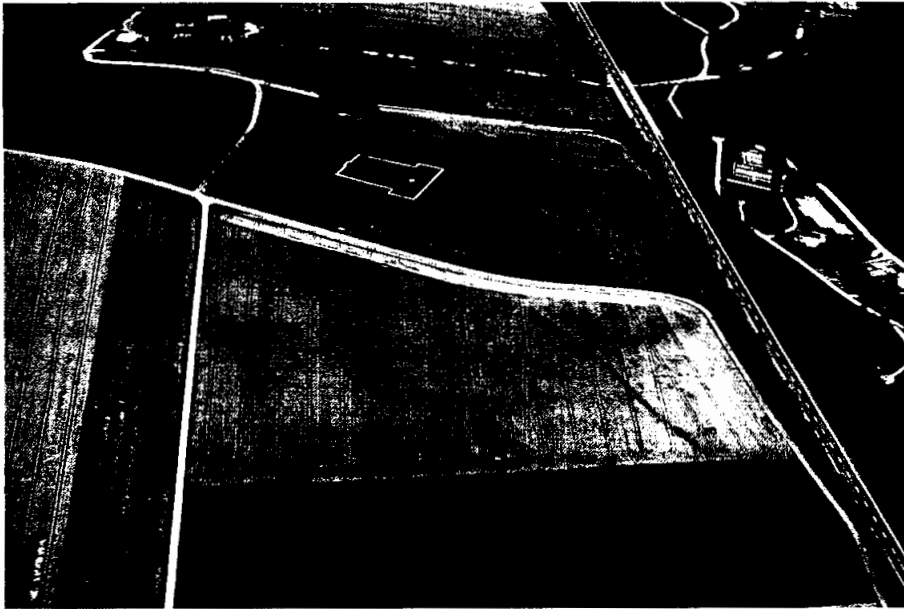
Bibliography: ORL Abt. B Nr. 66 (1904); D. Planck, Arch. Ausgrabungen 1978, 49 ff.; 1979, 91 ff., 96 ff.; 1980, 97 ff.; ders., Studien zu den Militärgrenzen Roms III (Stuttgart 1986), 247 ff.; Arch. Ausgrabungen Baden-Württemberg 1981, 175 ff.; 1982, 150 ff.; 1983, 158 ff.; 1984, 153 ff.; 1985, 147 f.; 1986, 95 ff.; 1988, 87 ff.; 1997, 152 ff.; 1999, 91 ff.; Planck, Archäol. Plan des röm. Kastells Aalen (1992); M. Luik, Fundber. Baden-Württemberg 19/1, 1994, 265 ff.; Stadtkataster Aalen (2000).



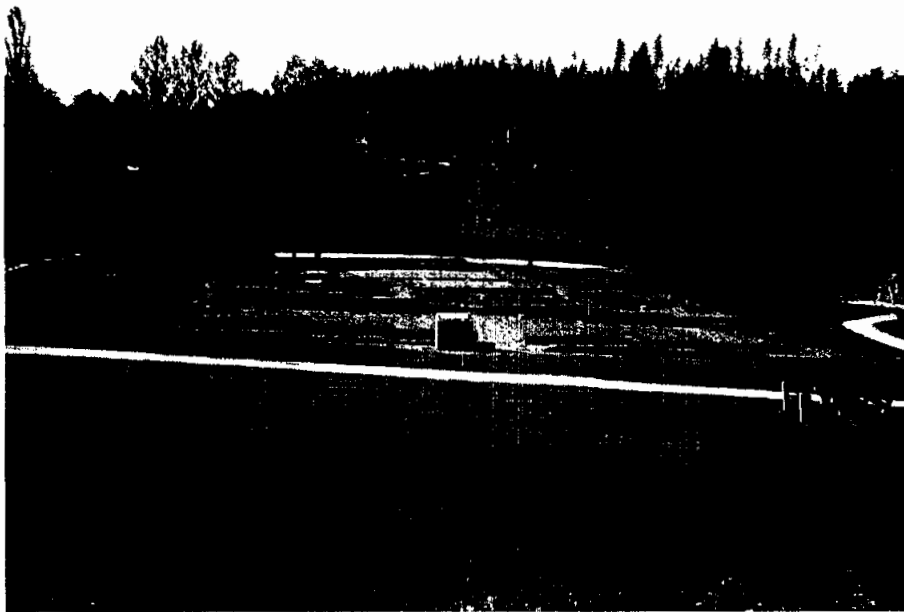
178 - Aalen, Ostalbkreis. Open-air park inside the ala fort with the remains of the headquarters, the PRINCIPIA, and the building of the Limesmuseum. (Landesdenkmalamt Baden-Württemberg L7126/026-01 BR 26.08.2002).



179 - Aalen, Ostalbkreis. Preserved foundations of the PRINCIPIA inside the fort during a museum festival. (Landesdenkmalamt Baden-Württemberg).



180 - Rainau-Buch, Ostalbkreis. Site of the fort and the surrounding Vicus. On the right hand side the excavated and preserved remains of the baths and two stone buildings. View from the south. (Landesdenkmalamt Baden-Württemberg L7126/005-02 BR 06.07.2000).



181 - Rainau-Buch, Ostalbkreis. Excavated and preserved fort baths. (Landesdenkmalamt Baden-Württemberg).

44 - Rainau-Buch fort site

Rainau Local Authority, Buch Area
Ostalbkreis

Photos 180 + 181

Maps: Vol. II, Enclosure B IV-28, V-46

Location of an unknown *Cohors equitata*, probably, on the basis of dendro-chronological dating from the civilian settlement, from the year 160 AD. The Reichs-Limeskommission determined the extent of the installation by means of trenches, and uncovered parts of the internal masonry buildings. In 1972, the south gate and parts of the south face of the fort were excavated and preserved within the framework of the establishment of a recreation area. Investigations in the area of the fort baths and the vicus followed.

The stone fort, with an area of 2.1 ha, has a nearly rectangular ground plan of 139.5 x 149-151 m. The geophysical prospection of the installation yielded three to four surrounding ditches with a width of up to 6 m. All four of the gates which have been demonstrated had a double passageway, and excavations yielded both corner and intermediate towers along the sides. As well as the known buildings erected in stone (*principia*, grain store), geophysics was able to document the position and size of the timber barracks with the result that this can

be counted as one of the best known forts of the Limes with regard to its internal structure.

The area of the fort was listed as an archaeological reserve within the framework of the establishment of the recreation area, and integrated into an archaeological open air museum. During this, the extent of the installation was made clear by heaping up ramparts, and a small part of the outer wall was made visible. The same applies for the preserved ground plan of the bath house and for two stone vicus buildings. Parts of the vicus have fallen victim to the reconstruction of the road after being excavated between 1976 and 1979, while on the other hand the extent of the remaining vicus is well known from geophysical measurements.

Particular dangers are not in the slightest degree recognisable. The area of the fort and vicus are registered as a protected excavation zone in accordance with § 22 DSchG BW, and are registered in the not yet legally effective draft 2015 of the land utilisation plan of the administrative collective of Ellwangen.

Bibliography: ORL Abt. B Nr. 67 (1898); D. Planck, Führer arch. Denkmälern Baden-Württemberg 9 (1983). Planck, Arch. Ausgrabungen 1975, 57 ff.; 1976, 40 ff.; 1977, 75 ff.; 1978, 52 ff.; 1979, 100 ff., 109 ff.; 1980, 101 ff.; Arch. Ausgrabungen Baden-Württemberg 1992, 29ff. (geophysics); 2000, 87 ff. (geophysics); G. Seitz, Forschungen und Berichte zur Vor- und Frühgeschichte in Baden-Württemberg 57 (1999); B. Greiner, Der römische Kastellvicus von Rainau-Buch (Diss. Freiburg 1999).

45 – Halheim fort site

Ellwangen City, Pfahlheim-Halheim Area
Ostalbkreis

Photos 182 + 183

Maps: Vol. II, Enclosure B IV-29, V-47

Garrison of an unknown unit, probably the size of a *numerus*. Towards the end of the last century, it was possible to record the dimensions of this installation, which was still visible above ground.

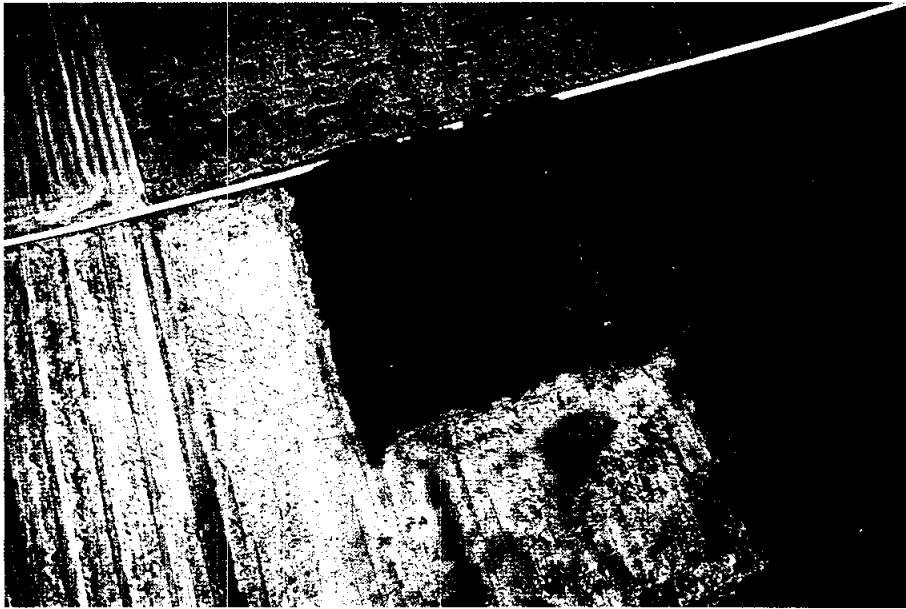
The stone fort, with an area of 0.67 ha, has a nearly square ground plan with side lengths of 80 x 82.5 m. It was surrounded by a ditch. The excavations of the Reichs-Limeskommission were able to demonstrate a gate at each of the northern and southern sides, while towers were situated on the other sides instead of gates. Towers can also be demonstrated in the corners. Nothing is so far known of the internal buildings, although in view of the good state of preservation of the installation, they probably will have consisted of timber constructions.

The area of the archaeological monument lies today in a meadows in an region used for farming. Above ground, the rubble ramparts of the wall, surmounted by hedges are visible

from a considerable distance. The vicus of the fort, which probably extended principally to the south, lies today in an area used for farming, as is evidenced by stray finds. The baths to be expected in association with this fort may have been located to the west, in the region of a concentration of stones in the fields.

Particular dangers are not recognisable as acute. The archaeological monument has been registered since the 1960's in accordance with § 12 DSchG BW as a monument of special significance. It is identified as a monument in the not yet legally effective draft 2015 of the land utilisation plan of the administrative collective of Ellwangen.

Bibliography: ORL Abt. B Nr. 67a (1901).



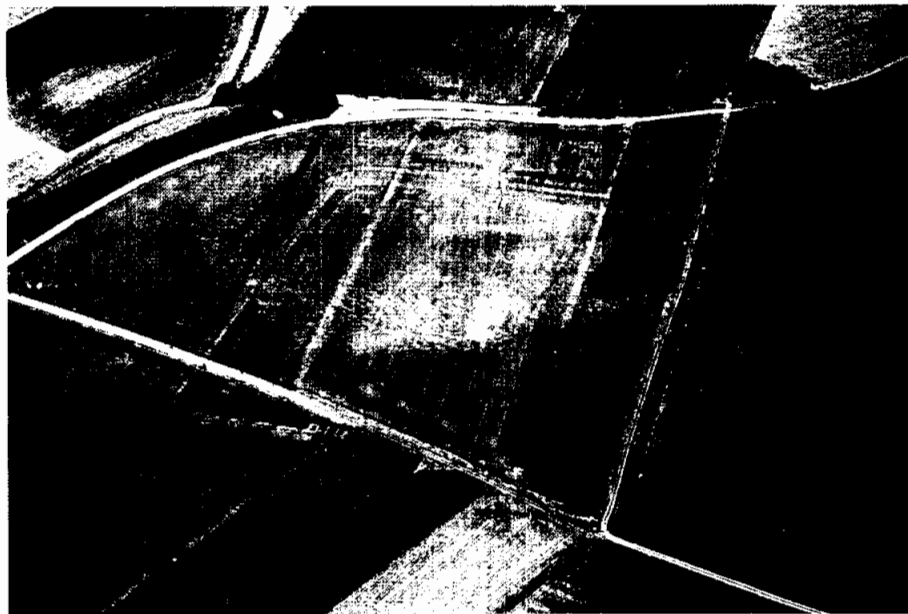
182 - Ellwangen-Pfahlheim, Ostalbkreis. A hedge planted along the rubble rampart of the exterior wall indicates the layout of the fort near Halheim. View from the north. (Landesdenkmalamt Baden-Württemberg L7126/001-01 BR 22.07.2000).



183 - Ellwangen-Pfahlheim. Site of the fort Halheim. The field has been transformed into pasture in the meantime. (Landesdenkmalamt Baden-Württemberg).



184 - Weiltingen, Wittelshofen and Gerolfingen, Landkreis Ansbach. Site of the fort Ruffenhofen, in the background the silhouette of the Hesselberg. View from the south. (Bayerisches Landesamt f. Denkmalpflege).



185 - Weiltingen, Wittelshofen and Gerolfingen, Landkreis Ansbach. Site of the fort Ruffenhofen. View from the south. (Bayerisches Landesamt f. Denkmalpflege L6928/074-3 Kl. 05.07.01).

46 – Ruffenhofen fort site

Weiltingen, Wittelshofen and Gerolfingen

Local Authorities

Landkreis Ansbach

Photos 184 + 185**Maps: Vol. II, Enclosure B IV-30, V-48**

The fort, with an area of 3.7 ha on the former "Burgfeld" (Fortress Field, present-day area name: Denzenfeld) was probably the garrison of the *Cohors IX Batavorum*, which numbered a thousand men. The stone fort forms a slightly offset rectangle with side lengths of 197 m x 191 m.

The installation of a military camp in Ruffenhofen possibly dates back to the last years of the 1st century AD. Excavations were carried out by Kohl in 1892 on behalf of the Reichs-Limeskommission. Since this initial survey no further scientific excavations have taken place. The State Office for Monument Conservation has been carrying out extensive geophysical prospections since 1999.

The remains of the Roman installations are located around 600 m to the south-east of Ruffenhofen on a flat ridge above the valley of the Wörnitz. On site, only the topographical form of the terrain is perceptible. Remains are not recognisable.

Aerial photographs and extensive geophysical prospections, however, make it possible to state the extension of the area and structure of vicus and fort (investigations resulting from the reallocation of areas also document the extension to the south-west). The course of a water pipeline cuts across the region of the vicus to the south, in front of the fort area. In addition, the commercial road network and the drainage system have had an impact on the area of the settlement. The "*Entwicklungsgesellschaft Region Hesselberg mbH*" (Development Company of the Hesselberg Region), supported by the Free State of Bavaria, is currently making efforts to protect and preserve the whole archaeological monument, particularly by purchasing areas used agriculturally and transforming them into meadowland.

Particular dangers are not recognisable as acute. General dangers exist through further field usage, combined with road alterations and the construction of drainage pipelines.

Bibliography: ORL Abt. B Nr. 68 (1896); Römer in Bayern, 509; Schönberger, Ber RGK 66, 1985, 411; Arch. Jahr Bayern 1999, 56; Baatz, Limes, 273; C.-M. Hüssen/J. Mang, Altmühlfranken aus der Luft, Treuchtlingen 1987, 46; Der römische Limes in Bayern, 37.

47 – Dambach fort site

Ehingen-Dambach and Unterschwaningen-
Dennenlohe Local Authorities
Landkreis Ansbach

Photos 186 + 187

Maps: Vol. II, Enclosure B IV-31, V-49

Conjectured garrison of an unknown number and subsequently probably of the *Cohors II Aquitanorum*. The fort, with an area of about 1 ha (84 x 115 m), was probably founded at the beginning of the 2nd century, and was expanded around 170-180 AD with enlargements to the west and the east to 2.2 ha (187 x 115 m). Its unusual elongated form and its situation parallel to the Limes are unique among the fort locations on the Upper German-Raetian Limes.

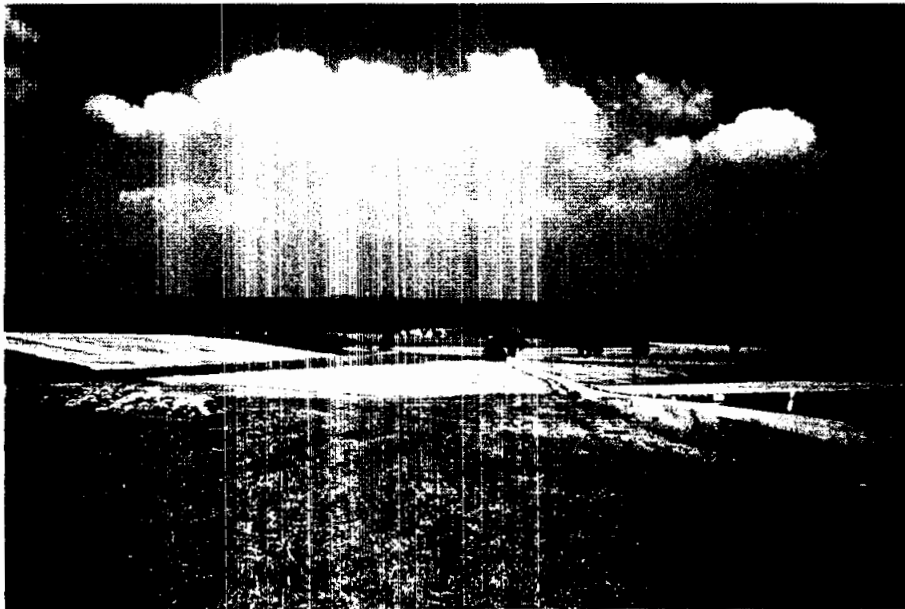
Excavations were carried out by the Reichs-Limeskommission (Kohl), later repeated by the State Office for Monument Conservation.

The archaeologically important areas lie partly in the damp valley floor of the Moosgraben. Here, preservation in damp earth has repeatedly been proved during the construction of pool installations by the discovery of organic remains from the Roman period. The topographical situation of the fort can no longer be established, since the terrain has been substantially altered by

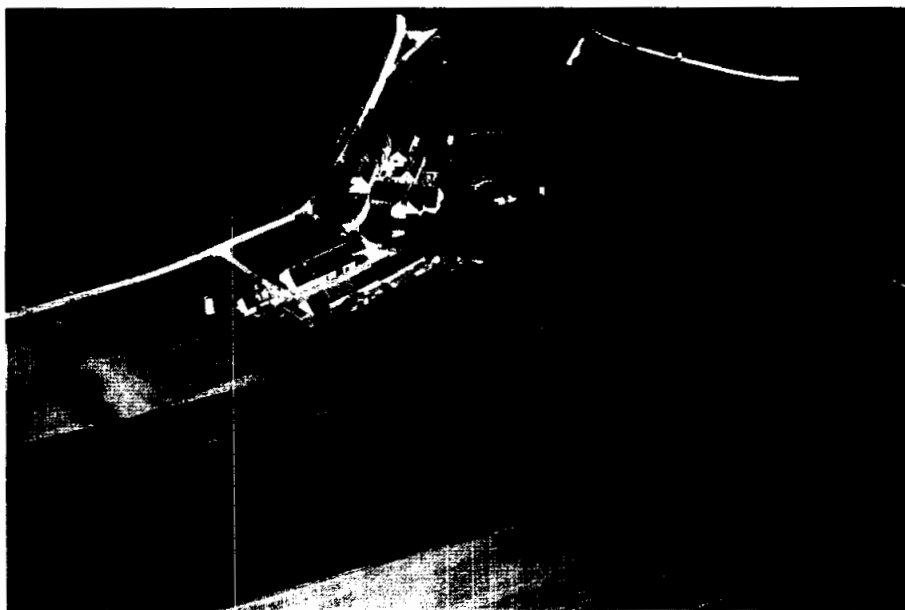
modern drainage ditches, pool installations, and the changes to the ground resulting from previous clay removal. In the adjoining forest area there are several indefinite outlines of buildings of the associated vicus, including the remains of an oval wall, possibly a small amphitheatre (diameter 42 x 37 m, height of the rampart up to 2 m). It has been possible to demonstrate burial grounds to the south, east and west in the outer area of the vicus.

There are dangers from agricultural use of the ground and further expansion of pool installations. A part of the area of the archaeological monument has been taken for intensive cultivation. Access is possible, apart from the courtyard of the agricultural establishment. Within the forest area looked after by the responsible Feuchtwangen forestry authority, no dangers are recognisable as acute. The area, particularly around the cultivated farming establishment, is, however, increasingly used for leisure purposes (bathing).

Bibliography: ORL Abt. B Nr. 69 (1901); Römer in Bayern, 432; Limes in Bayern, 40; Arch. Jahr Bayern 1988, 116 f.; 1986, 119 ff.; 1990, 113 ff.; Baatz, Limes, 276; C.-M. Hüssen/J. Mang, Altmühlfranken aus der Luft (Treuchtlingen 1987) 42; Schönberger, Ber. RGK 66, 1985, 471.



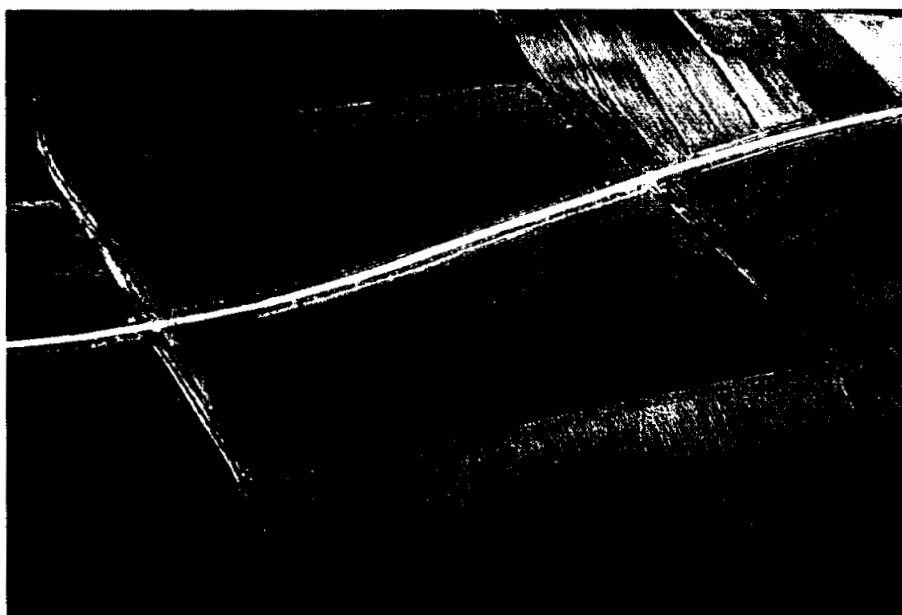
186 - Ehingen-Dambach, Landkreis Ansbach. General view of the Limes-line along the edge of the forest. In the centre the site of the fort and the Vicus. View from the south. (Bayerisches Landesamt f. Denkmalpflege).



187 - Ehingen-Dambach, Landkreis Ansbach. Site of the fort and the Vicus. View from the south. (Bayerisches Landesamt f. Denkmalpflege L6928/294-2 KL 01.04.01).



188 - Gnotzheim, Landkreis Weißenburg-Gunzenhausen. Site of the fort and the Vicus. (Bayerisches Landesamt f. Denkmalpflege).



189 - Gnotzheim, Landkreis Weißenburg-Gunzenhausen. Site of the fort. (Bayerisches Landesamt f. Denkmalpflege L6930/004 BR 12.11.86).

48 – Gnotzheim fort site

Gnotzheim Local Authority
Landkreis Weissenburg-Gunzenhausen

Photos 188 + 189

Maps: Vol. II, Enclosure B IV-31, V-51

Garrison of the *Cohors III Thracum*, previously possibly of the *Cohors V Bracaraugustanorum*. The location lies 6 km away from the Limes line, and formed an important rear support of the Raetian Limes installations from about 90 AD until the end of the Limes. The stone fort, of an area of 2.2 ha (153 x 143 m) was, according to findings from aerial photography, surrounded by at least three ditches. The Reichs-Limeskommission undertook excavations through Kohl. Later rescue excavations by the State Office for Monument Conservation covered the vicus zone and the burial ground.

The Roman remains lie to the south-west of Gnotzheim on a ridge between the valley of the Weilbach and the Wurmbach. The fort area formed a separate economic area. The fort is lined out by field paths. On the south side, a rise in the ground indicates the

location of a stone defence wall. The fort vicus extended to below the western fringe of the town of Gnotzheim. To the west finds indicate an extension of over 200 m.

The site of the fort and the associated civilian settlement are used for agricultural purposes, and are to a small extent overbuilt by asphalt commercial tracks and field paths. The ancient name for the place, *Mediana*, is documented by a Roman building inscription, which is today built into the south side of the Baroque church of St. Michael of Gnotzheim.

Particular dangers are not recognisable as acute. General dangers exist from continued agricultural use and the introduction of drainage. The archaeological monument is recorded in the Gnotzheim land utilisation plan.

Bibliography: ORL Abt. B Nr. 70 (1907); Römer in Bayern, 448; Schönberger, Ber. RGK 66, 1985, 472; Arch. Jahr Bayern 1999, 47, 1993, 94; Baatz, Limes, 277; C.-M. Hüssen/J. Mang, Altmühlfranken aus der Luft (Treuchtlingen 1987) 48; Limes in Bayern 1992, 41.

49 – Unterschwaningen fort site

Unterschwaningen and Wassertrüdingen-
Altentrüdingen Local Authorities
Landkreis Ansbach

Photos 190 + 191

Maps: Vol. II, Enclosure B IV-31, V-50

Garrison of an unknown numerus. The military use of the location probably lasted only a few decades between 90 AD and the start of the 2nd century. The timber fort, with an area of 0.7 ha (87 x 80 m) possessed two single gate installations, opposite each other. No conversion to stone took place. The location was probably taken over subsequently by a civilian agricultural establishment (villa rustica), which existed until the end of the Limes time in the middle of the 3rd century. Excavations are limited to the investigations of the Reichs-Limeskommission (Eidam).

The area of the archaeological monument today belongs to two local authorities. The fort lies around 1 km to the south of Unterschwaningen in a shallow rise above the meeting of the Arrabach and the Mühlbach. Individual trees and cleared area boundaries indicate its approximate position. A grass path is covering the south wall. There are

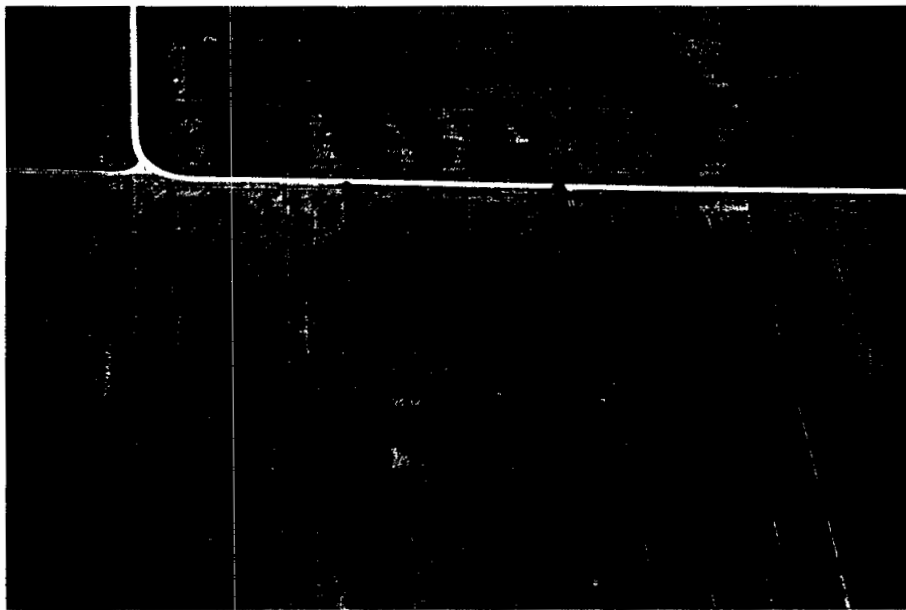
otherwise hardly any recognisable traces above ground in the area: the rise in the land designated the "Altweg" (Old Path) is probably not connected with the fort; individual stone remains indicate the civilian settlement in a few places. The location of the fort baths is uncertain. A hypocaust building in the fort is associated with the later use of the villa rustica.

The area of the archaeological monument is used for agricultural purposes and is crossed by a commercial lane with drainage ditches on both sides. Particular dangers are not recognisable as acute. General dangers exist from continued agricultural use. The construction of a bypass road some 300 m to the west of the fort in the valley depression is planned. An industrial estate is also planned in the region of the monument zone around the fort. The archaeological monument is recorded in the Unterschwaningen land utilisation plan.

Bibliography: ORL Abt. A Strecke 13 (1930) 36 ff.; C.-M. Hüssen/J. Mang, Altmühlfranken aus der Luft (Treuchtlingen 1987) 50; Limes in Bayern, 40f.; Römer in Bayern, 527; Baatz, Limes, 276; Schönberger 1985 D104; Jahrbuch „Alt-Dinkelsbühl“ 1966, 38.



190 - Unterschwaningen, Landkreis Ansbach. Site of the fort and the Vicus. (Bayerisches Landesamt f. Denkmalpflege).



191 - Unterschwaningen, Landkreis Ansbach. Two of the four corners of the fort are marked with trees. (Bayerisches Landesamt f. Denkmalpflege L6928/002-1 KL 05.07.01).



192 - Theilenhofen, Landkreis Weißenburg-Gunzenhausen. Excavated and preserved foundations of the fort baths. View from the north. (Bayerisches Landesamt f. Denkmalpflege).



193 - Theilenhofen, Landkreis Weißenburg-Gunzenhausen. Site of the forts and the Vicus with the fort baths. Infrared photograph, view from the south. (Bayerisches Landesamt f. Denkmalpflege L6930/006 BR 18.07.83).

50 – Theilenhofen fort site

Theilenhofen Local Authority
Landkreis Weissenburg-Gunzenhausen

Photos 192 + 193

Maps: Vol. II, Enclosure B IV-32, V-52

Garrison of the *Cohors III Bracaraugustanorum*, possibly built as a successor to the Munningen location at the beginning of the 2nd century. The *Tabula Peutingeriana* mentions the location as *Iciniacum*.

Stone fort

The original timber/earth fort in the Weil area was rebuilt in stone around the middle of the 2nd century. This fort, of an area of 2.7 ha (196 x 140 m), with two ditches around it, was oriented to the north, towards the Limes. Excavations of the Reichs-Limeskommission (by Eidam) were carried out in 1879/1895.

Timber fort

To the west of the stone fort, a timber/earth fort of 155 x 130 m was discovered in an aerial photograph in 1976 and was investigated by the State Office for Monument Conservation in 1976 with soundings in the region of the ditch. This negligibly defended camp, of which no internal buildings are known, may have been a construction camp.

The area of the archaeological monument is completely used for agriculture and is crossed by field paths and commercial lanes. The stone fort is marked by a tree on its SW and NW corners and by field paths on the

outside banks of the fort ditch (N-W-S). An indicator stone stands in the NE corner where the fort is crossed by the present-day local road connecting Theilenhofen and Pfofeld.

No features of the fort defences themselves are visible above ground. The construction camp to the west is also not recognisable on site in the flat terrain. It was possible to establish the location of the vicus from observations in connection with the laying of pipelines and from find reports: it extends to the south, as far as the present town. The bath house to the south-west of the timber/earth fort was excavated in 1968-1970. Its foundations can be seen as a reconstruction.

Particular dangers are not recognisable as acute. General dangers exist from the intensive agricultural use, expansions of gas and water pipelines through the vicus, and drainage pipelines in the fields. The known part of the vicus in the south is affected by a planned industrial estate, which is included in the land utilisation plan. The archaeological monument itself is recorded in the Theilenhofen land utilisation plan.

Bibliography: ORL Abt. B Nr. 71a (1905); Römer in Bayern, 522; Schönberger 1985, D 106, E 81; Baatz, Limes, 284; C.-M. Hüssen/J. Mang, Altmühlfranken aus der Luft (Treuchtlingen 1987) 54; Der römische Limes in Bayern, 42.

51 – Ellingen fort site

Ellingen City

Landkreis Weissenburg-Gunzenhausen

Photos 194 + 195**Maps: Vol. II, Enclosure B IV-31, V-49**

The stone fort around 1.7 km behind the Limes line bore the name *castellum Sablonetum* in Roman times. With an area of 0.7 ha (90 x 80 m), its dimensions, and the two gates opposite each other, it resembles comparable numerous forts. It was built around the year 120 AD and was occupied until at least the beginning of the 3rd century. After initial excavations by the Reichs-Limeskommission (Kohl), the fort was thoroughly archaeologically investigated by the State Office for Monument Conservation in the years 1980 – 1982, and subsequently partly reconstructed, respectively rebuilt.

The area of the archaeological monument in the former Burg area is today used for agriculture and is in parts crossed by field paths. Single finds and aerial photographs show an extension of the civilian settlement

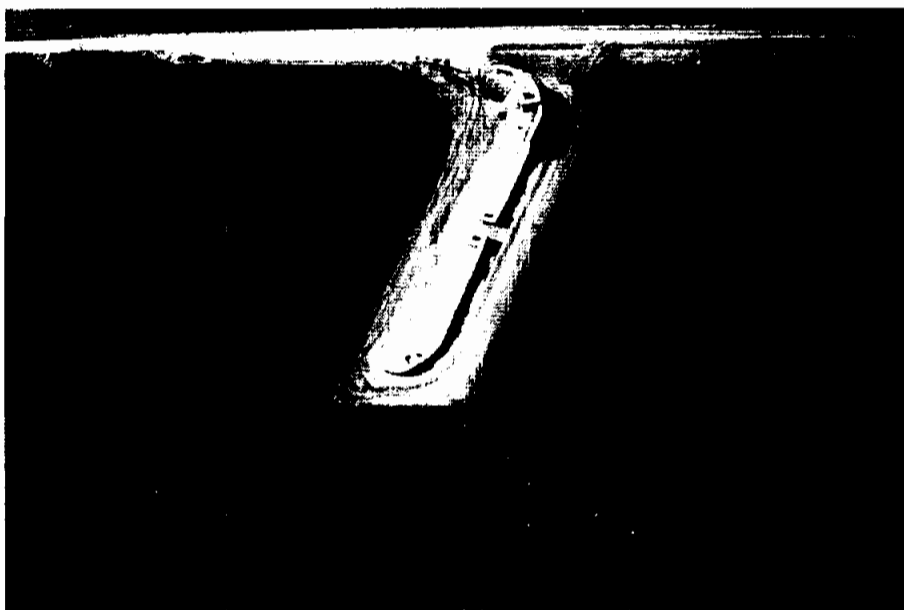
and other military establishments both further to the east, and also to the west, up to the present-day edge of the town of Ellingen. The north wall, with the ditch in front of it, and the north-west tower have been partly built up again.

Particular dangers are not recognisable as acute. General dangers exist from further agricultural usage in the area of the vicus, which has not yet been investigated.

Bibliography: ORL Abt. A Strecke 14 (1927) 81; K. Dietz, Kastellum Sablonetum und der Ausbau des rätischen Limes. Chiron 13, 1983, 497 ff.; Arch. Jahr Bayern 1980, 116 ff.; 1983, 188 ff.; W. Zanier, Das römische Kastell Ellingen. Limesforsch. 23, 1992; Baatz, Limes, 292.



194 - Ellingen, Landkreis Weißenburg-Gunzenhausen. The north-front of the fort rebuilt according to an excavation of the entire fort. View from the east. (Bayerisches Landesamt f. Denkmalpflege).



195 - Ellingen, Landkreis Weißenburg-Gunzenhausen. Site of the fort. View from the east. (Bayerisches Landesamt f. Denkmalpflege L6930/015-2 Kl. 10.02.01).



196 - Weißenburg, Landkreis Weißenburg-Gunzenhausen. General view of the town. The site of the fort and the Vicus are in the foreground. View from north-west. (Bayerisches Landesamt f. Denkmalpflege L6930/009 KL 12.05.01).



197 - Weißenburg, Landkreis Weißenburg-Gunzenhausen. The north-front of the fort has been rebuilt in full height following an intensive excavation. View from the north. (Bayerisches Landesamt f. Denkmalpflege).

52 – Weissenburg fort site

Weissenburg City

Landkreis Weissenburg-Gunzenhausen

Photos 196 + 197**Maps: Vol. II, Enclosure B IV-33, V-54**

Garrison of the *Ala I Hispanorum Auriana* between the last years of the 1st century and the end of the Limes in the middle of the 3rd century. Around 5.7 km from the later Limes line, a nearly square stone fort, with an area of 3.1 ha (170/174 x 179 m) and two outer defensive ditches, was built here around the year 150 AD, on the site of an earlier timber fort. The Roman remains of the fort and vicus in the Steinleinsfurt area were investigated by the Reichs-Limeskommission (Kohl) between 1890 and 1905, and later again by the State Office for Monument Conservation.

The fort area itself is completely preserved, and lies as an archaeological reserve area in a public park at the edge of the mediaeval town centre. The ground plan of the parameter walls and the principia of the fort are preserved. The north gate and the adjoining parts of the parameter walls were completely reconstructed in 1990.

Bibliography: ORL Abt. B Nr. 72 (1906); Römer in Bayern, 534; E. Grönke/E. Weinlich, Die Nordfront des römischen Kastells Biriciana Weißenburg. Kat. Prähist. Staatssammlung 25, 1991; E. Grönke, Alenkastell Weißenburg, Limesforsch. 25, 1997, Baatz, Limes, 289.

The extensive civilian settlement of the Roman vicus extends at least 750 x 650 m within the partly densely built up area of the town. Some areas have been kept free of buildings and are accessible to the public. The preserved sections of masonry wall of the fort baths situated to the west were integrated into a much-praised museum building in the year 1985. A second museum in the town centre displays the finds from the many years of excavations in Weissenburg, including the well-known "Römerschatz" (Roman treasure).

Particular dangers are not recognisable as acute. General dangers exist predominantly in the vicus area from the increasing density of construction and further infrastructure measures.

53 – Oberhochstatt fort site

Weissenburg City, Oberhochstatt area
Landkreis Weissenburg-Gunzenhausen

Photos 198 + 199

Maps: Vol. II, Enclosure B IV-33, V-55

The probable numerous fort is one of the least known forts on the Raetian Limes section. Both the identity of the troop stationed here and the dating of the location are unknown. Excavations by the Reichs-Limeskommission (Winkelmann) yielded only a few clues to the existence of a Limes fort. It was not until 1982/1983 when aerial photography made it possible to demonstrate the exact position of the parameter walls.

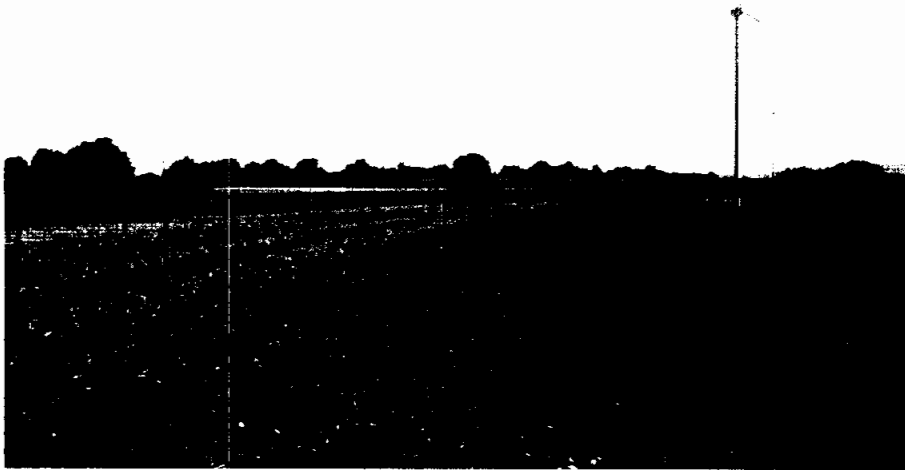
The area of the archaeological monument is located in the former Burgstall area (today: Indembucher Wegfeld) to the north of the town centre of Oberhochstatt. There is line-of-sight connection from this rim of the Jura plateau to the fort in Weissenburg. No remains are recognisable on site in the flat

field terrain. The extension of the vicus is also not known.

The fort and its surroundings are situated in agriculturally used areas. The postulated vicus has partly been built over with roads and field paths.

Particular dangers are not recognisable as acute. General dangers exist from further agricultural use, laying of pipelines in the area of the road, but particularly from overbuilding of vicus areas at the northern edge of the town of Oberhochstatt. Parts of the potential vicus areas are listed as a building zone in the continuation of the land utilisation plan of Weissenburg, Oberhochstatt area.

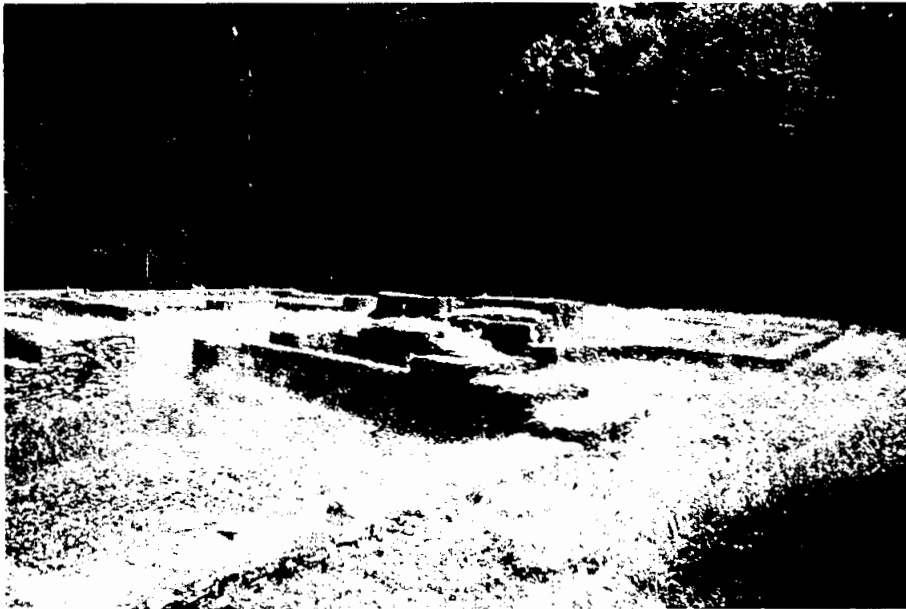
Bibliography: ORL Abt. A Strecke 14 (1927) 89; E. Grönke, Beiträge zur Archäologie in Mittelfranken 5, 1999, 181ff.; Baatz, Limes, 299; G. Ulbert/Th. Fischer, Der Limes in Bayern (Stuttgart 1983) 87.



198 - Weißenburg-Oberhochstatt, Landkreis Weißenburg-Gunzenhausen. Site of the fort Oberhochstatt and the Vicus. (Bayerisches Landesamt f. Denkmalpflege).



199 - Weißenburg-Oberhochstatt, Landkreis Weißenburg-Gunzenhausen. The infrared photograph shows the shape of the fort between the two streets. (Bayerisches Landesamt f. Denkmalpflege I.6932/119 BR 18.07.83).



200 - Burgsalach, Landkreis Weißenburg-Gunzenhausen. Preserved foundations of the fortlet (BURGUS) in the forest Harlach. (Bayerisches Landesamt f. Denkmalpflege).



201 - Burgsalach, Landkreis Weißenburg-Gunzenhausen. Site of the fortlet (left) and the shape of the much larger in the fields south of it (right). (Bayerisches Landesamt f. Denkmalpflege L6932/014b BR 14.07.83).

54 – Burgsalach fort site

Burgsalach Local Authority
Landkreis Weissenburg-Gunzenhausen

Photos 200 + 201

Maps: Vol. II, Enclosure B IV-33, V-56

Garrison of an unknown unit, probably a numerus, around 1.3 km behind the Limes line in the Harlach area. The square stone building, measuring 32.5 x 32.5 m, probably dates, in view of its unusual ground plan, from as late as the 3rd century. The defence installation, referred to as Burgus or *Centenarium*, was investigated in 1916/1917 (Winkelmann) and restored a number of times, with loss of substance.

Burgus

The area of the fort itself, surrounded by a fence, lies in a small clearing in the surrounding high forest, and is not accessible. From an excavation mound formed into a viewing point, however, the preserved foundations are excellently visible. Archaeological finds are known from the surrounding area, particularly from the neighbouring fields and from both sides of the Roman road between Pfünz and Weissenburg, which passes by. These could originate from an associated fort settlement.

Extent and location of the supposed vicus are, however, uncertain.

Timber fort

Some 350 m south-east of the Burgus, the buried ditches, measuring 90 x 105 m, of a timber/earth fort with an area of c. 0.9 ha was discovered in 1978 in the agriculturally used land in the "Bauernschlag" area, through aerial photography. In its north-west corner, it shows an internal building of some 50 x 48 m, possible a later reduction of the area of the fort. No remains are visible in the terrain on site. No finds are so far known.

Particular dangers are not recognisable as acute. General dangers exist in the area of the timber/earth fort due to intensive agricultural use and forestry in the area of the conjectured civilian settlement of the Burgus. The walls of the stone fort are to receive long-term protection against the negative effects of weather.

Bibliography: ORL Abt. A Strecke 14 (1927) 120; Germania 1917/18; Sammelblätter des Historischen Vereins Eichstätt ab 1886; Römer in Bayern 431; Limes in Bayern, 44; Baatz, Limes, 298; C.-M. Hüssen/J. Mang, Altmühlfranken aus der Luft (Treuchtlingen 1987) 61; G. Ulbert/Th. Fischer, Der Limes in Bayern, 87 (zum Holz-Erde-Lager).

55 – Pfünz fort site

Walting Local Authority, Pfünz Area
Landkreis Eichstätt

Photos 202 + 203

Maps: Vol. II, Enclosure B IV-35, V-57

Garrison of the *Cohors I Breucorum* between the year 90 AD and the end of the Limes around 260 AD. Knowledge of the fort and the vicus, situated to the south, go back to the investigations of the Reichs-Limeskommission (Winkelmann) between 1884 and 1900 together with construction observation in 1998 by the State Office for Monument Conservation when a high-pressure water pipe was laid.

The stone fort, with an area of 2.7 ha, has a nearly rectangular ground plan of 189 x 145 m, and was surrounded by two and in places three defence ditches cut in the limestone around the fort. The excavation finds indicate gate towers, corner towers and probably intermediate towers on the long sides.

The fort is situated in the Altkirchen-Feld area, on a spur of the hill south of the Altmühl. The vicus lay to the south of the fort. A burial ground has also been demonstrated by the arterial road there, and numerous uneven places in the neighbouring forest suggest human intervention. Further areas of

the vicus are known in the valley of the Altmühl and in the region of the valley slope to the east and west of the fort. The slightly raised interior of the fort is, like the majority of the vicus, used for agricultural purposes. The course of the former Roman road has been built over for a length of c. 400 m from the modern road connecting Pfünz and Pietenfeld.

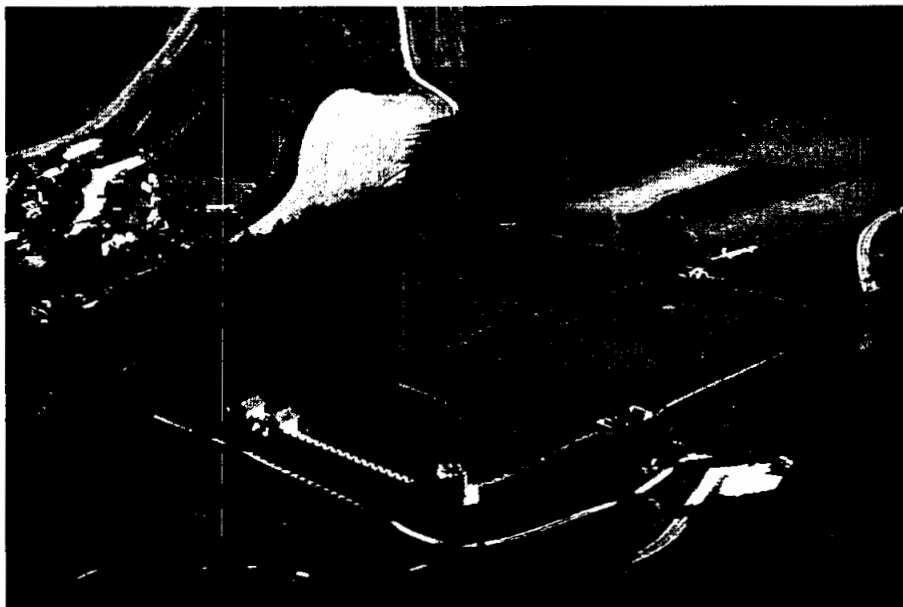
The western flank of the north wall and north gate are complete, the north-west wall and the west gate have been partly built up again, and the foundations of the tower at the south-east corner and the south gate have been reconstructed.

Particular dangers are not recognisable as acute. Parts of the fort and the vicus have been removed from ground usage, General dangers exist from further agricultural use and forestry. A high-pressure water pipeline crosses the rear of the hill before the south face of the fort. Foreign material has been bulldozed at several points. Building debris has been used in places to secure the rises.

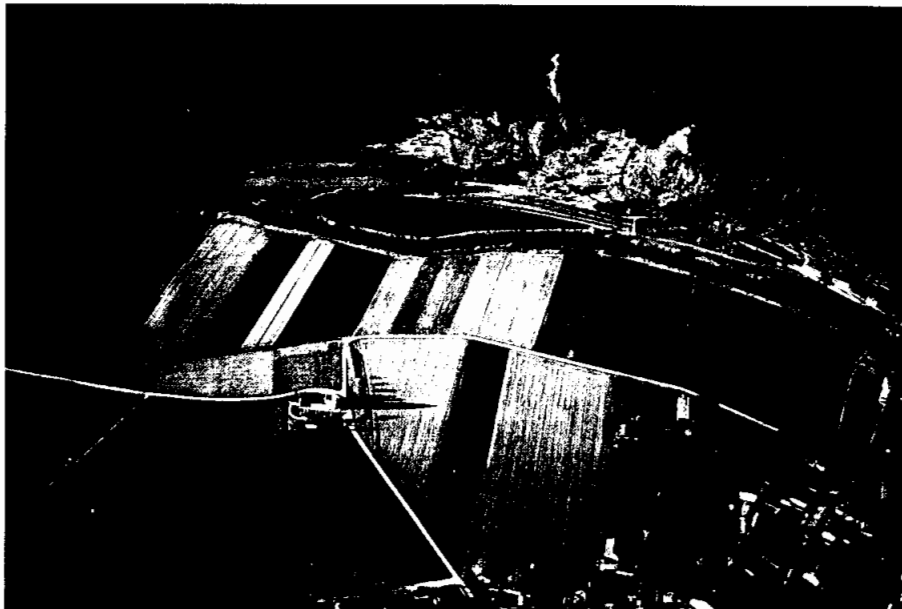
Bibliography: ORL Abt. B Nr. 73 (1901); Römer in Bayern, 500; Schönberger, Ber. RGK 66, 1985, 473; Limes in Bayern, 50; Baatz, Limes 308; G. Ulbert/Th. Fischer, Der Limes in Bayern (Stuttgart 1983) 94.



202 - Walting-Pfünz, Landkreis Eichstätt. The two ditches of the outer defences at the east side of the fort Pfünz were cut into the Jurassic rock. (Bayerisches Landesamt f. Denkmalpflege).



203 - Walting-Pfünz, Landkreis Eichstätt. Site of the fort with the reconstructed north walls. (Bayerisches Landesamt f. Denkmalpflege L7132/051-1 KL 16.10.99).



204 - Kipfenberg-Böhming, Landkreis Eichstätt. The site of the fort and the surrounding Vicus. The small church and the graveyard cover the centre of the fort. (Bayerisches Landesamt f. Denkmalpflege L7134/052a-1,3 KL 15.02.01).



205 - Kipfenberg-Böhming, Landkreis Eichstätt. The shape of the fort is visible as a rectangle around the church. (Bayerisches Landesamt f. Denkmalpflege L7134/052A-3 KL 14.01.95).

56 - Böhming fort site

Kipfenberg Local Authority, Böhming Area
Landkreis Eichstätt

Photos 204 + 205

Maps: Vol. II, Enclosure B IV-35 /-36, V-58

Garrison for an unknown unit, possible a numerus. The dating of the location is uncertain. Probably an older timber/earth fort existed which was then rebuilt in stone, in 181 AD, according to a building inscription. The excavations of the Reichs-Limeskommission (Winkelmann) in 1898 demonstrated the defence of the 0.7 ha (95 x 78 m) stone fort and parts of the principia. Later emergency excavations by the State Office for Monument Conservation covered parts of the vicus and the burial ground.

The rectangular ground plan of the fort can be recognised in the Kirchfeld area from clearly visible rises of up to 1.5 m in the land on all four sides. Part of the fort interior has been overbuilt by the church together with its surrounding cemetery and the associated sacristan's house. In contrast, no traces can

be seen of the vicus, which can be localised by finds and remains in the area to the south and east of the fort as far as the edge of the modern town. The burial ground in the south-east extends further under the area of the present-day town. The land to the north and west of the fort lies in the flood zone of the Altmühl. Almost no finds are known from there up to now. The Roman road is assumed to lie on the rise in the land south-west from the fort and further to the south along the flood line.

Particular dangers are not recognisable as acute. General dangers exist from further extension of the town buildings of Böhming in the area of the vicus. The archaeological monument is recorded as a monument in the land utilisation plan of Kipfenberg (in spatial conjunction with a listed building).

Bibliography: ORL Abt. B Nr. 73a (1907); Römer in Bayern, 429; Schönberger, Bericht RGK 66, 1985, 487; Der römische Limes in Bayern 1992, 49; Baatz, Limes, 306; G. Ulbert/Th. Fischer, Der Limes in Bayern (Stuttgart 1983) 93; A. Gäck, div. Veröffentlichungen in: Historische Blätter Landkreis Eichstätt.

57 – Pfürring fort site

Pfürring Local Authority
Landkreis Eichstätt

Photos 206 + 207

Maps: Vol. II, Enclosure B IV-39, V-60

Garrison of the *Ala I Flavia Singularium* between the year 100 AD and the end of the Limes. The originally timber/earth fort, by the name of *Celeusum*, was rebuilt in stone in the year 141 AD, according to a building inscription. The parameter walls, which are still clearly visible today, and a part of the internal masonry buildings were documented by the Reichs-Limeskommission (Fink).

The stone fort, with an area of 3.9 ha, has a nearly square ground plan (194 x 201 m), and was oriented towards the north-west. The elevation of the fort on the present-day Biburg area is clearly visible due to its embankment rises, which are up to 5 m high. A central elevation in the fort interior represents the location of the principia. Aerial photography shows various structures of the vicus buildings around the fort. However, the total extension of the vicus, according to the distribution of find sites in the terrain, reaches far beyond the areas recognisable in the aerial photograph. The exact extent of the civilian settlement and the associated burial grounds is not known. An arterial road of the fort can be recognised in one of the elevations in the field surface of the land

adjoining to the north. Another Roman road is to be found in the present-day field path to the east (towards the church of St. Stephen). A burial ground has also been demonstrated there.

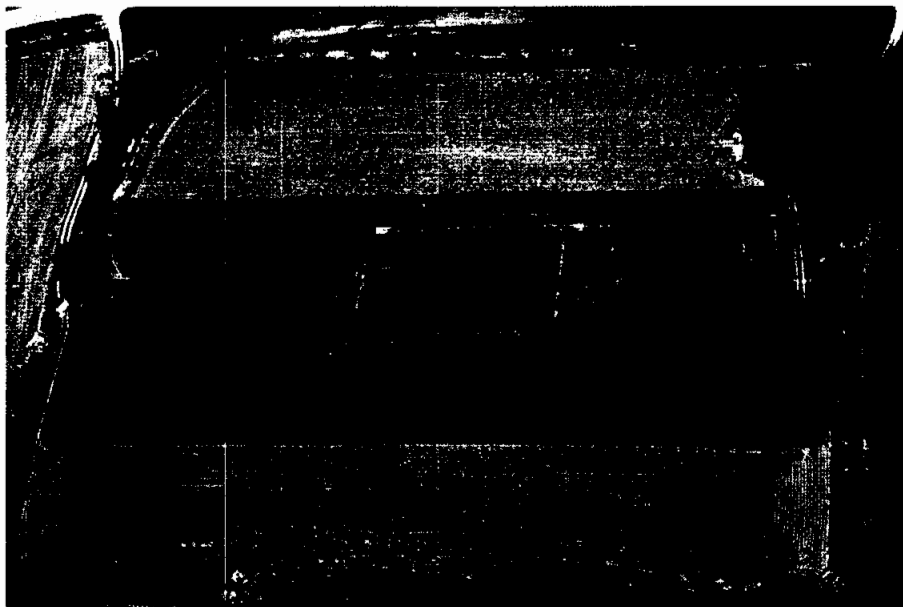
The area of the archaeological monument lies today in large part in areas used for agricultural purposes. The parameter walls of the fort are covered with bushes and hedge. In front of its west corner, a modern beer cellar has been built into the defence wall of the north-east. The foundations of the east tower and the northern corner tower have been preserved, but are now severely damaged. Field brush and trees grow in some areas of the interior. Parts of the fort settlement have been built over with a road and field paths. Inscription stones from the fort area are located in the parish church of Pfürring at the south side of the Sebastian chapel.

Particular dangers are not recognisable as acute. General dangers exist from further agricultural use (hop gardens) and the construction of pipelines for gas and water supply.

Bibliography: ORL Abt. B Nr. 75 (1902); Römer in Bayern 499; Schönberger, Ber. RGK 66, 1985, 473; H. Becker/O. Braasch, Arch. Jahr Bayern 1987, 133; Limes in Bayern 1992, 52; Baatz, Limes, 321; G. Ulbert/Th. Fischer, Der Limes in Bayern (Stuttgart 1983) 110.



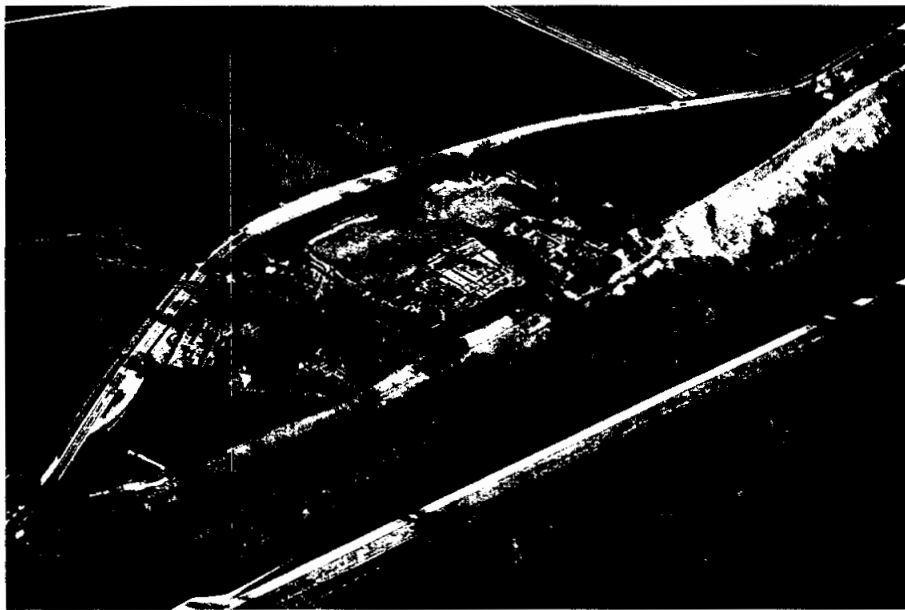
206 - Pförring, Landkreis Eichstätt. Site of the fort and the Vicus.
Embankment and hedge mark the rubble rampart of the exterior wall.
(Bayerisches Landesamt f. Denkmalpflege).



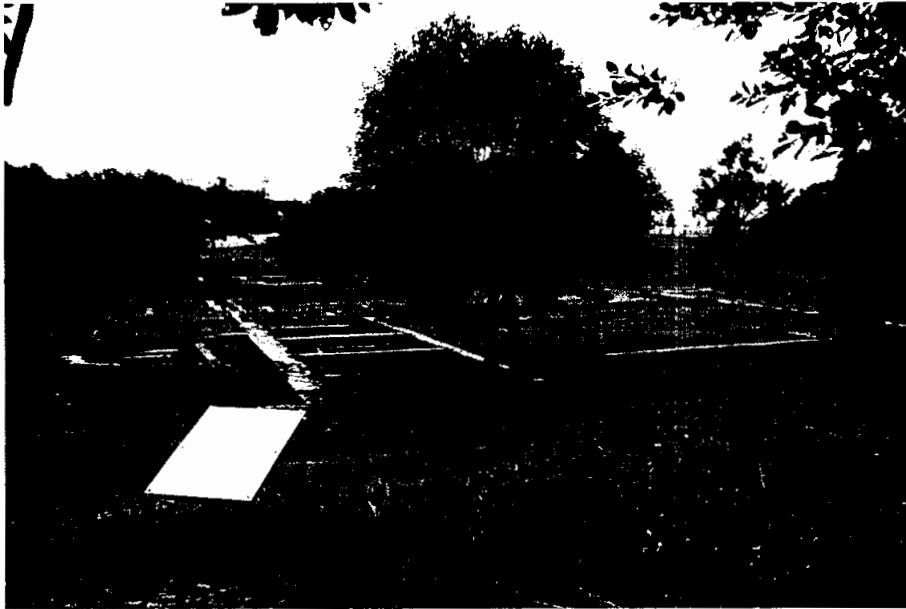
207 - Pförring, Landkreis Eichstätt. Shape of the fort and structures of several
stone buildings inside of it. (Bayerisches Landesamt f. Denkmalpflege
L7136/068b-4 KL 10.06.97).



208 - Neustadt a. d. Donau - Eining, Landkreis Kelheim. General view of the site of the two forts on both sides of the village of Eining. (Bayerisches Landesamt f. Denkmalpflege L7136/075b BR 03.02.85).



209 - Neustadt a. d. Donau - Eining, Landkreis Kelheim. Preserved ruins of the fort Eining and site of the surrounding Vicus. (Bayerisches Landesamt f. Denkmalpflege L7136/047b KL 16.03.01).



210 - Neustadt a. d. Donau - Eining, Landkreis Kelheim. View inside the fort Eining. (Bayerisches Landesamt f. Denkmalpflege).



211 - Neustadt a. d. Donau - Eining, Landkreis Kelheim. Site of the fort Eining-Untersfeld. (Bayerisches Landesamt f. Denkmalpflege L7136/075b-2 KL 13.06.01).

58 – Eining fort site

Neustadt a.d. Donau, Eining Area
Landkreis Kelheim

Photos 208 - 211

Maps: Vol. II, Enclosure B IV-39, V-61 /-62

Garrison of various military units (including the *Cohors IV Tungrorum* and the *Cohors III Britannorum*) between 80 AD and the middle of the 5th century. Extensive excavations by the State Office for Monument Conservation between 1878 and 1920 (Reinecke) uncovered the remains of the defence installation, which was used for almost 400 years. The extent of the vicus is known from aerial photography, excavations, and find reports from preceding decades.

At the Roman fort location *Abusina*, a timber/earth fort, oriented to the north, was first constructed, which was built up in stone after the middle of the 2nd century and re-oriented towards the east. The fort area is 1.8 ha (147 x 125m). The gate installations in the north, east and south were built as double passageways. In late antiquity, an inner fortification around 40 x 40 m was added in the south-west corner of the fort.

Cohors fort

The area of the archaeological monument lies some 500 m to the south of the edge of the village of Eining, close to the slope of the terraces over the Abens stream in the "Auf der Burg" area. The fort lies, fenced in, within an archaeological park area. The ground plans of the parameter walls and the most important internal stone buildings have been preserved or restored. Separated by the course of the present-day State road between Neustadt and Eining, the remains of an extensive vicus extend in the agriculturally used areas, to the north partly as far as the south edge of the modern village, as well as

to the east and south. In the south, supply channels (gas pipeline and two free cables for high-voltage electricity) pass next to the site, while parts of the monument are threatened by further extension of the village, expansion of the road and various field paths, as well as by hop cultivation.

Eining-Unterfeld

In the Unterfeld area to the east of the centre of Eining, the remains of an 11 ha military camp exist, which was oriented towards the Danube. It may have been a supply camp for the *Legio III Italica* that was stationed there for a short period during the Marcomannic Wars around the year 175 AD. Excavations (Schönberger) and aerial photography shows a camp area of 380 x 340 m, surrounded by two V-shaped ditches and a turf wall, the internal buildings are made of stone and timber. The parameter walls are perceptible to the east of the road as a sunken path up to 2 m deep and on the south-east side as a field path adjacent to the outside leading a further c. 250 m. Nothing is so far known of a vicus.

Dangers exist from continued agricultural use. The edge of the modern village has extended with individual buildings and farm lands to and across the south-west side of the Unterfeld camp area. Dangers also exist here from plans for further expansion of the State road.

Bibliography: ORL Abt. A Strecke 15 (1932) 69; Arch. Jahr Bayern 1992, 107f.; K. Spindler/Th. Fischer, Das röm. Grenzkastell Abusina-Eining (Stuttgart 1984); Limes in Bayern 1992, 52 ff.; A. Faber, Bayer. Vorgeschbl. 58, 1993, 97 ff.; M. Mackensen, Germania 70, 1994, 479 ff.; Baatz, Limes, 322 f.

State and municipal museumsBaden-Württemberg

Limesmuseum Aalen
Zweigmuseum des Archäologischen
Landesmuseums Baden-Württemberg
St.-Johann-Straße 5
73430 Aalen

Archäologisches Landesmuseum Baden-
Württemberg mit Außenstelle Konstanz
und Zentralem Fundarchiv Rastatt
Berliner Straße 12
73728 Esslingen am Neckar

Schloßmuseum Jagsthausen
Götzenburg
74249 Jagsthausen

Badisches Landesmuseum
Schloß
76131 Karlsruhe

Römermuseum Mainhardt
Hauptstraße 3
74535 Mainhardt

Carl-Schweizer-Museum
Seegasse 27
71540 Murrhardt

Weygang-Museum
Karlsvorstadt 38
74613 Öhringen

Römermuseum Osterburken
Zweigmuseum des Archäologischen
Landesmuseums Baden-Württemberg
Römerstraße 18
74706 Osterburken

Museum für Natur & Stadtkultur
Johannisplatz 3, im Prediger
73525 Schwäbisch Gmünd

Württembergisches Landesmuseum
Schillerplatz 6, Altes Schloß
70173 Stuttgart

Stadt und Wallfahrtsmuseum
Hauptstraße 39
74731 Walldürn

Städtisches Museum
Pfarrstraße 8
73642 Welzheim

Bavaria

Stiftsmuseum der Stadt Aschaffenburg
Stiftsplatz 3
63739 Aschaffenburg

Archäologisches Museum
Tanzhaus
Reichsstraße 34
86609 Donauwörth

Museum für Ur- und Frühgeschichte
an der Willibaldsburg
Burgstraße 19
85072 Eichstätt

Museum Gunzenhausen
Rathausstraße 12
91710 Gunzenhausen

Stadtmuseum Ingolstadt
Auf der Schanz 45
85049 Ingolstadt

Archäologisches Museum
der Stadt Kelheim
Lederergasse 1
93309 Kelheim

Römer und Bajuwarenmuseum
Burg Kipfenberg
Burg
85110 Kipfenberg

Museum für Archäologie und Volkskunde
Klosterstraße 3
85092 Kösching

Archäologisches Museum Quintana
Osterhofener Straße 2
94550 Künzing

Museum der Stadt Miltenberg
Marktplatz 171
63897 Miltenberg

Archäologische Staatssammlung
München
Lerchenfeldstraße 2
80535 München

Museum Obernburg a. Main
Römerhaus
Mainstraße
63785 Obernburg a. Main

Römermuseum Kastell Boiotro
Lederergasse 43
94032 Passau

Museum der Stadt Regensburg
Dachauplatz 2 – 4
93047 Regensburg

Gäubodenmuseum Straubing
Frauenhoferstraße 9
94315 Straubing

Römermuseum Weißenburg
Dr.-Martin-Luther-Platz 3
91781 Weißenburg

Hesse

Saalburgmuseum
Saalburg-Kastell
61350 Bad Homburg v. d. Höhe

Bad Schwalbacher Kur · Stadt · Apotheken
Museum
Pestalozzistr. 16a
65307 Bad Schwalbach

Heuson-Museum
Rathausgasse 6
63654 Büdingen

Museum der Stadt Butzbach
Färbgasse 16
35501 Butzbach

Hessisches Landesmuseum
Friedensplatz 1
64283 Darmstadt

Heimatmuseum Echzell
Lindenstr. 3
61209 Echzell

Wetterau-Museum
Haagstr. 16
61169 Friedberg

Oberhessisches Museum und Gail'sche
Sammlungen
Brandplatz 2
35390 Gießen

Museum der Gemeinde Großkrotzenburg
Breitestr. 20
63538 Großkrotzenburg

Museum Schloß Steinheim
Schloßstraße
63456 Hanau-Steinheim

Vortaunusmuseum
Marktplatz 1
61440 Oberursel

Museum Wiesbaden
Sammlung Nassauischer Altertümer
Friedrich-Ebert-Allee 2
65185 Wiesbaden

Rhineland-Palatinate

Kur- und Stadtmuseum Bad Ems
Römerstr. 97
56132 Bad Ems

Landesmuseum Koblenz
Festung Ehrenbreitstein
56077 Koblenz

Kreismuseum Neuwied
Raiffeisenplatz 1 a
56564 Neuwied

Constitution of the German Limes Route Association

§ 1

Name, Registered Address

The Association bears the name “Deutsche Limes-Straße e.V.” (German Limes Route Association).

It has its registered address in Aalen. It is registered in the Register of Associations at the Aalen Registry Office.

§ 2

Role, Purpose, Sphere of Activities

- (1) The Association intends to strengthen the interest in Roman history among the population. For this purpose, the Association produces and distributes informational material, engages in public relations, co-ordinates advertising campaigns of its members in relation to the historic Roman sites and undertakes common advertising. In addition, the Association seeks to reanimate the Limes route through campaigns and events and thus to promote in the population consciousness of the country and its historical development.
- (2) The Association applies itself to the state of preservation of the Roman monuments and sites along the Limes, and supports its members in the reconstitution and maintenance of it. As well as this, it promotes the other cultural assets (e.g. museums, reconstructions), particularly by continual contact with the scientific staff of the State museums and State Offices for Monument Conservation.
- (3) The Association intends to promote awareness of the adjacent landscapes and places and to make efforts to secure uniform signposting of the Roman historic sites.
- (4) The course of the German Limes route is defined as follows: see Appendix I (*not included*).
- (5) The German Limes Route Association does not seek to make a profit. It pursues exclusively and directly the purposes of a friendly society in the sense of the section "Steuerbegünstigte Zwecke" (tax privileged purposes) of the Abgabenordnung (General Fiscal Law). The Association acts philanthropically and does not primarily pursue the separate economic goals of the economic interests of the individual members.
- (6) The means of the Association may only be used for purposes that are in accordance with its constitution. The members receive no allocations from the funds of the Association.
- (7) No person may benefit from expenses that are alien to the purpose of the Association, and no person may benefit from disproportionately large compensation.

§ 3

Acquisition and Termination of membership

- (1) Any city / local authority / rural district or legal person under private law with more than 50 % communal participation, which pursues the goals of the German Limes Route Association, lies in the catchment area of the course of the German Limes Route, and disposes of Roman historical sites (monuments, reconstructions, excavations, museums), can become an ordinary member. Each city / local authority / rural district shall be a member of the appropriate regional tourism association and shall maintain a businesslike, functioning tourist office. The member can delegate the rights of membership within the internal relationship.

- (2) All natural persons, societies and legal persons, particularly organisations of the commercial economy, may be sponsor members. Sponsorship shall be material and ideational.
- (3) The Members' Assembly decides on the acceptance of ordinary and sponsor members with a majority of two thirds of all members *present*. Application for membership has to be made in writing.
- (4) Each member can give notice of termination of membership by written declaration to the administrative office, giving six months notice before the end of the financial year.
- (5) The Members Assembly can resolve the exclusion of a member with a two thirds majority of all ordinary members *present*, if the member has committed a gross breach of the duties of membership described in § 4. Grounds for exclusion exist if the member is more than six months in arrears with payment of contributions.

§ 4

Rights and Duties of Members

- (1) Each ordinary member is entitled and encouraged to use the advertising material published by the German Limes Route Association. They can also serve to advise and support the German Limes Route Association in all affairs of the German Limes Route Association.
- (2) All members are obliged to make the contributions in accordance with the constitution (§ 5) and to participate actively in the realisation of the goals of the German Limes Route Association. They have to refrain from anything that is contrary to the interests of the German Limes Route Association.
- (3) Sponsor members may use the emblem and the logo of the German Limes Route Association only with authorisation from the Working Committee and after payment of fees.

§ 5

Members' Contributions

The German Limes Route Association levies contributions from its members to cover its administrative needs. These are determined in the Contributions Ordinance (see Appendix 2 - *not included*). The German Limes Route Association may levy compensation for advertising materials and advertising measures.

§ 6

Institutions in the Ambit of Monument Conservation and Tourism

- (1) Institutions in the ambit of monument conservation and tourism with regional or trans-regional significance which are actually affected by the German Limes Route or which lie in the catchment area of its course each have the right to delegate a representative to the Members' Assembly of the German Limes Route Association. Representatives of these institutions can be called upon by the Board for consultation.

§ 7

Organs of the Association

The organs of the German Limes Route Association are:

- a) The Members' Assembly
- b) The Board

- c) The Working Committee
- d) The Director

§ 8

Members' Assembly

- (1) The Members' Assembly shall be convoked by the Chairman at least once a year. Invitations to this must be made in writing, stating the agenda, at least four weeks in advance of the Assembly.
- (2) The Members' Assembly is chaired by the Chairman. If he is prevented from doing this, he is represented by his deputy. The Members' Assembly resolves all important matters, particularly the amount of the contributions, the budget, the acceptance of new members, the common advertising measures, the release of the Director, the election of the Board and the Director, the appointment of the Working Committee, alterations to the constitution, and the dissolution of the Association.
- (3) An extraordinary Members' Assembly must be convoked within eight weeks if at least a third of the members apply in writing for this.
- (4) Each ordinary member has a vote in the Members' Assembly. Sponsor members have an exclusively advisory function.
- (5) Resolutions are made by a simple majority of the members present, except where this constitution determines something different.
- (6) The Members' Assembly is quorate irrespective of the number of ordinary members present.
- (7) Minutes are to be prepared of the resolutions of the Members' Assembly, which are to be signed and delivered to all members by the Chairman of the German Limes Route Association, or if he is unable to do this, by the chairman of the Assembly.

§ 9

Board

- (1) The Board consists of the Chairman, two deputies, and four assessors from the circle of ordinary members, whereby balanced representation of the participating Federal States is to be observed. It is to be elected by the Members' Assembly for a duration of three years. The office of each member of the Board is bound to his principal office. If the representative leaves his principal office, a new representative is to be elected.
- (2) The Board is in particular responsible for preparing the business plan, administering the assets of the Association, and accounting to the Members' Assembly.
- (3) The Board is quorate when at least four of its members are present. Resolutions of the Board are made with a simple majority of the members present. In the case of a tied vote, the chairman of the meeting has a casting vote.
- (4) The Board in the sense of § 26 BGB is the Chairman and his two deputies. Each of them is entitled to represent the Association acting alone. In internal affairs, the deputies are only entitled to represent the Chairman in the event that he is prevented from acting.
- (5) The Director is a member of the Board by virtue of his office, with an advisory voice.

§ 10

Working Committee

- (1) A Working Committee will be appointed by the Board every three years, whereby balanced representation of the participating Federal States is to be observed, taking account of the numbers of members and the length of the stretches of the Limes. The members of the Working Committee represent the interests of the whole German Limes Route Association and shall be distinguished by particular specialist knowledge. The Working Committee can co-opt additional persons to its meetings.
- (2) The Director of the German Limes Route Association is a member of the Working Committee by virtue of his office. He chairs the meetings.
- (3) The Working Committee is convoked by the Director of the German Limes Route Association. It is quorate when at least half of its members are present. It must be convoked when at least half of its members apply for this.
- (4) Urgent measures that cannot wait until the next Members' Assembly can be resolved with immediate effect by the Working Committee in consensus with the Board. The Members' Assembly is to be informed of this at the next assembly.

§ 11

The Director

- (1) The Director conducts the current business of the German Limes Route Association, and prepares the Members' Assembly and the meetings of the Board and of the Working Committee. He carries out the resolutions made.
- (2) The Director is elected by the Members' Assembly for three years. In the event that he is prevented from acting, he is represented by the deputies in the local service relationship.
- (3) The Director is to be insured against potential claims for compensation for damage.
- (4) In the event that the Director leaves his local service relationship, the Members' Assembly must make a new resolution over the Directorship.

§ 12

Cash Transactions

- (1) The cash transactions of the German Limes Route Association are conducted through the administrative office of the Director.
- (2) The cash report is presented to the Members' Assembly in writing.
- (3) The cash management of the previous financial year is to be audited by cash auditors, who are appointed by the Members' Assembly for three years. A report of the results of the cash audit is to be given to the Members' Assembly.

§13

Financial Year

The financial year is the calendar year.

§14

Alteration of the Constitution

- (1) The constitution can be altered by the Members' Assembly with a majority of two thirds of the ordinary members present.

§ 15

Dissolution of the Association

- (1) The dissolution of the German Limes Route Association can only be resolved by a Members' Assembly convoked especially for that purpose with a notice period of four weeks, and by a majority of two thirds of the ordinary members present.
- (2) After dissolution, liquidation is conducted by the last Chairman of the German Limes Route Association. The assets remaining after settlement of all liabilities falls to a public corporation or a tax privileged corporation for use for the purposes of culture (Roman historic sites).

§ 16

Coming Into Force

The constitution was resolved by the Members' Assembly in Aalen on 26/9/1995. It came into effect on that day.

Member Communities (*as at 2002*)

35410 Hungen/Inheiden	73460 Hüttlingen
35415 Pohlheim	73479 Ellwangen
35423 Lich	73492 Rainau
35510 Butzbach	73495 Stödtlen
53552 Bad Hönningen	73525 Schwäbisch Gmünd
56130 Bad Ems	73547 Lorch
56170 Bendorf	73553 Alfdorf-Pfahlbronn
56203 Hillscheid	73560 Böbingen
56355 Nastätten	73563 Mögglingen
56377 Nassau	73642 Welzheim
56564 Neuwied	74249 Jagsthausen
56598 Rheinbrohl	74535 Mainhardt
61197 Florstadt	74613 Öhringen
61207 Eczell	74629 Pfedelbach
61273 Wehrheim	74706 Osterburken
61288 Bad Homburg	74722 Buchen
61389 Schmitten	74731 Walldürn
61479 Glashütten	85072 Eichstätt
63450 Hanau	85072 Walting
63500 Seligenstadt	85104 Pförring
63526 Erlensee	85110 Kipfenberg
63538 Großkrotzenburg	85135 Titting
63544 Hammersbach	91614 Mönchsroth
63674 Altenstadt	91634 Wilburgstetten
63694 Limeshain	91710 Gunzenhausen
63739 Aschaffenburg	91725 Ehingen
63785 Obernburg	91741 Theilenhofen
63811 Stockstadt	91744 Weiltingen
63843 Niedernberg	91749 Wittelshofen
63897 Miltenberg	91780 Weißenburg
63939 Würth	91785 Pleinfeld
65307 Bad Schwalbach	91790 Burgsalach
65321 Heidenrod	91792 Ellingen
65510 Idstein	93047 Regensburg
71540 Murrhardt	93309 Kelheim
71577 Großerlach	93333 Neustadt
73430 Aalen	93336 Altmannstein

Lists of the competent administrative authorities

1. Baden-Württemberg

District Councils

Regierungspräsidium Stuttgart
Ruppmannstraße 21
70565 Stuttgart
E-Mail: abteilung2@rps.bwl.de

Regierungspräsidium Karlsruhe
Schloßplatz 1-3
76131 Karlsruhe
E-Mail: poststelle@rpk.bwl.de

Regional Councils

Landratsamt Heilbronn
Lerchenstraße 40
74064 Heilbronn

Landratsamt Ostalbkreis
Stuttgarter Straße 41
73430 Aalen

Landratsamt Hohenlohekreis
Allee 17
74653 Künzelsau

Landratsamt Rems-Murr-Kreis
Alter Postplatz 10, Postfach 1413
71348 Waiblingen

Landratsamt Neckar-Odenwald-Kreis
Renzstraße 10
74821 Mosbach

Landratsamt Schwäbisch Hall
Münzstraße 1
74523 Schwäbisch Hall

Towns and Local Authorities

Große Kreisstadt Aalen
Rathaus, Marktplatz 30
73430 Aalen

Gemeinde Essingen
Rathaus, Rathausgasse 9
73457 Eissingen

Stadt Adelsheim
Rathaus, Schlossgasse 14
74740 Adelsheim

Stadt Forchtenberg
Rathaus, Hauptstraße 14
74670 Forchtenberg

Gemeinde Alfdorf
Rathaus, Obere Schlossstrasse 28
73533 Alfdorf

Gemeinde Großerlach
Rathaus, Stuttgarter Straße 18
71577 Großerlach

Gemeinde Böbingen
Rathaus, Römerstraße 2
73560 Böbingen an der Rems

Gemeinde Heuchlingen
Rathaus, Küferstraße 3
73572 Heuchlingen

Stadt Buchen
Rathaus, Wimpinaplatz 3
74722 Buchen/Odenwald

Gemeinde Hüttlingen
Rathaus, Schulstraße 10
73460 Hüttlingen

Große Kreisstadt Ellwangen
Rathaus, Spitalstraße 4
73479 Ellwangen (Jagst)

Gemeinde Iggingen
Rathaus, Marktplatz 6
73574 Iggingen

Gemeinde Jagsthausen
Rathaus, Hauptstraße 3
74249 Jagsthausen

Gemeinde Pfedelbach
Rathaus, Hauptstraße 17
74629 Pfedelbach

Gemeinde Kaisersbach
Rathaus, Dorfstraße 5
73667 Kaisersbach

Gemeinde Rainau
Rathaus, Schlossberg 12
73492 Rainau

Stadt Lorch
Rathaus, Hauptstraße 19
73547 Lorch

Gemeinde Schöntal
Rathaus, Klosterhof 1
74214 Schöntal

Stadt Mainhardt
Rathaus, Hauptstraße 1
74535 Mainhardt

Große Kreisstadt Schwäbisch Gmünd
Rathaus, Marktplatz 1
73525 Schwäbisch Gmünd

Gemeinde Mögglingen
Rathaus, Hauptstraße 29
73563 Mögglingen

Gemeinde Stödlern
Rathaus, Rathausstraße 11
73495 Stödlern

Stadt Murrhardt
Rathaus, Marktplatz 10
71540 Murrhardt

Stadt Walldürn
Rathaus, Burgstraße 3
74731 Walldürn

Gemeinde Mutlangen
Rathaus, Hauptstraße 22
73557 Mutlangen

Stadt Widdern
Rathaus
74259 Widdern

Große Kreisstadt Öhringen
Rathaus, Marktplatz 15
74613 Öhringen

Stadt Welzheim
Rathaus, Kirchplatz 3
73642 Welzheim

Stadt Osterburken
Rathaus, Marktplatz 3
74706 Osterburken

Gemeinde Zweiflingen
Rathaus, Eichbacher Straße 21
74639 Zweiflingen

2. Bavaria

District Councils

Regierung von Oberbayern
Maximilianstraße 39
80538 München

Regierung von Unterfranken
Peterplatz 9
97070 Würzburg

Regierung von Niederbayern
Regierungsplatz 540
84028 Landshut

Regierung von Mittelfranken
Promenade 27
91522 Ansbach

Regional Councils

Landratsamt Aschaffenburg
Bayernstraße 18
63739 Aschaffenburg

Landratsamt Miltenberg
Brückenstraße 2
63897 Miltenberg

Landratsamt Ansbach
Crailsheimstraße 1
91522 Ansbach

Landratsamt Eichstätt
Residenzplatz 1
85072 Eichstätt

Landratsamt Weißenburg-Gunzenhausen
Bahnhofstraße 2
91781 Weißenburg

Landratsamt Kelheim
Schloßweg 3
93309 Kelheim

Towns and Local Authorities

Gemeinde Stockstadt
Hauptstr. 19 – 21
63811 Stockstadt am Main

Gemeinde Wittelshofen
Schulstraße 15
91749 Wittelshofen

Gemeinde Niedernberg
Hauptstraße 54
63843 Niedernberg

Gemeinde Langfurth
Hauptstraße 38
91731 Langfurth
E-mail: poststelle@langfurth.bayern.de

Gemeinde Obernburg
Römerstr. 62 – 64
63785 Obernburg

Gemeinde Ehingen
Wittelshofener Str. 30
91725 Ehingen
VG Hesselberg

Gemeinde Würth am Main
Luxburgstraße 10
63939 Würth am Main

Gemeinde Unterschwaningen
Hauptstraße 11
91743 Unterschwaningen
VG Hesselberg

Gemeinde Klingenberg
Rathausstraße 9
63911 Klingenberg am Main

Gemeinde Gerolfingen
Rathaus 50
91726 Gerolfingen
VG Hesselberg

Stadt Miltenberg
Engelplatz 69
63897 Miltenberg

Stadt Wassertrüdingen
Marktstraße 9
91717 Wassertrüdingen

Stadt Amorbach
Kellereigasse 1
63916 Amorbach

Markt Arberg
Marktplatz 13
91722 Arberg

Gemeinde Mönchsroth
Hauptstraße 2
91614 Mönchsroth
E-Mail: Gde-Moenchsroth@t-online.de

Stadt Gunzenhausen
Marktplatz 23
91710 Gunzenhausen
E-Mail: stadt@gunzenhausen.de

Gemeinde Wilburgstetten
Alte Schulstraße 8
91634 Wilburgstetten

Markt Gnotzheim
Spielberger Straße 15
91728 Gnotzheim

Gemeinde Weiltingen
Schloßweg 11
91744 Weiltingen
E-Mail: weiltingen@t-online.de

Gemeinde Pfofeld
Reutbergstraße 34
91710 Gunzenhausen

Gemeinde Theilenhofen
Bergstraße 8
91741 Theilenhofen

Verwaltungsgemeinschaft Gunzenhausen
Reutbergstraße 34
91710 Gunzenhausen

Markt Pleinfeld
Marktplatz 11
91785 Pleinfeld
e-mail pleinfeld@gmx.de

Stadt Ellingen
Weißenburger Straße 1
91792 Ellingen

Stadt Weißenburg
Marktplatz 19
91781 Weißenburg in Bayern
E-Mail: stadt@weissenburg.de

Gemeinde Höttingen
Pleinfelder Straße 6
Fiegenstall
91798 Höttingen

Gemeinde Ettenstatt
Obere Hauptstraße 12
91796 Ettenstatt

Gemeinde Burgsalach
Schmidgasse 1
91790 Nennslingen

Gemeinde Raitenbuch
Schmiedgasse 1
91790 Nennslingen

Marktgemeinde Titting
Rathausplatz 1
85135 Titting
E-Mail: markt.titting@altmuehlnet.de

Markt Kipfenberg
Marktplatz 2
85108 Kipfenberg
E-Mail: Verwaltung@Kipfenberg.de

Gemeinde Kinding
Kipfenberger Straße 4
85125 Kinding

Gemeinde Walting
Pfahlstraße 17
85072 Eichstätt
E-Mail: Gemeinde@Walting.de

Gemeinde Denkendorf
Wassertal 2
85095 Denkendorf

Marktgemeinde Altmannstein
Marktplatz 4
93336 Altmannstein

Markt Kösching
Marktplatz 1
85092 Kösching
E-Mail: info@markt-koesching.de

Markt Pförring
Marktplatz 1
85104 Pförring
E-Mail: markt.pfoerring@altmuehlnet.de

Stadt Neustadt an der Donau
Stadtplatz 1
93333 Neustadt a. d. Donau
E-Mail: poststelle@neustadt-do.de

3. Hesse

District Councils

Regierungspräsidium Darmstadt
Luisenplatz 2
64278 Darmstadt

Regierungspräsidium Gießen
Landgraf-Phillipp-Platz 3 –7
35309 Gießen

Regional Councils

Landratsamt des Hochtaunuskreises
Kreisverwaltung
Louisenstraße 86 – 90
61348 Bad Homburg v. d. Höhe

Landratsamt des Landkreises Gießen
Kreisverwaltung
Ostanlage 33 – 45
35390 Gießen

Landratsamt des Main-Kinzig-Kreises
Kreisverwaltung
Eugen-Kaiser-Straße 9
63450 Hanau

Landratsamt des Kreises Offenbach
Berliner Straße 60
63065 Offenbach

Landratsamt des Rheingau-Taunus-
Kreises
Kreisverwaltung
Heimbacher Straße 7
65307 Bad Schwalbach

Landratsamt des Wetteraukreises
Kreisverwaltung
Europaplatz
61169 Friedberg

Towns and Local Authorities

Gemeindeverwaltung Altenstadt
Frankfurter Straße 11
63674 Altenstadt

Stadtverwaltung Bad Homburg v. d.
Höhe
Rathausplatz 1
61343 Bad Homburg v. d. Höhe

Stadt Bad Nauheim
Rathaus Friedrichstraße 3
61231 Bad Nauheim

Stadtverwaltung Bad Schwalbach
Adolfstraße 38
65307 Bad Schwalbach

Stadtverwaltung Butzbach
Marktplatz 1
35510 Butzbach

Gemeindeverwaltung Echzell
Lindenstraße 9
61209 Echzell

Gemeindeverwaltung Erlensee
Am Rathaus 3
63526 Erlensee

Gemeindeverwaltung Florstadt
Freiherr-vom-Stein-Straße 1
61197 Florstadt

Stadtverwaltung Friedrichsdorf
Hugenottenstraße 55
61381 Friedrichsdorf

Stadtverwaltung Friedberg
Mainzer-Tor-Anlage 6
61169 Friedberg

Gemeindeverwaltung Glashütten
Schloßborner Weg 2
61479 Glashütten

Gemeindeverwaltung Großkrotzenburg
Bahnhofstraße 4
63538 Großkrotzenburg

Gemeindeverwaltung Hainburg
Hauptstraße 44
63512 Hainburg

Stadtverwaltung Hanau
Am Markt 14 - 18
63450 Hanau

Gemeindeverwaltung Hammersbach
Köbler Weg 44
63546 Hammersbach

Gemeindeverwaltung Heidenrod
Rathausstraße 9
65321 Heidenrod-Laufenselden

Gemeindeverwaltung Hohenstein
Schwalbacher Straße 1
65329 Hohenstein

Gemeindeverwaltung Hünstetten
Auf der Langwies 1
65510 Hünstetten-Wallbach

Stadtverwaltung Hungen
Kaiserstraße 7
35410 Hungen

Stadtverwaltung Idstein
König-Adolf-Platz 2
65510 Idstein

Gemeindeverwaltung Langgöns
Am Alten Stück 3
35428 Langgöns

Stadtverwaltung Lich
Unterstadt 1
35423 Lich

Gemeindeverwaltung Ober-Mörlen
Frankfurter Straße 31
61239 Ober-Mörlen

Gemeindeverwaltung Limeshain
Am Zentrum 2
63694 Limeshain

Stadtverwaltung Oberursel
Rathausplatz 1
61440 Oberursel

Stadtverwaltung Linden
Konrad-Adenauer-Straße 25
35440 Linden

Stadtverwaltung Pohlheim
Ludwigstraße 31
35415 Pohlheim

Gemeindeverwaltung Mainhausen
Rheinstraße 3
63533 Mainhausen

Stadtverwaltung Reichelsheim
Bingenheimer Straße 1
61203 Reichelsheim

Stadtverwaltung Münzenberg
Hauptstraße 22
35516 Münzenberg-Gambach

Stadtverwaltung Rosbach v. d. Höhe
Homburger Straße 15
61191 Rosbach v. d. Höhe

Gemeindeverwaltung Neu-Anspach
Bahnhofstraße 26 - 28
61267 Neu-Anspach

Gemeindeverwaltung Schmitten
Parkstraße 2
61389 Schmitten

Gemeindeverwaltung Neuberg
Bahnhofstraße 19 - 21
63543 Neuberg

Stadtverwaltung Seligenstadt
Marktplatz 1
63500 Seligenstadt

Stadtverwaltung Nidda
Schloßgasse 34
63667 Nidda

Stadtverwaltung Taunusstein
Aarstraße 150
65232 Taunusstein

Gemeindeverwaltung Niedernhausen
Wilrijkplatz
65527 Niedernhausen

Gemeindeverwaltung Wehrheim
Am Rathaus 2
61273 Wehrheim

Gemeindeverwaltung Wölfersheim
Postfach 11 43
61198 Wölfersheim

4. Rhineland-Palatinate

Aufsichts- und Dienstleistungsdirektion (ADD)
Postfach 1320
54203 Trier

Regional Councils

Kreisverwaltung Mayen-Koblenz
Postfach 13 29
56013 Koblenz

Kreisverwaltung des Rhein-Lahn-Kreises
Insel Silberau
56130 Bad Ems

Kreisverwaltung Neuwied
Postfach 21 61
56562 Neuwied

Kreisverwaltung des Westerwald-Kreises
Landrat Peter Paul Weinert
56409 Montabaur

Towns and Local Authorities

Verbandsgemeinde Bad Ems
Postfach 11 53
56118 Bad Ems

Gemeinde Berg
Rathaus
56357 Berg

Verbandsgemeinde Bad Hönningen
Postfach 02 44
53552 Bad Hönningen

Gemeinde Bettendorf
Rathaus
56335 Bettendorf

Verbandsgemeinde Höhr-Grenzhausen
Postfach 14 50
56195 Höhr-Grenzhausen

Gemeinde Dessighofen
Rathaus
56357 Dessighofen

Verbandsgemeinde Katzenelnbogen
Postfach 29
56366 Katzenelnbogen

Gemeinde Dornholzhausen
Rathaus
56357 Dornholzhausen

Verbandsgemeinde Montabaur
Konrad-Adenauer-Platz 8
56410 Montabaur

Gemeinde Geisig
Rathaus
56357 Geisig

Verbandsgemeinde Nassau
Postfach 11 07
56371 Nassau

Gemeinde Hammerstein
Rathaus
56598 Hammerstein

Verbandsgemeinde Nastätten
Postfach 12 42
56352 Nastätten

Gemeinde Hillscheid
Rathaus
56204 Hillscheid

Verbandsgemeinde Rengsdorf
Postfach 11 41
56576 Rengsdorf

Stadt Höhr-Grenzhausen
Rathaus
56195 Höhr-Grenzhausen

Verbandsgemeinde Vallendar
Postfach 11 63
56171 Vallendar

Gemeinde Holzhausen
Rathaus
56357 Holzhausen

Gemeinde Arzbach
Rathaus
56337 Arzbach

Gemeinde Hunzel
Rathaus
56355 Hunzel

Stadt Bad Ems
Rathaus
56130 Bad Ems

Gemeinde Kadenbach
Rathaus
56337 Kadenbach

Gemeinde Bad Hönningen
Rathaus
53557 Bad Hönningen

Gemeinde Katzenelnbogen
Rathaus
56368 Katzenelnbogen

Gemeinde Becheln
Rathaus
56132 Becheln

Gemeinde Kemmenau
Rathaus
56132 Kemmenau

Stadt Bendorf
Postfach 14 64
56159 Bendorf

Stadt Koblenz
Postfach 20 15
56015 Koblenz

Stadt Lahnstein
Postfach 21 80
56108 Lahnstein

Gemeinde Leutesdorf
Rathaus
56599 Leutesdorf

Gemeinde Marienfels
Rathaus
56357 Marienfels

Gemeinde Melsbach
Rathaus
56581 Melsbach

Gemeinde Miehlen
Rathaus
56357 Miehlen

Stadt Neuwied
Rathaus
56562 Neuwied

Gemeinde Obertiefenbach
Rathaus
56357 Obertiefenbach

Gemeinde Oberwies
Rathaus
56379 Oberwies

Gemeinde Pohl
Rathaus
56357 Pohl

Gemeinde Rheinbrohl
Rathaus
56598 Rheinbrohl

Gemeinde Schweighausen
Rathaus
56377 Schweighausen

Stadt Vallendar
Rathaus
56179 Vallendar

Gemeinde Weitersburg
Rathaus
56191 Weitersburg

Gemeinde Welschneudorf
Rathaus
56412 Welschneudorf

WHC REGISTRATION
Date 29/01/04
Id N° 430 BIS
Copy 1 Item 03

FRONTIERS OF THE ROMAN EMPIRE

WORLD HERITAGE SITE

SUMMARY NOMINATION STATEMENT

Prepared by English Heritage
on behalf of
the Department for Culture, Media and Sport of the United Kingdom
and the German states of Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate

FOREWORD

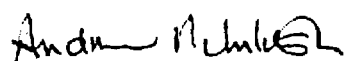
FRONTIERS OF THE ROMAN EMPIRE WORLD HERITAGE SITE
SUMMARY NOMINATION STATEMENT

The Roman Empire was one of the greatest empires the world has ever known, protected by a network of frontiers stretching for over 5,000 kilometres from the Atlantic Ocean in the west, to the Black Sea in the east, from central Scotland in the north to the Sahara Desert in the south.

In recent years a number of countries have sought to recognise this outstanding heritage by nominating Roman Frontier sites in their territory for World Heritage status. Over the last eighteen months, an informal group of experts across Europe and representatives from UNESCO have discussed the best way to create such a site, and agreed that Hadrian's Wall in the United Kingdom should, with other key Roman Frontiers sites, form a single World Heritage Site – *The Frontiers of the Roman Empire*. Initially it is planned that the site would include Roman frontiers in Europe but it is hoped to extend it to cover Africa and Asia in due course.

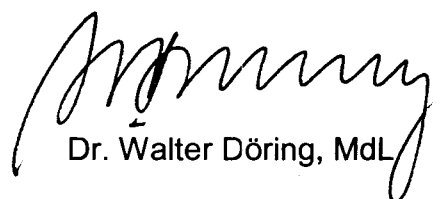
We are delighted to announce that a Roman Frontier Site in Germany - The Obergermanische-Raetische Limes – is being put forward for nomination as an extension of the Hadrian's Wall site and the second element of the *Frontiers of the Roman Empire* site. Each site within *The Frontiers of the Roman Empire* will retain its own identity and distinct management regime, however the Nomination Statement sets out the case for this site and the management principles, which will apply to all parts of the site. We believe that the Nomination Statement provides a framework for taking forward the development of *The Frontiers of the Roman Empire*.

On behalf of the UK and German Governments, we are delighted to give our full support to this statement and the creation of the Frontiers of the Roman Empire World Heritage Site and wish to thank all those who have been involved in its development.



Rt Hon Lord Andrew McIntosh of Haringey

Minister for Media and Heritage,
United Kingdom



Dr. Walter Döring, MdL
Minister of Economic Affairs
And Vice Minister-President of Baden-
Württemberg

acting also on behalf of the states Bavaria,
Hesse, Rhineland-Palatinate.

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FRONTIERS OF THE ROMAN EMPIRE WORLD HERITAGE SITE
SUMMARY NOMINATION STATEMENT

1 IDENTIFICATION OF THE PROPERTY

1.1 The Roman Empire extended at its height into three continents. During the waxing and waning of Roman power over a period of more than a millennium, a number of different frontier lines were established. At its greatest extent, in the second century AD, the imperial frontier stretched for over 5000 kms, starting on the western coast of northern Britain,. The frontier in Europe then ran along the rivers Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier from the Black Sea to the Red Sea and running through mountains, great river valleys and the desert, faced Rome's greatest enemy, Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco.

1.2 Remains of Roman frontier installations survive and can be seen in the United Kingdom, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria and Romania and possibly others within Europe. East and south of the Mediterranean, there are remains in Turkey, Syria, Jordan, Israel, Iraq, Egypt, Libya, Algeria, Tunisia and Morocco.

1.3 The inscription of the Hadrian's Wall World Heritage Site has resulted in the definition of what a Frontiers of the Roman Empire World Heritage Site might contain:

- a linear barrier in its entirety;
- sites along a natural boundary, such as a sea or river;
- the network of military installations, other ancillary features and their linking roads, on, behind and beyond the frontier.

All these may encompass both visible and buried archaeology. Together, all form an extensive historic landscape.

1.4 Detailed location information will be given for each section of the frontier as it is nominated for inscription.

1.5 The Site would be known overall as the Frontiers of the Roman Empire World Heritage Site. Individual elements of the Site would be listed by their local names as being part of the Frontiers of the Roman Empire World Heritage Site – eg Hadrian's Wall (part of the Frontiers of the Roman Empire World Heritage Site).

2 JUSTIFICATION FOR INSCRIPTION

2 a Statement of Significance

2.a.1 The Roman Empire is of undoubted outstanding universal value. Spanning three continents, the Empire developed and transmitted over large parts of Europe a universal culture based on Greek and Roman civilisation. Its influence reached far beyond its actual boundaries in Europe and around the Mediterranean. Its culture framed and guided the cultures of Europe and beyond up to and including the present day.

2.a.2 The frontiers of the Roman empire form the single largest monument to this civilisation. They helped define the very extent and nature of the Roman empire. As a whole, they represent the definition of the Roman empire as a world state. They also played a crucial role in defining the development of the successor states to the Roman Empire. The frontiers and their garrisons were also a crucial tool of Romanisation on both sides of the border line.

2.a.3 The frontiers also have high significance as illustrating the complexity and organisational abilities of the Roman Empire. With only the technology and communications of a pre-industrial society, the Empire was able to plan, create and protect a frontier of some 5000 kms and garrisons of tens of thousands of men. It was then able to manage and use this system, on the whole successfully, for periods of many centuries, both as a physical barrier, and also as the basis for diplomatic and military intervention far beyond the actual frontier line itself.

2.a.4 Physically, the frontiers demonstrate the variety and sophistication of the responses of the Roman Empire to the common need to demarcate, control and defend its boundaries. This had to be done in widely differing circumstances, reflecting the interaction of political, military and topographical features. Mostly, the Empire faced a variety of tribal groups, but on their eastern front they were confronted by the Parthian Empire, a state of equal sophistication and complexity.

2.a.5 In some places the boundary ran along rivers. Elsewhere it edged the desert and elsewhere again it ran through areas with no natural barriers. In each case, the Romans developed a local solution, making use of topographical features and political circumstances to provide a barrier that was an effective control of movement across the frontier as well as a strong military defence. The variety of physical remains have outstanding value in demonstrating the complexity and success of this society in using boundary works to define and protect itself in ways appropriate in each case to the local circumstances.

2 b Comparative Analysis

2.b.1 Protection of boundaries was a problem common to all pre-industrial empires. Only two (Rome and China) seem to have used the solution of a linear barrier. The only direct comparator to the frontiers of the Roman Empire is therefore the Great Wall of China, inscribed as a World Heritage Site in 1987. The Great Wall is 6,000 kms in length, thus forming the largest single military structure in the world.

2.b.2 The frontiers of the Roman Empire, though shorter overall than the Great Wall of China, had to respond to more varied conditions, both political and physical. They therefore uses a wider variety of defensive systems, demonstrating the complexity and organisational ability of the Roman state to these varying conditions. It is possibly a more complex response than that developed by the Chinese.

2 c Authenticity and Integrity

It will be necessary for each individual nomination of a section of the Frontiers of the Roman Empire World Heritage Site to demonstrate the authenticity and integrity of that section.

2 d Criteria under which inscription is proposed

2.d.1 As a whole, the Frontiers of the Roman Empire World Heritage Site meets three criteria for inscription as a cultural World Heritage Site. These are:

(ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design

2.d.2 Taken as a whole, the frontiers of the Roman Empire show the development of Roman military architecture from temporary camps through winter quarters for whole armies to the establishment of permanent forts and fortresses. These show through time a development from simple defences to much more complex arrangements.

2.d.3 Linked to this is the development of the infrastructure of roads and waterways along with systems of linear barriers and watch towers. The frontier also promoted the development of urbanisation particularly in central and western Europe from which it had previously been largely absent.

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared

2.d.4 The Roman frontier is the largest monument of the Roman Empire, one of the greatest of the world's pre-industrial empires. The physical remains of the frontier line, of the forts and fortresses along it, as well as of the cities, towns and settlements associated with it, and dependent upon it, demonstrate the complexities of Roman culture and its spread across Europe and the Mediterranean world.

2.d.5 Unlike the great monuments from the urban centres around the Mediterranean already inscribed as World Heritage Sites, the frontiers show a more mundane aspect of Roman culture, both military and civilian. As such they are evidence of the spread of Roman culture and its adoption by the Empire's subject peoples.

2.d.6 Inscriptions and other evidence demonstrate the extent to which the frontier led to an interchange of peoples across the Empire. To a large extent, this was the result of the movement of military units (eg British units in Romania, or Iraqi boatmen in northern Britain) but there is also strong evidence of civilian movement (eg

merchants from the Middle East who settled in Britain, Germany and Hungary). The frontiers also acted as the base for the movement of Roman goods (and presumably ideas) to pass well beyond the Empire.

(iv) be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates a significant stage in human history

2.d.7 The physical remains of the frontiers of the Roman Empire demonstrate the power and might and civilization of the Romans. As such they are evidence of the development of the Roman Empire and its spread across much of Europe and parts of Asia and Africa. They therefore illustrate the spread of classical culture and of Romanisation which shaped much of the subsequent development of Europe.

3 DESCRIPTION

3 a Description of Property

3.a.1 The Frontiers of the Roman Empire World Heritage Site will embrace the frontier in its entirety, acknowledging that sometimes it was just a linear barrier or even just a line on a map but elsewhere may extend to a broad military zone, which is a network both physical in form but also intangible in nature. This network encompasses a support structure both behind and in front of the barrier, and the effect of the Roman military presence on the people on, behind and in front of the frontier, extending far beyond the formal boundaries of the Roman empire. Thus, the frontier both divides and connects the ancient and modern peoples of Europe and the Mediterranean world.

3.a.2 A mere catalogue does not do justice to the wide range of military and associated civilian remains visible on the frontiers of the Roman empire. While there are certain generic types – legionary fortresses, forts, fortlets, towers – these are geographically distinct. A tower may be a tower, but it is not the same structure in Britain, Austria or Hungary. Forts follow basic plans, but retain distinctive qualities unique to that part of the empire in which they were constructed. The remains of the great cities which sprang up outside the fortresses of the middle Danube do not occur on the frontiers in Britain. The terrain of the frontier – river, marsh, mountain – as well as the climate also dictated the sort of military installations constructed.

3.a.3 In some places, the frontier followed river lines strengthened by fortresses and forts. Elsewhere in desert area, networks of roads and forts sufficed. In more settled areas without natural defences, permanent artificial barriers were needed. These could be timber or earth as in the Upper German Limes and, in Scotland, the Antonine Wall or more elaborate structures such as Hadrian's Wall.

3.a.4 Probably the frontier had different purposes in different parts of the Empire. In some places, it was probably intended principally for simple policing of the border line. Elsewhere, it may have had a more robust military function.

3.a.5 Its role may have changed over time, too. Physical changes over time can also be noted: the great Constantinian and Valentinianic building programmes of the fourth century may be seen in the Rhineland (Germany), Austria and Hungary, but rarely elsewhere. Even later modifications survive on the lower Danube, on the Eastern frontier and in north Africa. Time and space have combined to create a unique range of structures which together form a greater whole and an enormously complex corpus of material for preservation and study.

3.a.6 Remains of Roman frontier installations survive and can be seen in the United Kingdom, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria and Romania within Europe. Along the Eastern frontier, there are remains in Turkey, Syria, Iraq, Jordan and Israel. In north Africa military works survive in Egypt, Libya, Algeria, Tunisia and Morocco. The state of preservation and knowledge varies greatly from country to country. Much has been destroyed or built over, and is now only accessible through excavation. Even sites that are ploughed flat and are only visible through the media of aerial photography or geophysical research form extremely significant reserve areas for archaeological research. Yet much stands proud, revealed by excavation or, remarkably, still in use, as the gates and towers of Austria illustrate. They all offer evocative reminders of the former power and greatness of this formidable empire.

3.a.7 Hadrian's Wall in the United Kingdom is the best preserved frontier. This is largely because it was built in stone. Visible on the ground, in addition to long stretches of the linear barrier itself, are forts such as Housesteads, and Chesters, linked by a road, The Military Way, milecastles and turrets (about 6 and 12 visible respectively) and civil settlements, for example, Vindolanda; uniquely on this frontier there is an extra earthwork, the Vallum running along the rear of the linear barrier. Beyond the eastern end of the Wall lay a supply base at South Shields, while to the west, on the Cumbrian Coast, is visible the fort at Maryport and an adjacent fortlet. The Antonine Wall in Scotland, UK, constructed of turf, survives remarkably well in many areas. The earthworks of the fort at Rough Castle and bath-houses at Bar Hill and Bearsden are visible, as are six 'expansions' which were probably beacon

platforms. The type of fortlet/milecastle found on these two frontiers is unique to Britain.

3.a.8 In Germany several long stretches of the linear barrier are visible as bank and ditch or low rubble walls, and it is often very clear from the air. A very distinctive feature of this frontier is its mathematical straightness for long lengths, ignoring the topography of the land. Generally the forts and fortlets are rather larger than in Britain (e.g. Feldberg, Harlach) and even entrances through the frontier such as Dalkingen are visible. Many of the forts are visible including: The Saalburg, Osterburken, Mainhardt, Rainau-Buch, Welzheim, Aalen, Weissenburg, Eining and Passau Towers in differing states of survival and/or restored at various times, occur (e.g. Bad Hoeningen, Zugmantel, Mahdholz).

3.a.9 Forts are also visible in other European countries along the frontier including: Zwammerdam in The Netherlands; Mautern, Traismauer, Tulln and Zeiselmauer, in Austria; Tokod, Visegrád, Ulcisia Castra, Contra Aquincum and Intercisa, in Hungary; Capidava, Dinogetia, Carsium and Porolissum in Romania. Towers are also visible in Austria (e.g. Bacharnsdorf) and Hungary (e.g. Leányfalu).

3.a.10 Some remains of the large legionary fortresses may be seen, e.g. Vindonissa in Switzerland, Regensburg in Germany, and Aquincum in Hungary while earthworks of others survive at, for example, Inchtuthil in Britain and Lauriacum in Austria.

3.a.11 The remains include ancillary features such as bath-houses and amphitheatres built by the army. Civilian settlements also lay outside most forts, such as Vindolanda beside Hadrian's Wall; some grew to great cities such as Carnuntum in Austria and Aquincum in Hungary. Here may be seen houses, shops, markets and temples in once-thriving communities.

3.a.12 In the East and in north Africa, climate and different social traditions often produced forts of different types to those in Europe. On the eastern frontier, troops were frequently quartered in towns such as Dura Europos in Syria and Hatra in Iraq, but elsewhere occur 'normal' forts. Legionary fortresses are visible at Satala in

Turkey, and El-Lejjun and Udruh in Jordan. Forts include Ain Sinu in Iraq, Sa'neh, Khan el-Hallabat and Deir-Semali in Syria, Qasr el-Azraq, Da'ajaniya and Qasr Bshir in Jordan and Upper Zohar in Israel. Towers often lay beside the roads along the frontier, the *Via Novae Traiana* and the *Strata Diocletiana*, which form an important element in the system and in the remains today.

3.a.13 In north Africa many forts lie in what is today desert. Some, such as Bu Njem and Gheriat el-Garbia (Libya), now lie deep into the Sahara. In Tunisia and Algeria many of the forts which protected the rich coastal cities are still visible, with notable remains at the legionary fortress at Lambaesis; its predecessor, Timgad, was transformed into a Roman colony which is remarkably well preserved. In Algeria and Morocco, too, large stretches survive of the *Fossatum Africae*, the barrier erected by the Romans to divide the sown from the nomad and control transhumance. The wall incorporated both gates and towers, still visible today. In Egypt forts such as Mons Claudianus were specially constructed to house the troops controlling quarrying.

3.a.14 It is important to note that much of the works of the Roman frontier are buried and invisible on the surface. Nonetheless, such archaeological deposits are an integral and significant part of the Frontiers of the Roman Empire World Heritage Site.

3.a.15 It must be emphasised that all these visible structural remains are complemented by museums in all countries. Many of these are of international reputation and display material of the highest quality. It is appreciated that museums are not eligible for World Heritage Site status.

3 b History and Development

3.b.1 Rome's frontiers are indeed a reflection of the empire's former might. But earlier Romans would not have seen it that way. The ethos of the Roman Republic and the reign of the first Emperor Augustus (27 BC-14 AD) were expansionist. The momentum of the long reign of Augustus ended in two great rebellions towards the close of his life and thereafter the frontiers of the empire gradually consolidated on the borders he established. Regiments stationed in groups with invasion in mind

were gradually re-disposed along the frontier. Forts were supplemented by smaller installations such as fortlets and towers. Under Hadrian (117-138), physical barriers were erected in both Germany and Britain, while the *Fossatum Africae* in Algeria probably dates, at least in part, to the same reign.

3.b.2 The borders of the empire established by Augustus did not remain static. Britain was conquered by his nephew Claudius; Domitian made an advance into Germany; Trajan conquered Dacia in modern Romania and attempted to advance the eastern frontier to the Euphrates and Tigris. Later emperors made other changes. Two important frontiers date to the reign of the Emperor Antoninus Pius, the Antonine Wall in Scotland and parts of the Limes in Germany. In the late Roman period, frontier defences were updated and modernised. In some areas, inner lines were provided while from the third century coastal defences were developed against sea raiders.

3.b.3 As a result there are thousands of military installations spread along the frontiers of the empire. These include camps, frontiers, double and single legionary fortresses, supply bases, forts, fortlets and towers, built and occupied over a period of 400 years from the reign of Augustus to the final years of the fourth century (and, in the East, beyond). They were constructed in a variety of materials - timber, turf, stone, mudbrick – and survive differentially. Some sites are iconic monuments, such as Hadrian's Wall in Britain, The Saalburg and Eining in Germany, Porolissum in Romania, Qasr Bshir in Jordan and Lambaesis in Algeria. Sometimes the civil settlements associated with the military remains have acquired similar fame: Carnuntum in Austria and Aquincum in Hungary. These are but the tip of an iceberg which contains a vast number of visible military remains.

3.b.4 Since the end of the Roman occupation many great fortresses have become the bases of medieval and modern cities such as Strasbourg in France, Regensburg in Germany, Vienna in Austria, Budapest in Hungary and Belgrade in Serbia. Other parts of the frontier survive as ruins while much more remains as buried archaeology, visible not at all or only as earthworks.

3 c Form and date of most recent records of site

3.c.1 The modern era of excavation began in many countries in the 1890s and has produced a huge body of archaeological material. Many frontiers have been recorded in detail, in particular by the Römisch Germanische Kommission in Germany and the Limes Kommission in Austria, while the Eastm frontier was studied by Antoine Poidebard and the *Fossatum Africae* by Jean Baradez. Reconstructions of parts of the frontier similarly began early and the fort at the Saalburg, raised at the instigation of Kaiser Wilhelm II, is now a period piece in its own right. Over the last 20 or 30 years, fort gates and towers have been favoured items for reconstruction.

4 MANAGEMENT

4.1 Responsibility for the management of individual parts of the World Heritage Site must rest with the individual States Parties and be carried out by each in accordance with their legislative and management systems. Equally, it is essential that individual parts of the World Heritage Site are managed within an overall framework of cooperation to achieve common standards of identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground, in an inter-disciplinary manner and within a sustainable framework.

4.2 The World Heritage Centre have advised that any future nominations of further parts of the Site must be endorsed and approved by those States Parties who already manage parts of the Site. States Parties wishing to nominate parts of the Frontiers of the Roman Empire World Heritage Site must therefore undertake to work to develop this common framework with existing States Parties of the Site.

4.3 The United Kingdom government and the German authorities have undertaken to work with each other to develop this common framework based on the management principles set out below. As further States Parties propose parts of the frontier for inclusion in the World Heritage Site, the United Kingdom government and the German authorities will discuss with them possibilities of a more formal structure for international cooperation.

4.4 The United Kingdom government and the German authorities will be supported in the development of the Frontiers of the Roman Empire World Heritage Site by an expert grouping based on the informal Bratislava Group. Arrangements will be formalised with the World Heritage Centre in due course.

4.5 This international group was created in 2003. So-called after the city in which it first met, it is made up of experts of the history and archaeology of the Roman Frontiers and of those involved in its management. It currently has members from the United Kingdom, Germany, Austria, Slovakia and Hungary, but could be

expanded to include experts from ICOMOS and the World Heritage Centre as well as from further countries which intend to nominate future sections of the World Heritage Site.

4.6 The Bratislava Group aims to share knowledge and experience of Roman frontiers and their identification, protection, conservation, management and presentation, leading to the distillation of a common viewpoint, and through technical and professional advice provide the scientific framework for the whole World Heritage Site. The Bratislava Group should form the core of an international scientific advisory group on the Frontiers of the Roman Empire World Heritage Site. Its role should be to support States Parties in the creation of the Frontiers of the Roman Empire World Heritage Site by:

- advising States Parties on the significance of the Roman Frontiers and on the development of best-practice guides for its management and improving its understanding;
- developing support structures such as an overall research strategy, an international Roman Frontiers database and websites.

4.7 Management Principles: The United Kingdom government and the German authorities propose the following management principles which they will apply to their parts of the Frontiers of the Roman Empire World Heritage Site and which should be applied to future parts of the Site also:

4.7.1 The aim of participating States Parties is, by stages through international co-operation, to create a World Heritage Site encompassing all the frontiers of the Roman Empire, based on its proper identification, recording, protection, conservation, management, presentation and understanding as evidence of the remains of one of the world's greatest civilisations and as a symbol of a common heritage.

4.7.2 This will be achieved through:

- the establishment of a common approach to the identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground, in an inter-disciplinary manner and within a sustainable framework;
- the enhancement of respect for the surviving remains of the frontier and the transmission of these remains to future generations;
- acknowledgement of the Roman Frontier and its associations as a common feature for bringing people together;
- improved public knowledge, utilising modern information systems.

4.7.3 States Parties will be supported in this by the work of the Bratislava Group, augmented as necessary, as an international scientific advisory group.

4.7.4 Any future nominations for extensions of the Romans Frontiers World Heritage Site must be endorsed by existing States Parties within the Frontiers of the Roman Empire World Heritage Site who must confirm that they believe that the new nomination has outstanding universal value and that the management proposals for the proposed extension adhere to these management principles. Such nominations would need to demonstrate:

- outstanding universal value of the whole Site;
- the values of the part being nominated;
- authenticity;
- appropriate legal protection and management arrangements for the Site including a Management Plan or other appropriate management system.

4.7.5 Internationally, goals over the next five years are:

- definition of areas of outstanding universal value which could be included in the WHS;
- agreement on an overall statement of outstanding universal value for the whole Roman Frontiers WHS;
- a common vision for the whole Roman Frontiers WHS;
- long term aims for the whole Roman Frontiers WHS;
- support and advice to those preparing nominations for additions to the WHS;
- the creation of a web site;
- the linking of national data bases;
- the development of a trans-European exhibition to raise awareness;
- the development of common standards for identification, recording, conservation, management and display;
- the development of research frameworks for the WHS.

4.7.6 Nationally, the management systems for each part of the Site would need to address, within the overall framework set out above, identification and definition of the area's significance, as well as its conservation, access to it, the interests and involvement of all appropriate organisations and communities from national to local level, and its sustainable economic use.

4.7.7 Within each State Party's existing legislative and management systems there should be developed for the nominated extension an appropriate management system, normally expressed through a Management Plan for the identification, protection, conservation and sustainable use of the Site within the context of these management principles. Points (in addition to those outlined in 4.7.4 above) that would normally need to be covered within this include:

- commitment to involvement of local communities
- commitment to achieving appropriate balance between conservation, access, the interests of local communities and sustainable economic use of the Site;
- commitment to co-ordination of activities and participation in the co-ordination mechanism;
- an effective implementation and monitoring system for the Management Plan.

January 2004

FRONTIERS OF THE ROMAN EMPIRE WORLD HERITAGE SITE SUMMARY NOMINATION STATEMENT

Prepared by English Heritage
on behalf of
the Department for Culture, Media and Sport of the United Kingdom
and the German states of Baden-Württemberg, Bavaria, Hesse and Rhineland-Palatinate

January 2004



Der Obergermanisch-Raetische Limes

Legende

Antrag zur Aufnahme als Welterbe

Herausgeber

Landesdenkmalamt Baden-Württemberg

Bayerisches Landesamt für Denkmalpflege

Landesamt für Denkmalpflege Hessen

Landesamt für Denkmalpflege Rheinland-Pfalz

Herstellung

Landesvermessungsamt Baden-Württemberg, Stand 2003



Limeslinie



Staatsgrenze



Landesgrenze

B.

Belgien

L.

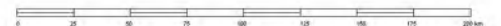
Liechtenstein

LUX.

Luxemburg



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Legende

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Limeslinie

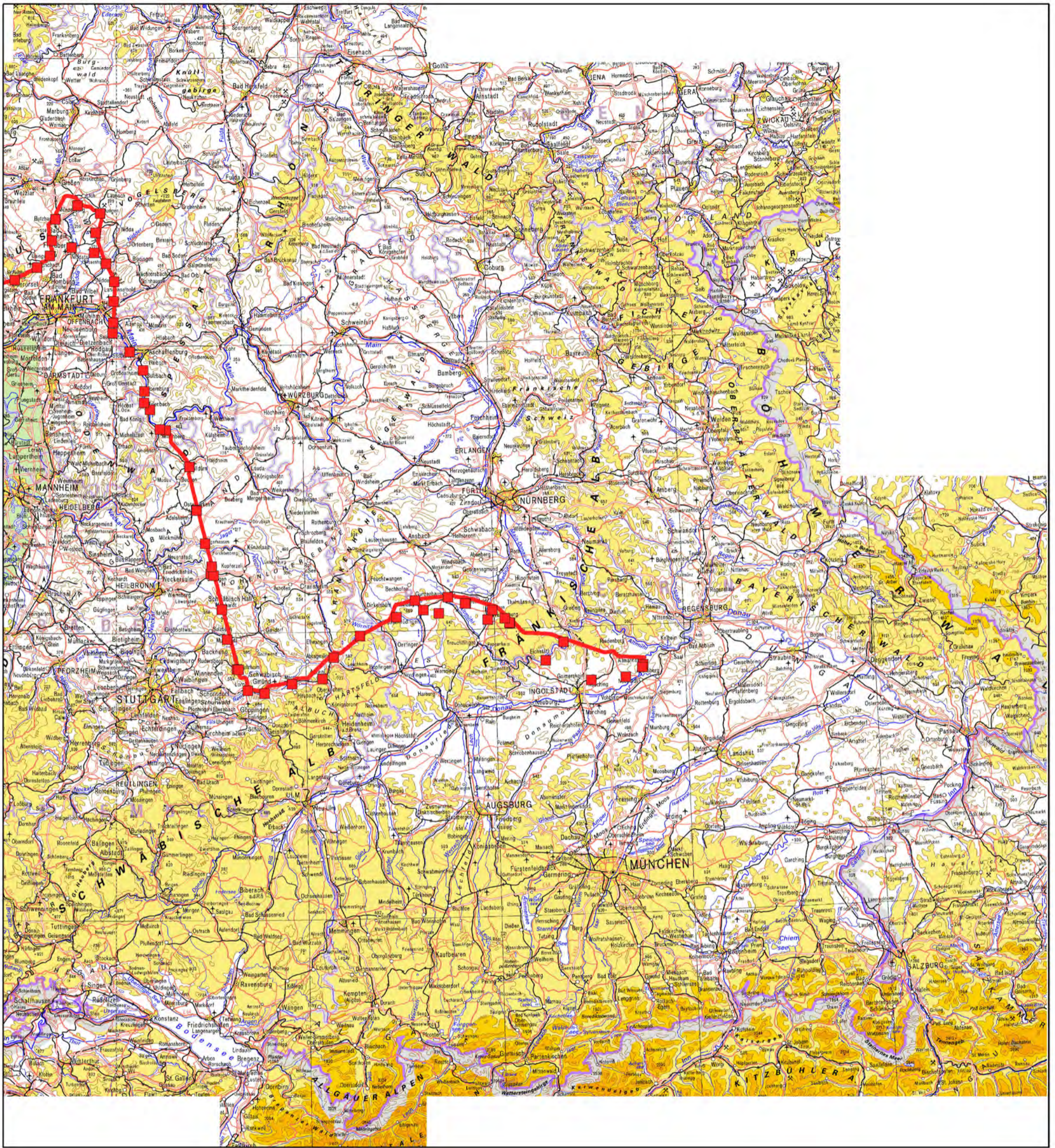


Kastell



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Der Obergermanisch-Raetische Limes

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Antrag zur Aufnahme als Weiterbe

Herausgeber

Landesdenkmalamt Baden-Württemberg

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Landesamt für Denkmalpflege Hessen

Landesamt für Denkmalpflege Rheinland-Pfalz

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Landesvermessungsamt Baden-Württemberg, Stand 2003



Limeslinie



Kastell



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Der Obergermanisch-Raetische Limes

Antrag zur Aufnahme als Welterbe

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- raetische Limeslinie
- Kastell

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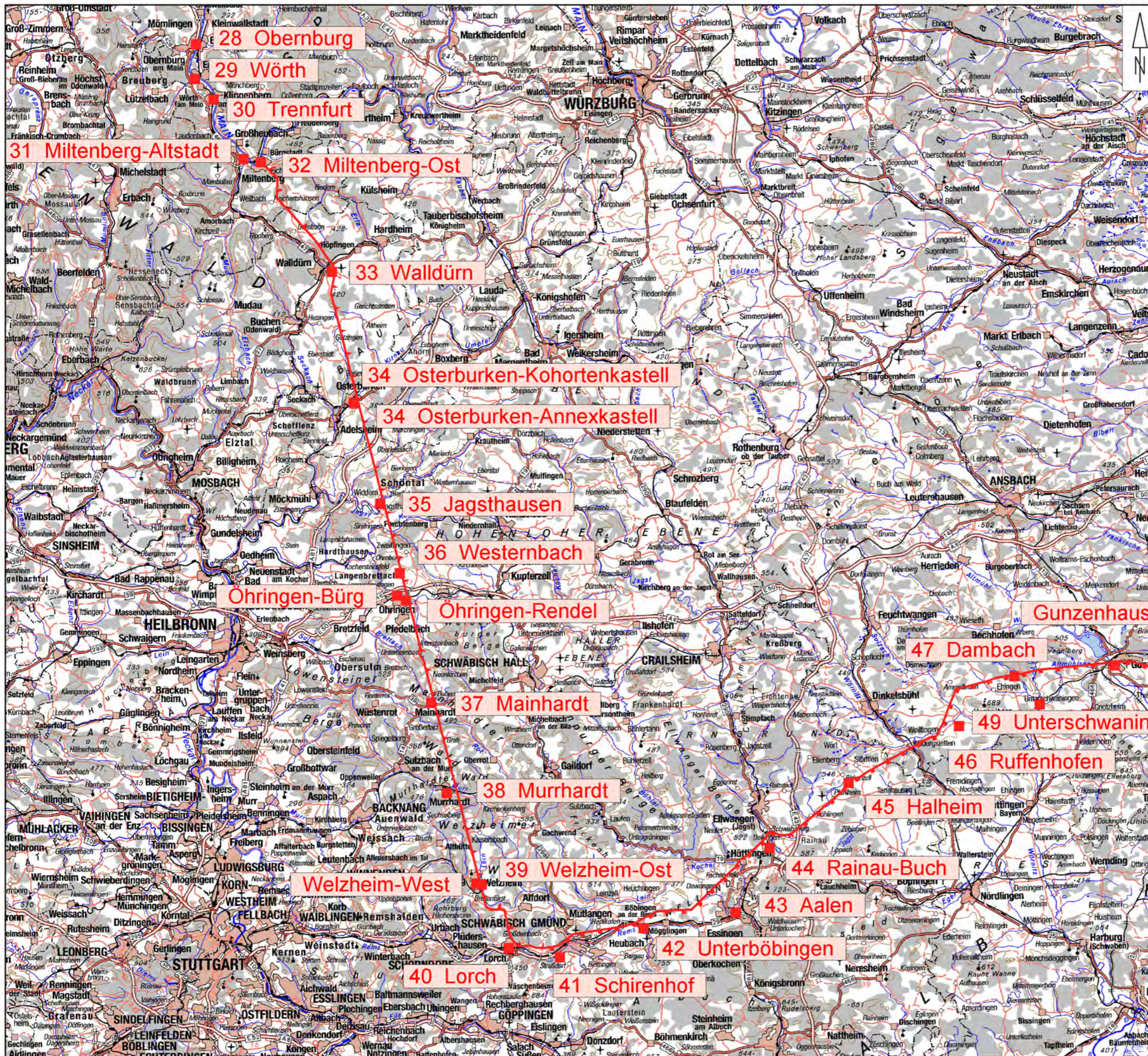
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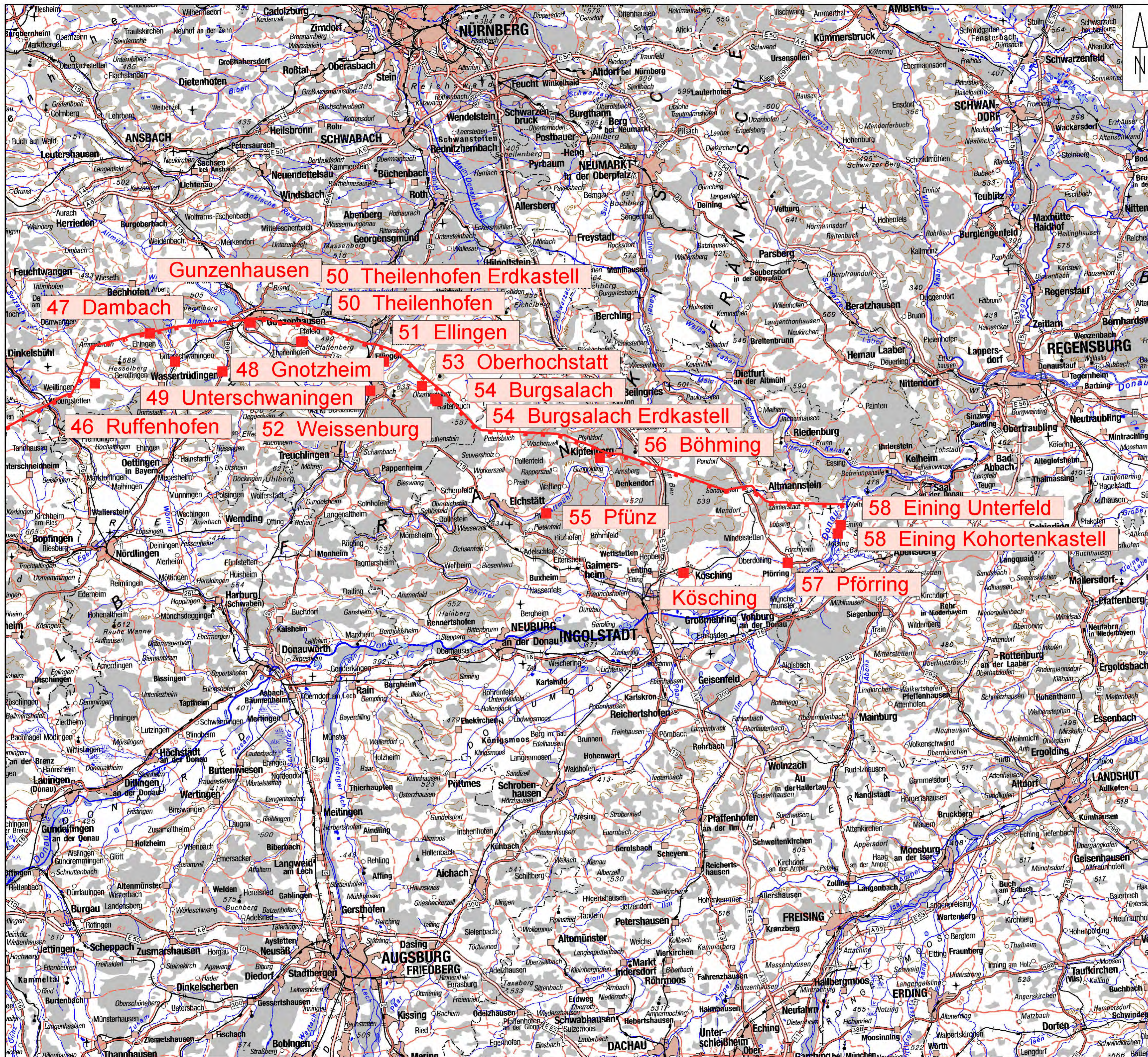
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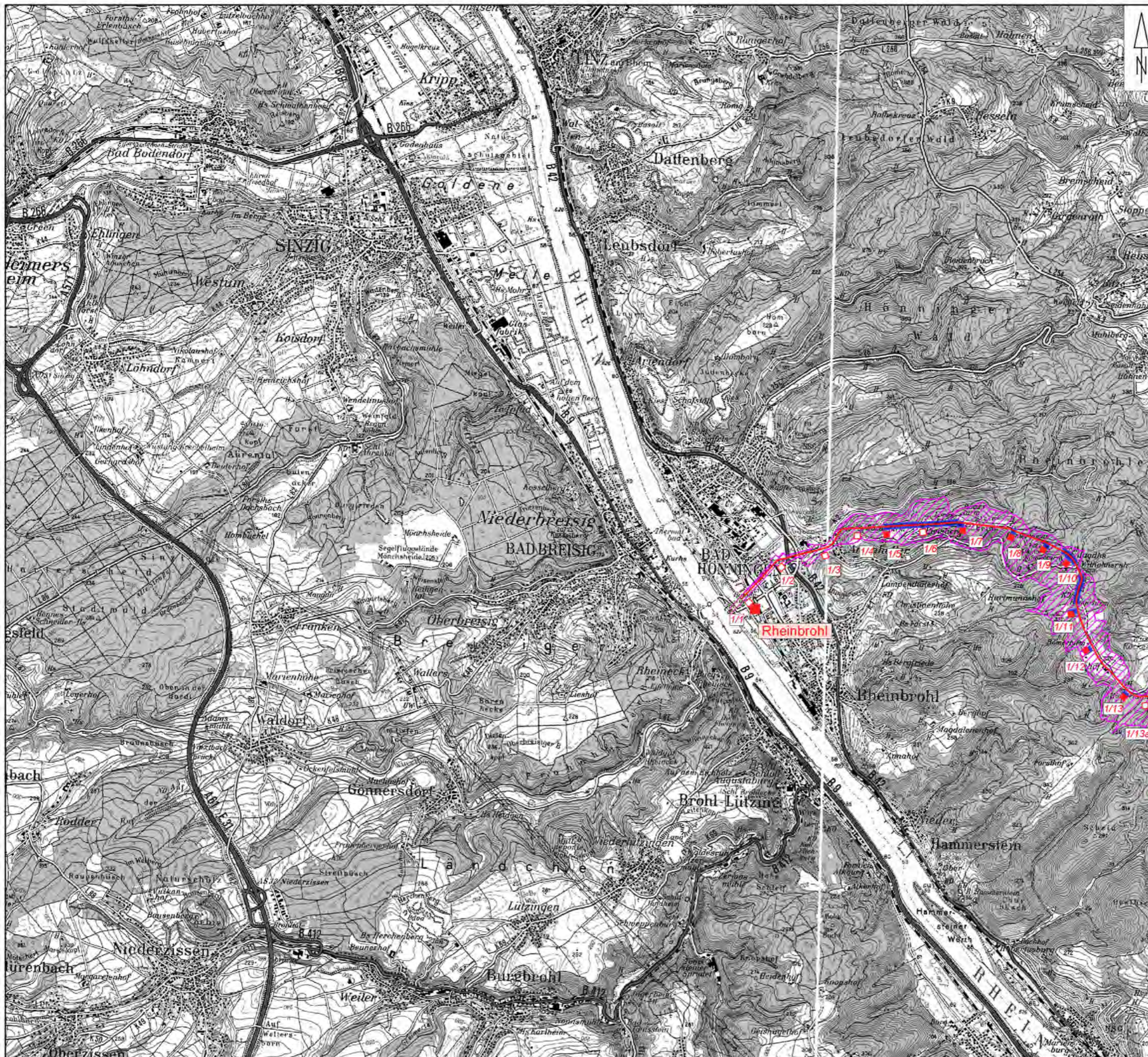
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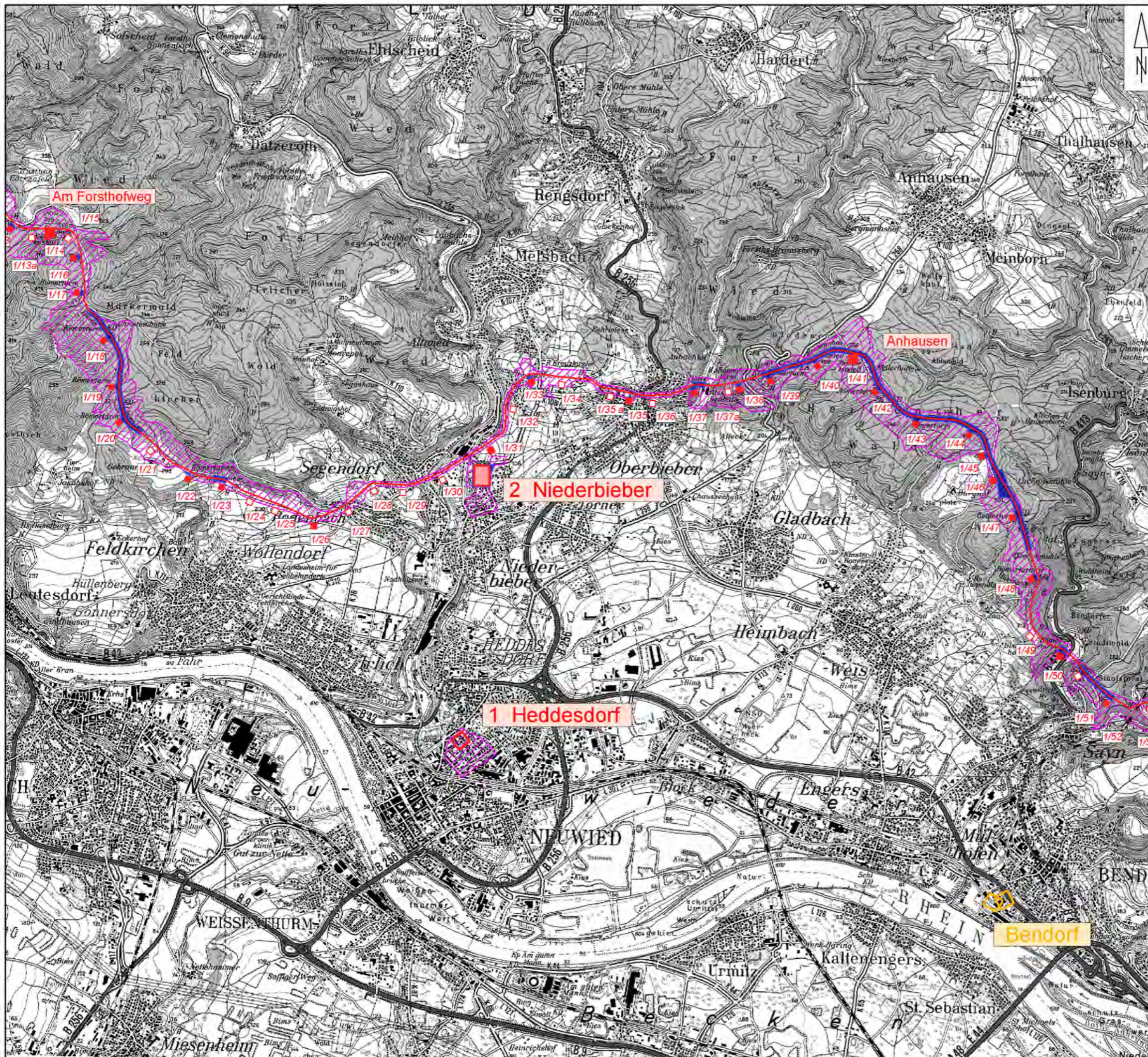
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- Steinkastell (nicht sichtbar)
- Holzkastell (ganz oder teilweise sichtbar)
- Holzkastell (nicht sichtbar)
- Kleinkastell
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- Turm (vermutet/zerstört)
- Welterbe
- Pufferzone

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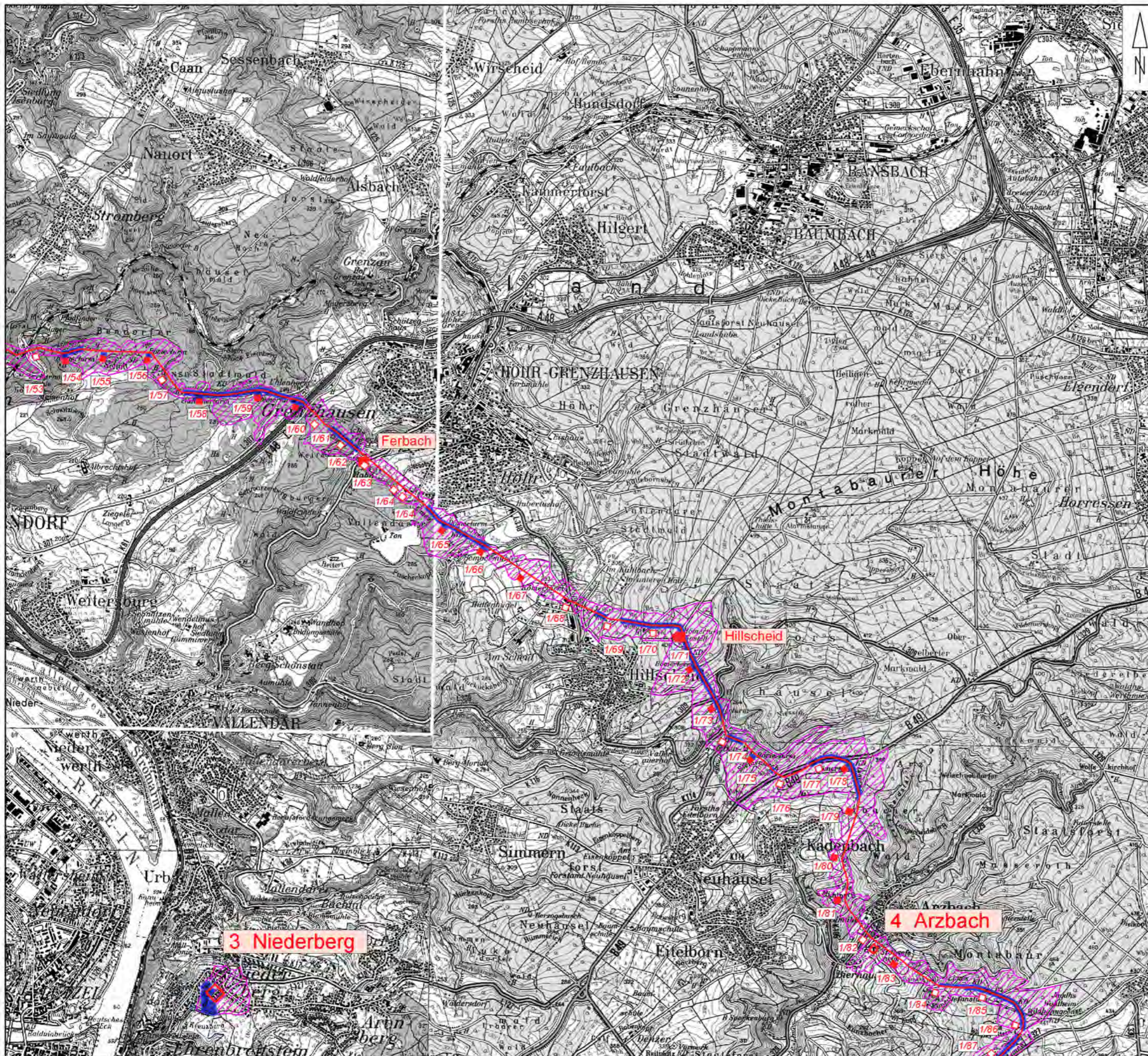
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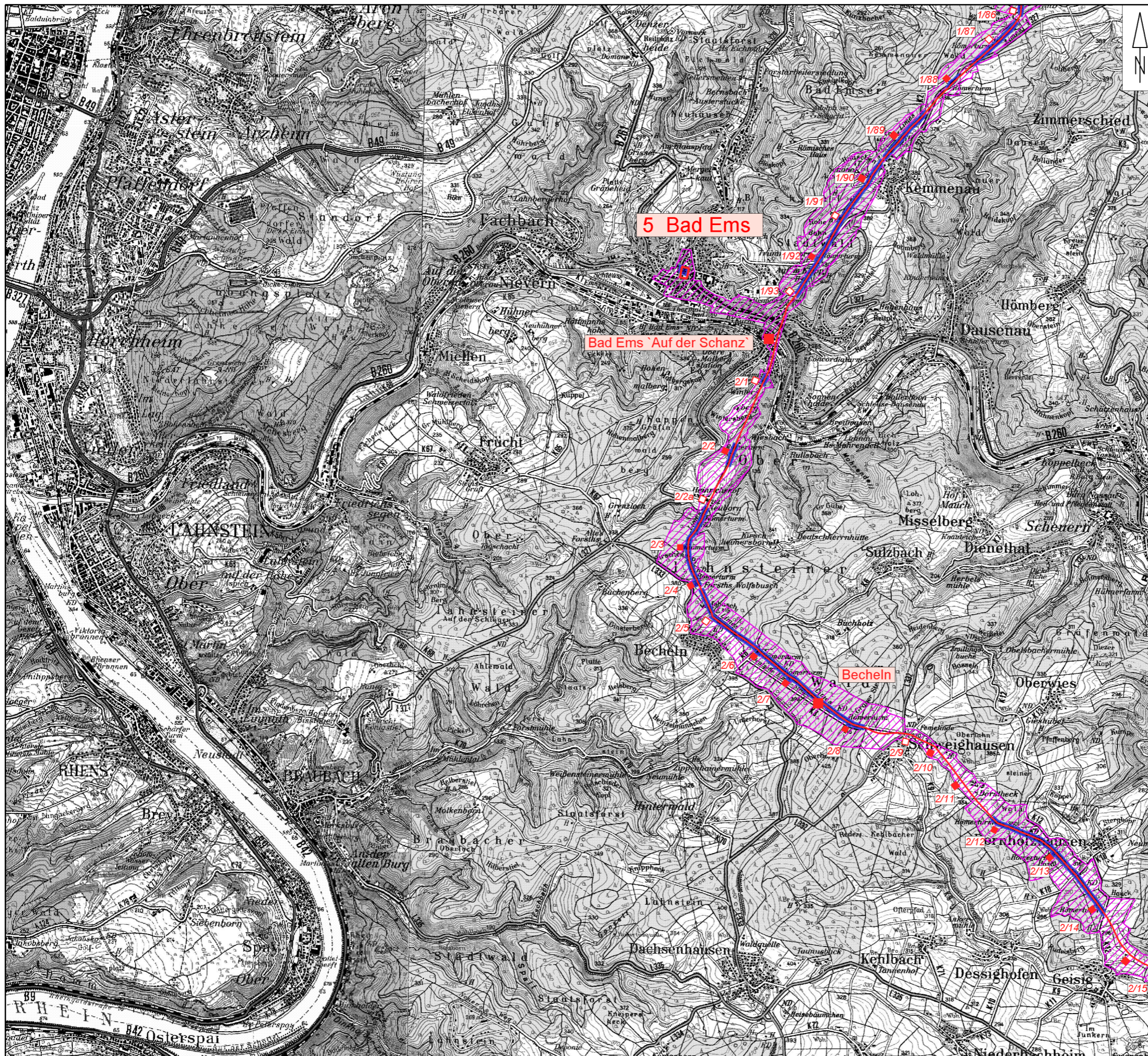
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Der Obergermanisch-Raetische Limes
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Stand: 2003

Herstellung
 Landesvermessungsamt Baden-Württemberg

3rd MEETING BRATISLAVA-GROUP

Koblenz, Germany 23th of June 2004
Landesdenkmalamt Rheinland-Pfalz, Festung Ehrenbreitstein

Record

1. The renewed German "Limes"-application was submitted to WHC in February 2004. It was accompanied by a bi-national SUMMARY NOMINATION STATEMENT (*Annex 1*) signed by DCMS and German ministers. Bratislava Group is mentioned in the "Introduction" (n7, n12) and in the section "Management" (n4.4, n4.6, n4.7).
2. Nature, purpose and membership of the Bratislava Group were defined as:

The Bratislava Group

The group, so called because it first met in Bratislava in March 2003, was established to provide professional and technical advice in relation to the proposed Frontiers of the Roman Empire World Heritage Site, including in relation to the definition of the World Heritage Site, its mapping and management as well as dissemination of information about Roman frontiers. The focus of the advice is UNESCO and the state parties containing part of the World Heritage Site or intending to propose their own sections of the frontier as part of the Site. The group meets on a regular basis (to date, Bratislava and London 2003; Koblenz 2004).

The group consists of representatives of those state parties which are already part of the WHS, have nominated their section of the frontier, or have officially stated that they intend to nominate their section of the frontier within the offered definition of the WHS, together with co-opted members.

Membership

*Prof D J Breeze (UK)
Dr A Thiel (Germany)
Dr S Jilek (Austria)
Prof Z Visy (Hungary)
Dr J Rajtar (Slovakia)
Mr A Szentgáli (Hungary: co-opted)*

3. The preparations for nominating the Antonine Wall in Scotland started with a national meeting in Airth Castle at the beginning of this year. The intention is to submit the nomination to WHC in 2007.
Austria, Slovakia and Hungary could possibly join in then. However, Slovakia prefers to wait for the nomination of at least one of its neighbouring countries.
4. The discussion about the proposed participation of the Limes Palestinae in Israel as part of the Roman Frontiers-project led to the passing of

Koblenz Declaration

During the EAA Annual Conference Esslingen 2001 a preliminary definition of the Frontiers of the Roman Empire WHS was proposed. That definition was discussed, amended and approved at the Bratislava Group meeting in Koblenz 2004.

The Frontiers of the Roman Empire World Heritage Site (FRE WHS) should consist of the line(s) of the frontier of the height of the empire from Trajan to Septimius Severus (about 100 - 200 AD), and military installations of different periods which are on that line. The installations include fortresses, forts, towers, the limes road, artificial barriers and immediately associated civil structures.

It is accepted that Roman frontiers are more complex, and that this might be recognized in a later amendment to the above definition, but this definition is recommended as the first step in the creation of this multi-national World Heritage Site.

5. As participation of all of the members of the Bratislava Group during the EAA-Conference in Lyon in September 2004 might not be possible, the next meeting will be held in Hungary in autumn 2004.

Thiel/July 2004

ROMAN FRONTIERS WORLD HERITAGE SITE SUMMARY NOMINATION STATEMENT

INTRODUCTION

1. The Roman Empire was one of the greatest empires the world has seen. Even today, it fires the imagination. It has led to great literature and amazing films. People from all over the world travel to see its great monuments. Many of these monuments, some of which have been protected for centuries, are World Heritage Sites. Most of these World Heritage Sites lie in the heart of the empire, in Italy, France and Spain.

2. Yet that heartland was protected by frontiers, often of considerable complexity, stretching for over 5000 kms. Beginning on the shores of the northern Atlantic Ocean, they then ran along the rivers Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier from the Black Sea to the Red Sea and running through mountains, great river valleys and the desert, faced Rome's greatest enemy, Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco.

3. These frontiers defined the Roman Empire and played a crucial part in its development and survival. In total, more than a dozen European countries contain parts of the frontiers of the Roman empire together with five countries in Asia, and five in Africa. The creation of a major transboundary World Heritage Site to encompass the frontiers from the Atlantic to the Black Sea and in time around the eastern and southern shores of the Mediterranean would be an appropriate acknowledgement of Rome's gift to the world.

4. We propose, by stages through international co-operation, the creation of a single World Heritage Site encompassing all the frontiers of the Roman empire, as evidence of the remains of one of the world's greatest civilisations and as a symbol of a common heritage, based on its proper identification, recording, protection, conservation, management, presentation and understanding. In addition to marking appropriately the significance of this outstanding part of the world's heritage, such a project will foster the spirit of international co-operation which lies at the heart of the World Heritage Convention. It will also support the objectives of the Global Strategy of the World Heritage Committee through increasing practical co-operation and exchange of skills between many countries in three continents with varied skills and experience in conservation.

5. So far, though, the frontiers are represented by only one monument nominated in its own right, Hadrian's Wall in the United Kingdom. In January 2003, the German frontier was nominated for World Heritage Site status, and four other countries have so far indicated their intention to nominate their own sections of the frontier (Austria, Slovakia, Hungary and, within the UK, Scotland). Since the German nomination was submitted there have been discussions between these countries and the World Heritage Centre as well as among international experts as to how a project of this complexity can be developed and achieved.

6. We seek to achieve the creation of this World Heritage Site through:

- the establishment of a common approach to the identification, recording, research, protection, conservation, management, presentation and understanding of the Roman Frontier, above and below ground, in an inter-disciplinary manner and within a sustainable framework;

- the enhancement of respect for the surviving remains of the frontier and the transmission of these remains to future generations;
- acknowledgement of the Roman Frontier and its associations as a common feature for bringing people together;
- improved public knowledge, utilising modern information systems.

7. In March 2003 the co-ordinators for the proposed extensions to the Roman Frontiers World Heritage Site, represented at present only by Hadrian's Wall, first met formally in Bratislava (discussion between the members had been proceeding during the previous 18 months). The "Bratislava Group" aims to share knowledge and experience of Roman frontiers and their identification, protection, conservation, management and presentation, leading to the distillation of a common viewpoint, and through technical and professional advice provide the scientific framework for the whole World Heritage Site.

8. The Roman Frontiers World Heritage Site nomination will break new ground and establish new principles for transboundary nominations and for subsequent management of such Sites and for international co-operation in their care and sustainable use, while recognising that responsibility for management of each part of the Site must remain with the State Party concerned. It must also be recognised that the different parts of the eventual Site have their own identity and individuality which must be maintained within the greater whole.

9. It has been agreed with the World Heritage Centre and among the State Parties so far involved that the approach should be incremental and based on the existing Hadrian's Wall World Heritage Site. The United Kingdom government and the German authorities have therefore agreed to start this process by:

- proposing that the existing Hadrian's Wall World Heritage Site should be renamed as the Roman Frontiers World Heritage Site (Hadrian's Wall), to be known within the UK as Hadrian's Wall (part of the Roman Frontiers World Heritage Site);
- re-submitting the nomination of the Obergermanisch-Raetische Limes as the first phase of the transboundary Roman Frontiers World Heritage Site.

10. Nominations for successive parts of the Roman Frontiers World Heritage Site will need to demonstrate:

- outstanding universal value of the whole Site;
- the values of the part being nominated;
- authenticity;
- appropriate legal protection and management arrangements for the part being nominated.

11. In addition, it will be necessary to demonstrate a coherent approach to management of the Roman Frontiers World Heritage Site as a whole.

12 This Summary Nomination Statement covers the main relevant headings of the standard nomination format in order to provide a framework of justification and management principles for the Roman Frontiers World Heritage Site. Preparation of this statement has been greatly helped by the discussions of the Bratislava Group.

13 It is expected that in years to come this Statement will be refined and expanded as knowledge and experience increase. For the present, though, we believe that it provides a framework for taking forward the development of the Roman Frontiers World Heritage Site as phased transboundary nomination.

ROMAN FRONTIERS WORLD HERITAGE SITE SUMMARY NOMINATION STATEMENT

1 IDENTIFICATION OF THE PROPERTY

1.1 The Roman Empire extended at its height into three continents. During the waxing and waning of Roman power over a period of more than a millennium, a number of different frontier lines were established. At its greatest extent, in the second century AD, the imperial frontier stretched for over 5000 kms, starting on the western coast of northern Britain,. The frontier in Europe then ran along the rivers Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier from the Black Sea to the Red Sea and running through mountains, great river valleys and the desert, faced Rome's greatest enemy, Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco.

1.2 Remains of Roman frontier installations can be seen in the United Kingdom, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria and Romania within Europe. East and south of the Mediterranean, there are remains in Turkey, Syria, Jordan, Israel, Iraq, Egypt, Libya, Algeria, Tunisia and Morocco.

1.3 The inscription of the Hadrian's Wall World Heritage Site has resulted in the definition of what a Roman Frontiers World Heritage Site might contain:

- a linear barrier in its entirety;
- sites along a natural boundary, such as a sea or river;
- the network of military installations, other ancillary features and their linking roads, on, behind and beyond the frontier.

All these may encompass both visible and buried archaeology. Together, all form an extensive historic landscape.

1.4 Detailed location information will be given for each section of the frontier as it is nominated for inscription.

1.5 The Site would be known overall as the Roman Frontiers World Heritage Site. Individual elements of the Site would be listed by their local names as being part of the Roman Frontiers World Heritage Site – eg Hadrian's Wall (part of the Roman Frontiers World Heritage Site).

2 JUSTIFICATION FOR INSCRIPTION

2 a Statement of Significance

2.a.1 The Roman Empire is of undoubted outstanding universal value. Spanning three continents, the Empire developed and transmitted over large parts of Europe a universal culture based on Greek and Roman civilisation. Its influence reached far beyond its actual boundaries in Europe and around the Mediterranean. Its culture framed and guided the cultures of Europe up to and including the present day.

2.a.2 The frontiers of the Roman empire form the single largest monument to this civilisation. They helped define the very extent and nature of the Roman empire. As a whole, they represent the definition of the Roman empire as a world state. They also played a crucial role in defining the development of the successor states to the Roman Empire. The frontiers and their garrisons were also a crucial tool of Romanisation on both sides of the border line.

2.a.3 The frontiers also have high significance as illustrating the complexity and organisational abilities of the Roman Empire. With only the technology and communications of a pre-industrial society, the Empire was able to plan, create and protect a frontier of some 5000 kms and garrisons of tens of thousands of men. It was then able to manage and use this system, on the whole successfully, for periods of many centuries, both as a physical barrier, and also as the basis for diplomatic and military intervention far beyond the actual frontier line itself.

2.a.4 Physically, the frontiers demonstrate the variety and sophistication of the responses of the Roman Empire to the common need to demarcate, control and defend its boundaries. This had to be done in widely differing circumstances, reflecting the interaction of political, military and topographical features. Mostly, the Empire faced a variety of tribal groups, but on their eastern front they were confronted by the Parthian Empire, a state of equal sophistication and complexity.

2.a.5 In some places the boundary ran along rivers. Elsewhere it edged the desert and elsewhere again it ran through areas with no natural barriers. In each case, the Romans developed a local solution, making use of topographical features and political circumstances to provide a barrier that was an effective control of movement across the frontier as well as a strong military defence. The variety of physical remains have outstanding value in demonstrating the complexity and success of this society in using boundary works to define and protect itself in ways appropriate in each case to the local circumstances.

2 b Comparative Analysis

2.b.1 Protection of boundaries was a problem common to all pre-industrial empires. Only two (Rome and China) seem to have used the solution of a linear barrier. The only direct comparator to the frontiers of the Roman Empire is therefore the Great Wall of China, inscribed as a World Heritage Site in 1987. The Great Wall is 6,000 kms in length, thus forming the largest single military structure in the world.

2.b.2 The frontiers of the Roman Empire, though shorter overall than the Great Wall of China, had to respond to more varied conditions, both political and physical. It therefore uses a wider variety of defensive systems, demonstrating the complexity and organisational ability of the Roman state to these varying conditions. It is possibly a more complex response than that developed by the Chinese.

2 c Authenticity and Integrity

It will be necessary for each individual nomination of a section of the Roman Frontiers World Heritage Site to demonstrate the authenticity and integrity of that section.

2 d Criteria under which inscription is proposed

2.d.1 The Roman Frontiers World Heritage Site meets three criteria for inscription as a cultural World Heritage Site. These are:

(ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design

2.d.2 Taken as a whole, the frontiers of the Roman Empire show the development of Roman military architecture from temporary camps through winter quarters for whole armies to the establishment of permanent forts and fortresses. These show through time a development from simple defences to much more complex arrangements.

2.d.3 Linked to this is the development of the infrastructure of roads and waterways along with systems of linear barriers and watch towers. The frontier also promoted the development of urbanisation particularly in central and western Europe from which it had previously been largely absent.

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared

2.d.4 The Roman frontier is the largest monument of the Roman Empire, one of the greatest of the world's pre-industrial empires. The physical remains of the frontier line, of the forts and fortresses along it, as well as of the cities, towns and settlements associated with it, and dependent upon it, demonstrate the complexities of Roman culture and its spread across Europe and the Mediterranean world.

2.d.5 Unlike the great monuments from the urban centres around the Mediterranean already inscribed as World Heritage Sites, the frontiers show a more mundane aspect of Roman culture, both military and civilian. As such they are evidence of the spread of Roman culture and its adoption by the Empire's subject peoples.

2.d.6 Inscriptions and other evidence demonstrate the extent to which the frontier led to an interchange of peoples across the Empire. To a large extent, this was the result of the movement of military units (eg British units in Romania, or Iraqi boatmen in northern Britain) but there is also strong evidence of civilian movement (eg merchants from the Middle East who settled on Britain, Germany and Hungary). The frontiers also acted as the base for the movement of Roman goods (and presumably ideas) to pass well beyond the Empire.

(iv) be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates a significant stage in human history

2.d.7 The physical remains of the frontiers of the Roman Empire demonstrate the power and might and civilization of the Romans. As such they are evidence of the development of the Roman Empire and its spread across much of Europe and parts of Asia and Africa. They therefore illustrate the spread of classical culture and of Romanisation which shaped much of the subsequent development of Europe.

3 DESCRIPTION

3 a Description of Property

3.a.1 The Roman Frontiers World Heritage Site will embrace the frontier in its entirety, acknowledging that sometimes it was just a linear barrier or even just a line on a map but elsewhere may extend to a broad military zone, which is a network both physical in form but also intangible in nature. This network encompasses a support structure both behind and in front of the barrier, and the effect of the Roman military presence on the people on, behind and in front of the frontier, extending far beyond the formal boundaries of the Roman empire. Thus, the frontier both divides and connects the ancient and modern peoples of Europe and the Mediterranean world.

3.a.2 A mere catalogue does not do justice to the wide range of military and associated civilian remains visible on the frontiers of the Roman empire. While there are certain generic types – legionary fortresses, forts, fortlets, towers – these are geographically distinct. A tower may be a tower, but it is not the same structure in Britain, Austria or Hungary. Forts follow basic plans, but retain distinctive qualities unique to that part of the empire in which they were constructed. The remains of the great cities which sprang up outside the fortresses of the middle Danube cannot be found in the United Kingdom. The terrain of the frontier – river, marsh, mountain – as well as the climate also dictated the sort of military installations constructed.

3.a.3 In some places, the frontier followed river lines strengthened by fortresses and forts. Elsewhere in desert area, networks of roads and forts sufficed. In more settled areas without natural defences, permanent artificial barriers were needed. These could be timber or earth as, in Upper Germany, the Limes and, in Scotland, the Antonine Wall or more elaborate structures such as Hadrian's Wall.

3.a.4 Probably the frontier had different purposes in different parts of the Empire. In some places, it was probably intended principally for simple policing of the border line. Elsewhere, it may have had a more robust military function.

3.a.5 Its role may have changed over time, too. Physical changes over time can also be noted: the great Constantinian and Valentinianic building programmes of the fourth century may be seen in the Rhine land (Germany), Austria and Hungary, but rarely elsewhere. Even later modifications survive on the lower Danube, on the Eastern frontier and in north Africa. Time and space have combined to create a unique range of structures which together form a greater whole and an enormously complex corpus of material for preservation and study.

3.a.6 Remains of Roman frontier installations can be seen in the United Kingdom, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria and Romania within Europe. Along the Eastern frontier, there are remains in Turkey, Syria, Iraq, Jordan and Israel. In north Africa military works survive in Egypt, Libya, Algeria, Tunisia and Morocco. The state of preservation and knowledge varies greatly from country to country. Much has been destroyed or built over, and is now only accessible through excavation. Even sites that are ploughed flat and only visible through the media of aerial photography or geophysical research form extremely significant reserve areas for archaeological research. Yet much stands proud, revealed by excavation or, remarkably, still in use, as the gates and towers of Austria illustrate. They all offer evocative reminders of the former power and greatness of this formidable empire.

3.a.7 Hadrian's Wall in the United Kingdom is the best preserved frontier. This is largely because it was built in stone. Visible on the ground, in addition to long stretches of the linear barrier itself, are forts such as Housesteads, and Chesters, linked by a road, The Military Way, milecastles and turrets (about 6 and 12 visible respectively) and civil settlements, for example, Vindolanda; uniquely on this frontier there is an extra earthwork, the Vallum running along the rear of the linear barrier. Beyond the eastern end of the Wall lay a supply base at South Shields, while to the west, on the Cumbrian Coast, is visible the fort at Maryport and an adjacent fortlet. The Antonine Wall in Scotland, constructed of turf, survives remarkably well in many areas. The earthworks of the fort at Rough Castle and bath-houses at Bar Hill and Bearsden are visible, as are six 'expansions' which were probably beacon platforms. The type of fortlet/milecastle found on these two frontiers is unique to Britain.

3.a.8 In Germany several long stretches of the linear barrier are visible and it is often very clear from the air. As a peculiarity its course is often mathematically straight, completely ignoring the topography of the land. Many forts are visible along the frontier line including: The Saalburg, Osterburken, Rainau-Buch, Welzheim, Weissenburg and Eining. Generally the forts and fortlets in Germany are rather larger than in Britain. Entrances through the linear barrier such as Dalkingen are visible apart from the fort-sites. Towers in differing states of survival and/or restored at various times, occur (e.g. Bad Hoenningen, Zugmantel, Mahdholz).

3.a.9 Forts are also visible in other European countries along the frontier including: Zwammerdam in The Netherlands; Mautern, Traismauer, Tulln and Zeiselmauer, in Austria; Tokod, Visegrád, Ulcisia Castra, Contra Aquincum and Intercisa, in Hungary; Capidava, Dinogetia, Carsium and Porolissum in Romania. Towers are visible in Austria (e.g. Bacharnsdorf) and Hungary (e.g. Leányfalu).

3.a.10 Some remains of the large legionary fortresses may be seen, e.g. Vindonissa in Switzerland, Regensburg in Germany, and Aquincum in Hungary while earthworks of others survive at, for example, Inchtuthil in the United Kingdom and Lauriacum in Austria.

3.a.11 The remains include ancillary features such as bath-houses and amphitheatres built by the army. Civilian settlements also lay outside most forts, such as Vindolanda beside Hadrian's Wall; some grew to great cities such as Carnuntum in Austria and Aquincum in Hungary. Here may be seen houses, shops, markets and temples in once-thriving communities.

3.a.12 In the East and in north Africa, climate and different social traditions often produced forts of different types to those in Europe. On the eastern frontier, troops were frequently quartered in towns such as Dura Europos in Syria and Hatra in Iraq, but elsewhere occur 'normal' forts. Legionary fortresses are visible at Satala in Turkey, and El-Lejjun and Udruh in Jordan. Forts include Ain Sinu in Iraq, Sa'neh, Khan el-Hallabat and Deir-Semali in Syria, Qasr el-Azraq, Da'ajaniya and Qasr Bshir in Jordan and Upper Zohar in Israel. Towers often lay beside the roads along the frontier, the *Via Novae Traiana* and the *Strata Diocletiana*, which form an important element in the system and in the remains today.

3.a.13 In north Africa many forts lie in what is today desert. Some, such as Bu Njem and Gheriat el-Garbia (Libya), now lie deep into the Sahara. In Tunisia and Algeria many of the forts which protected the rich coastal cities are still visible, with notable remains at the legionary fortress at Lambaesis; its predecessor, Timgad, was transformed into a Roman colony which is remarkably well preserved. In Algeria and Morocco, too, large stretches survive of the *Fossatum Africae*, the barrier erected by the Romans to divide the sown from

the nomad and control transhumance. The wall incorporated both gates and towers, still visible today. In Egypt forts such as Mons Claudianus were specially constructed to house the troops controlling quarrying.

3.a.14 It must be emphasised that all these visible structural remains are complemented by museums in all countries. Many of these are of international reputation and display material of the highest quality. It is appreciated that museums are not eligible for World Heritage Site status.

3 b History and Development

3.b.1 Rome's frontiers are indeed a reflection of the empire's former might. But earlier Romans would not have seen it that way. The ethos of the Roman Republic and the reign of the first Emperor Augustus (27 BC-14 AD) were expansionist. The momentum of the long reign of Augustus ended in two great rebellions towards the close of his life and thereafter the frontiers of the empire gradually consolidated on the borders he established. Regiments stationed in groups with invasion in mind were gradually re-disposed along the frontier. Forts were supplemented by smaller installations such as fortlets and towers. Under Hadrian (117-138), physical barriers were erected in both Germany and Britain, while the *Fossatum Africae* in Algeria probably dates, at least in part, to the same reign.

3.b.2 The borders of the empire established by Augustus did not remain static. Britain was conquered by his nephew Claudius; Domitian made an advance into Germany; Trajan conquered Dacia in modern Romania and attempted to advance the eastern frontier to the Euphrates and Tigris. Later emperors made other changes. Two important frontiers date to the reign of the Emperor Antoninus Pius, the Antonine Wall in Scotland and the Outer Limes in Germany. In the late Roman period, frontier defences were updated and modernised. In some areas, inner lines were provided while from the third century coastal defences were developed against sea raiders.

3.b.3 As a result there are thousands of military installations spread along the frontiers of the empire. These include camps, frontiers, double and single legionary fortresses, supply bases, forts, fortlets and towers, built and occupied over a period of 400 years from the reign of Augustus to the final years of the fourth century (and, in the East, beyond). They were constructed in a variety of materials - timber, turf, stone, mudbrick – and survive differentially. Some sites are iconic monuments, such as Hadrian's Wall in Britain, The Saalburg and Eining in Germany, Porolissum in Romania, Qasr Bshir in Jordan and Lambaesis in Algeria. Sometimes the civil settlements associated with the military remains have acquired similar fame: Carnuntum in Austria and Aquincum in Hungary. These are but the tip of an iceberg which contains a vast number of visible military remains.

3.b.4 Since the end of the Roman occupation many great fortresses have become the bases of medieval and modern cities such as Strasbourg in France, Regensburg in Germany, Vienna in Austria, Budapest in Hungary and Belgrade in Serbia. Other parts of the frontier survive as ruins while much more remains as buried archaeology, visible not at all or only as earthworks.

3 c Form and date of most recent records of site

3.c.1 The modern era of excavation began in many countries in the 1890s and has produced a huge body of archaeological material. Many frontiers have been recorded in detail, in particular by the former Reichs-Limeskommission in Germany and the Limes Kommission in Austria, while the Eastern frontier was studied by Antoine Poidebard and the *Fossatum*

Africae by Jean Baradez. Reconstructions of parts of the frontier similarly began early and the fort at the Saalburg, raised at the instigation of Kaiser Wilhelm II, is now a period piece in its own right. Over the last 20 or 30 years, fort gates and towers have been favoured items for reconstruction.

MANAGEMENT

4.1 Responsibility for the management of individual parts of the World Heritage Site must rest with the individual State Parties and be carried out by each in accordance with their legislative and management systems. Equally, it is essential that individual parts of the World Heritage Site are managed within an overall framework of cooperation to achieve common standards of identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground, in an interdisciplinary manner and within a sustainable framework.

4.2 The World Heritage Centre have advised that any future nominations of further parts of the Site must be endorsed and approved by those States Parties who already manage parts of the Site. States Parties wishing to nominate parts of the Roman Frontiers World Heritage Site must therefore undertake to work to develop this common framework with existing States Parties of the Site.

4.3 The United Kingdom government and the German authorities have undertaken to work with each other to develop this common framework based on the management principles set out below. As further States Parties propose parts of the frontier for inclusion in the World Heritage Site, the United Kingdom government and the German authorities will discuss with them possibilities of a more formal structure for international cooperation.

4.4 The United Kingdom government and the German authorities will be supported in the development of the Roman Frontiers World Heritage Site by the Bratislava Group.

4.5 This international group was created in 2003. So-called after the city in which it first met, it is made up of experts of the history and archaeology of the Roman Frontiers and of those involved in its management. It currently has members from the United Kingdom, Germany, Austria, Slovakia and Hungary, but could be expanded to include experts from ICOMOS and the World Heritage Centre as well as from further countries which intend to nominate future sections of the World Heritage Site.

4.6 The Bratislava Group aims to share knowledge and experience of Roman frontiers and their identification, protection, conservation, management and presentation, leading to the distillation of a common viewpoint, and through technical and professional advice provide the scientific framework for the whole World Heritage Site. The Bratislava Group should form the core of an international scientific advisory group on the Roman Frontiers World Heritage Site. Its role should be to support States Parties in the creation of the Roman Frontiers World Heritage Site by:

- advising States Parties on the significance of the Roman Frontiers and on the development of best-practice guides for its management and improving its understanding;
- developing support structures such as an overall research strategy, an international Roman Frontiers database and websites.

Management Principles

4.7 The United Kingdom government and the German authorities propose the following management principles which they will apply to their parts of the Roman Frontiers World Heritage Site and which should be applied to future parts of the Site also:

4.7.1 The aim of participating States Parties is, by stages through international co-operation, to create a World Heritage Site encompassing all the frontiers of the Roman Empire, based on its proper identification, recording, protection, conservation, management, presentation and understanding as evidence of the remains of one of the world's greatest civilisations and as a symbol of a common heritage.

4.7.2 This will be achieved through:

- the establishment of a common approach to the identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground, in an inter-disciplinary manner and within a sustainable framework;
- the enhancement of respect for the surviving remains of the frontier and the transmission of these remains to future generations;
- acknowledgement of the Roman Frontier and its associations as a common feature for bringing people together;
- improved public knowledge, utilising modern information systems.

4.7.3 States Parties will be supported in this by the work of the Bratislava Group, augmented as necessary, as an international scientific advisory group.

4.7.4 Any future nominations for extensions of the Romans Frontiers World Heritage Site must be endorsed by existing States Parties within the Roman Frontiers World Heritage Site who must confirm that they believe that the new nomination has outstanding universal value and that the management proposals for the proposed extension adhere to these management principles. Such nominations would need to demonstrate:

- outstanding universal value of the whole Site;
- the values of the part being nominated;
- authenticity;
- appropriate legal protection and management arrangements for the Site including a Management Plan or other appropriate management system.

4.7.5 Internationally, goals over the next five years are:

- definition of areas of outstanding universal value which could be included in the WHS;
- agreement on an overall statement of outstanding universal value for the whole Roman Frontiers WHS;
- a common vision for the whole Roman Frontiers WHS;
- long term aims for the whole Roman Frontiers WHS;

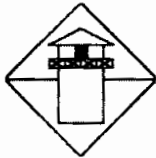
- support and advice to those preparing nominations for additions to the WHS;
- the creation of a web site;
- the linking of national data bases;
- the development of a trans-European exhibition to raise awareness;
- the development of common standards for identification, recording, conservation, management and display;
- the development of research frameworks for the WHS.

4.7.6 Nationally, the management systems for each part of the Site would need to address, within the overall framework set out above, identification and definition of the area's significance, as well as its conservation, access to it, the interests and involvement of all appropriate organisations and communities from national to local level, and its sustainable economic use.

4.7.7 Within each State Party's existing legislative and management systems there should be developed for the nominated extension an appropriate management system, normally expressed through a Management Plan for the identification, protection, conservation and sustainable use of the Site within the context of these management principles. Points (in addition to those outlined in 4 above) that would normally need to be covered within this include:

- commitment to involvement of local communities (cf *Operational Guidelines*);
- commitment to achieving appropriate balance between conservation, access, interests of local community and sustainable economic use of the Site;
- commitment to co-ordination of activities and participation in the co-ordination mechanism;
- an effective implementation and monitoring system for the Management Plan.

January 2004



DEUTSCHE LIMESKOMMISSION
- DER VORSITZENDE -

WHO REGISTRATION	
Date	08.04.05
Id N°	430515
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Item	08

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rec. 30.03.05

c/o Landesdenkmalamt Baden-Württemberg, Pf. 200 152, D - 73712 Esslingen

Ms Regina Durighello
Director World Heritage Programme
ICOMOS
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Esslingen, 24. März 2005
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Frankreich

Your Ref. GB/MA430

World Heritage List 2005: "Frontiers of the Roman Empire" (Germany / UK)

Dear Ms. Durighello,

Thank you very much for your communication of 1 March and the consideration of the application for the inscription of the Upper German-Raetian limes by the ICOMOS World Heritage Panel. In this letter I would like to provide you and the ICOMOS secretariat with additional information and explanations on the points that the Panel observed. The contents were agreed with the German Limes Commission during a meeting on March 16th.

First of all, we greatly regret that problems arose in the understanding of the cartography. The map legends held in the German language are based technically on original extracts from the geoinformation system of the "Limes Database". We had attempted to facilitate understanding of the contents by providing a complete set of map legends in English with the application documents. At the beginning of "Volume II – Maps" before the first map page (sheet "I-1") you can find the explanations of the four relevant map scales of 1:500,000, 1:50,000, 1:5,000 and 1:2,500 in German and English, in relation to the proposed World Heritage Site. To simplify matters I am attaching additional copies of these translations (Attachment 1).

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The extent and content of the World Heritage Site proposed for inscription are shown in the cartography in blue, at the scale of 1:50,000 ("Volume II – Maps", maps IVa, V and VI). The nomination comprises differing types of elements in differing states of preservation. Some have been excavated, some are not visible but certain, some are conjectured on scientific grounds, some have been built over. The intention here was to include as far as possible all areas of the Upper German-Raetian limes where archaeological remains have survived. Not included, however, are all elements / parts which have been completely destroyed.

Archaeological remains are protected under the Monument Protection Acts of the respective German Federal States irrespective of the state of their preservation (cf. application documents pages 26 ff.: *4b - Legal status*). Eligibility for protection is not dependent on whether elements / parts of the monument have been excavated, are visible or have been covered over by modern buildings. Every element of the monument the Upper German-Raetian limes where archaeological remains are preserved also enjoys complete protection under the monument preservation legislation of the participating Federal States (Bavaria, Baden-Württemberg, Hesse and Rhineland-Palatinate).

For the purposes of the fullest possible protection of all elements / parts which have been preserved, it does not seem to us sensible to exclude particular areas from the World Heritage Site. For this reason, there are properties listed in the application documents which have been built over with modern buildings/installations. The reason is, on the one hand, the desire to provide a transparent and comprehensible demarcation of the World Heritage Site, while, on the other hand, there are as a rule archaeological remains beneath such installations which are already protected and worthy of preservation. Where recent buildings/installations are thus situated cartographically within the proposed World Heritage Site, they themselves do not of course form part of the subject of the application. Nor do they enjoy protection under the monument preservation legislation of the participating Federal States. As stated in the Management Plan, the intention here is in the long term to recreate the ability to perceive the line of the limes even when nothing is visible today (cf. application documents Appendix A 9 - Management Plan, pages 106 ff.: *7.2. Monument sections in built up areas* and *7.3. Perspectives for built up areas*).

The modern buildings/installations in general also include reproductions of Roman architecture such as watchtowers, and (parts of) fort installations. The application documents include a complete list of all installations erected since the year 1874 (cf.

application documents Appendix A 6 - *Existing reproductions*). Buildings/installations of this nature are clearly distinguished by didactic means on each site as modern reproductions of Roman originals (e.g. by signposting). It is also the case that some of these reproductions stand on original Roman foundations which are themselves monuments. The reproductions themselves also bear witness to the interest of large parts of the population with the monuments and with the Roman history of individual sites since the 19th century. Thus, some of these have themselves come to be registered as monuments. Attached to this letter is a list making clear all the reproductions which have been erected on the original Roman foundations and which, either because of their original remains and/or because of their reconstruction, are legally protected as monuments under the Monument Protection Act of the respective Federal State (Attachment 2). In all, a total of 11 reproductions of watchtowers and barrier installations stand on archaeological remains along the limes. Only one fort installation (No. 13 - Saalburg) and one watchtower reproduced in 1874 (WP 2/1 – Bad Ems) are parts of the application for inscription in the World Heritage Site List as independent structural monuments.

Where massive destruction in the past has led to a substantial loss of that part of the monument, it is not listed in the World Heritage Site application. As a result of this, there is a total of five historically documented former Roman fort locations at which no listed monument zone exists in the World Heritage Site application. Possibly the fact that these sites appear in the cartography for information purposes has led to confusion in the consideration of the application by the World Heritage Panel. The definitive list is, however, that provided with the application of "*Fort sites considered in the application*" (cf. application documents Appendix A 1). Only for those sites which are given a number (between 1 and 58) in that list or in the descriptive part (cf. application documents Appendix A 11 - *Presentation of the individual fort locations*) or in the cartography ("Volume II – Maps") is World Heritage Site status proposed.

With respect to the nature and scope of the World Heritage Site proposed for inscription, this application for the Upper German-Raetian limes is based on the example of the existing World Heritage Site Hadrian's Wall in the UK. Its contents were discussed in advance with our colleagues in Britain, who have agreed with the German application and it is signed by the relevant British Minister. This approach was chosen with the intention of developing a concept for the entire frontiers of the Roman Empire which will be uniform in content and cartography. This has been agreed with the UNESCO World Heritage Centre.

We take the liberty of sending a copy of this letter directly to H.E. Hans-Heinrich Wrede, to Ms Mechthild Rössler and Mr Alessandro Balsamo at the World Heritage Centre and to Dr. Christopher Young, English Heritage, and Mr Peter Marsden at the Department for Culture, Media and Sport, UK.

Yours sincerely

Prof. Dr. Dieter Planck
Chairman
German Limes Commission

Legend Scale 1:5.000

Legend Scale 1:2.500

Der Obergermanisch-Raetische Limes
Antrag zur Aufnahme als Welterbe

Legende

- Limes (sichtbar)
- Limes (nicht sichtbar)
- Limes (zerstört)
- Kastell (Stein)
- Kastell (Holz)
- Kleinkastell
- Stein ...**
 - Turm (sichtbar)
 - Turm (nicht sichtbar)
 - Turm (vermutet)
 - Turm (zerstört)
- Holz ...**
 - Turm (sichtbar)
 - Turm (nicht sichtbar)
 - Turm (vermutet)
 - Turm (zerstört)
- Welterbe
- Pufferzone
- Siedlungsfläche
- Verkehrsfläche
- Ackerland
- Grünland
- Wald oder Hecke
- Gewässer
- Flurstücke

Maßstab 1:5.000

Herausgeber:
Landesdenkmalamt Baden-Württemberg
Bayerisches Landesamt für Denkmalpflege
Landesamt für Denkmalpflege Hessen
Landesamt für Denkmalpflege Rheinland-Pfalz

Stand: 2003

Herstellung:
 Landesvermessungsamt Baden-Württemberg

Der Obergermanisch-Raetische Limes
Antrag zur Aufnahme als Welterbe

Legende

- Limes (sichtbar)
- Limes (nicht sichtbar)
- Limes (zerstört)
- Kastell (Stein)
- Kastell (Holz)
- Kleinkastell
- Stein ...**
 - Turm (sichtbar)
 - Turm (nicht sichtbar)
 - Turm (vermutet)
 - Turm (zerstört)
- Holz ...**
 - Turm (sichtbar)
 - Turm (nicht sichtbar)
 - Turm (vermutet)
 - Turm (zerstört)
- Welterbe
- Pufferzone
- Siedlungsfläche
- Verkehrsfläche
- Ackerland
- Grünland
- Wald oder Hecke
- Gewässer
- Flurstücke

Maßstab 1:5.000

Herausgeber:
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Bayerisches Landesamt für Denkmalpflege
Landesamt für Denkmalpflege Hessen
Landesamt für Denkmalpflege Rheinland-Pfalz

Stand: 2003

Herstellung:
 Landesvermessungsamt Baden-Württemberg

Der Obergermanisch-Raetische Limes
Antrag zur Aufnahme als Welterbe

Legende

- Limes (sichtbar)
- Limes (nicht sichtbar)
- Limes (zerstört)
- Kastell (Stein)
- Kastell (Holz)
- Kleinkastell
- Stein ...**
 - Turm (sichtbar)
 - Turm (nicht sichtbar)
 - Turm (vermutet)
 - Turm (zerstört)
- Holz ...**
 - Turm (sichtbar)
 - Turm (nicht sichtbar)
 - Turm (vermutet)
 - Turm (zerstört)
- Welterbe
- Pufferzone
- Flurstücke
- Gebäude

Maßstab 1:2.500

Herausgeber:
Landesdenkmalamt Baden-Württemberg
Bayerisches Landesamt für Denkmalpflege
Landesamt für Denkmalpflege Hessen
Landesamt für Denkmalpflege Rheinland-Pfalz

Stand: 2003

Herstellung:
 Landesvermessungsamt Baden-Württemberg

Upper German-Raetian Limes
Nomination for Inclusion on the World Heritage List

Legend

- Limes (extant or identifiable)
- Limes (course of)
- Limes (destroyed)
- Fort (Stone)
- Fort (Wood)
- Fortlet
- Stone**
 - Watchtower (remains)
 - Watchtower (site of)
 - Watchtower (presumed)
 - Watchtower (destroyed)
- Wood**
 - Watchtower (remains)
 - Watchtower (site of)
 - Watchtower (presumed)
 - Watchtower (destroyed)
- Walls or Masonry (identifiable)
- Remains of Settlement (identifiable)
- Street (identifiable)
- Cemetery**
 - Burial
 - Other Site
 - Burial Mount
- Nominated World Heritage Site
- Buffer Zone
- Plots of Land
- Buildings

Maßstab 1:2.500

Editor:
Landesdenkmalamt Baden-Württemberg
Bayerisches Landesamt für Denkmalpflege
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Production:
 Landesvermessungsamt Baden-Württemberg


Maßstab 1:500,000


Legend Scale 1:50,000


Der Obergermanisch-Raetische Limes

Antrag zur Aufnahme als Welterbe

Legende

 obergermanische
Limeslinie


 raetische
Limeslinie

 Kastell

Maßstab 1:500000

Herausgeber
Landesdenkmalamt Baden-Württemberg
Bayerisches Landesamt für Denkmalpflege
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Stand 2003


 Landesvermessungsamt Baden-Württemberg


Der Obergermanisch-Raetische Limes


Antrag zur Aufnahme als Welterbe


Legende

 Limes (sichtbar)
 Limes (nicht sichtbar)
 Limes (zerstört)



 Steinkastell
(ganz oder teilweise sichtbar)



 Steinkastell
(nicht sichtbar)

 Holzkastell
(ganz oder teilweise sichtbar)

 Holzkastell
(nicht sichtbar)

 Kleinkastell

 Turm (gesichert/sichtbar)
 Turm (vermutet/zerstört)

 Welterbe
 Pufferzone

Maßstab 1:50000

Herausgeber
Landesdenkmalamt Baden-Württemberg
Bayerisches Landesamt für Denkmalpflege
Landesamt für Denkmalpflege Hessen
Landesamt für Denkmalpflege Rheinland-Pfalz

Stand 2003

 Landesvermessungsamt Baden-Württemberg

Der Obergermanisch-Raetische Limes

Antrag zur Aufnahme als Welterbe
auf der Liste des Weltkulturerbes

 Welterbe (sicher/identifizierbar)

 Welterbe (nicht sichtbar)

 Welterbe (zerstört)

 Stein-Turm (ganz oder teilweise identifizierbar)

 Stein-Turm (nicht sichtbar)

 Holz-Turm (ganz oder teilweise identifizierbar)

 Holz-Turm (nicht sichtbar)

 Kleinturm

 Turm (gesichert/identifizierbar)
 Turm (vermutet/zerstört)

 Nummeriertes Weltkulturerbe (nur Maßstab 1:50000)

 Pufferzone (nur Maßstab 1:50000)

Herausgeber
Landesdenkmalamt Baden-Württemberg
Bayerisches Landesamt für Denkmalpflege
Landesamt für Denkmalpflege Hessen
Landesamt für Denkmalpflege Rheinland-Pfalz

Stand 2003

 Landesvermessungsamt Baden-Württemberg

Attachment 2

Existing reproductions on the Upper German-Raetian limes, giving the date of erection and their potential status as monuments.

Cf. application documents: *Appendix A 6 - Existing reproductions on the Upper German-Raetian limes* (supplemented)

Watchtowers and limes sectors			
Site number and location in the application	Year of reconstruction	Monument status	
		On original remains	Reproduction as independent monument
Watchtower WP 1/1 - Rheinbrohl 150 m north of the start of the limes at the Rhine; three-storey stone tower with upper storey of timber. <i>Cf. Photo 047</i>	1974	no	no
Watchtower WP 1/37 - Oberbieber 35 m from the original tower site; two-storey stone tower with upper storey of timber.	1970	no	no
Watchtower WP 1/54 - Bendorf 10 m from the original site of the tower; two-storey stone tower with upper storey of timber.	1912	no	no
Watchtower WP 1/68 - Hillscheid near the conjectured site of the tower; three-storey stone tower.	1994	no	no
Watchtower WP 1/84 - Arzbach on the original site of the tower; three-storey tower: ground floor: stone, middle storey: wooden block construction, top storey: timber.	1953	yes	no
Watchtower WP 2/1 - Bad Ems on the original site of the tower; two-storey stone tower, one of the original defence walkways is missing.	1874	yes	yes
Watchtower WP 3/15 - Taunusstein-Orlen next to the original site of the tower; three-storey stone tower.	1972	no	no
Watchtower WP 4/16 - Ober-Mörlen next to the original site of the tower; three- storey stone tower without gallery; erected from plans by E. Fabricius. <i>Cf. Photo 006</i>	1923	no	no
Watchtower WP 4/33 - Butzbach on the original site of the wooden tower; two-storey timber tower.	1912	yes	no
Watchtower WP 4/49 - Pohlheim-Güningen next to the original site of the tower; two-storey stone tower. <i>Cf. Photo 023</i>	1967	no	no

Watchtowers and limes sectors			
Site number and location in the application	Year of reconstruction	Monument status	
		On original remains	Reproduction as independent monument
Between watchtowers WP 4/102 and WP 4/103 - Limeshain-Rommelshausen on the original line of the limes; section of the Upper German limes with palisade, ditch and rampart. <i>Cf. Photo 020</i>	1996	yes	no
Watchtower WP 7/31 - Walldürn on the original line of the limes; section of the Upper German limes with palisade.	1970ies	yes	no
Watchtower WP 9/64 - Geisselhardt next to the original site of the tower; three-storey wooden tower in block construction on a concrete base. <i>Cf. Photo 048</i>	1971	no	no
Watchtower WP 9/83 - Grosserlach-Grab on the foundations of the original site of the tower; three-storey stone tower and section of the Upper German limes with palisade, ditch and rampart.	1981	yes	no
Watchtower WP 9/96(West) - Murrhardt on the foundations of the original site of the tower; external walls up to 6 m high of a three-storey stone tower. <i>Cf. Photo between pages 50 and 51</i>	1964	yes	no
Watchtower WP 12/14 - Lorch near the conjectured site of the tower; three-storey wooden tower in block construction on a concrete base.	1970ies	no	no
Watchtower WP 12/77 - Buch next to the original site of the tower; three-storey wooden tower in block construction. Connecting to the foundation of the original stone tower, a section of the Raetian wall has been reconstructed. <i>Cf. Photo 022</i>	1971	no yes	no
Between watchtowers WP 13/2 and WP 13/2 - Mönchsroth lower part of a stone tower, connections to the Raetian wall on both sides.	1986	no	no
Watchtower WP 13/24 - Grüb-Dühren on the foundations of the original site of the tower; lower part of a stone tower, connections to the Raetian wall on both sides.	1983	yes	no
Between watchtowers WP 13/38 and WP13/39 - Dennenlohe masonry section of the Raetian wall.	before 1986	yes	no

Watchtowers and limes sectors			
Site number and location in the application	Year of reconstruction	Monument status	
		On original remains	Reproduction as independent monument
Watchtower WP 14/17 - Rittersn on the foundations of the original site of the tower; raised masonry foundation of a stone tower with connections on both sides to the Raetian wall.	1964	yes	no
Watchtower WP 14/48 - Burgsalach next to the original site of the tower; three-storey wooden tower in block construction on a concrete base.	1971/72	no	no
Watchtower WP 14/63 - Erkertshofen near the conjectured site of the tower; three-storey stone tower, connections to the Raetian wall on both sides.	1989	no	no
Watchtower WP 14/78 - Kipfenberg near the original site of the tower; three-storey wooden tower in block construction on a concrete base.	1996	no	no
Between watchtowers WP 15/45 and WP15/46 - Hienheim next to the original sites of the towers; three-storey wooden tower in block construction on a concrete base.	1970ies	no	no

Fort installations			
Site name and number in the application	Year of reconstruction	Monument status	
		On original remains	Reproduction as independent monument
Saalburg (No. 13) ; masonry defence walls reconstructed on the original foundations, with all towers and gate installations; inside, the staff buildings (PRINCIPIA), parts of the commander's residence (PRAETORIUM), a grain store (HORREUM) and two wooden troop barracks (CONTUBERNIA) have been reconstructed; the installations erected between the years 1897–1907 were supplemented in 2004 with an extension of the Praetorium, and the construction of a magazine in 2005; parts of the civilian settlement situated in front of the fort walls (VICUS) will be reconstructed on the original foundations <i>Cf. Photos 118 and 119</i>	1897 – 1907	yes	yes
	2004		
	2005		
Welzheim, east fort (Nr. 39) ; west gate reconstructed on the original foundations with masonry connection to the wall to the north. <i>Cf. Photos 027, 170 and 171</i>	1977	yes	no
Ellingen (No. 51) ; northerly section of masonry wall reconstructed on the original foundations with the supplemented, c. 4m high, north-west tower. <i>Cf. Photo 036, 194 and 195</i>	1982	yes	no
Weissenburg (No. 52) ; north tower reconstructed on the original foundations (PORTA PRAETORIA) with wall connection to the east. <i>Cf. Photo 005, 196 and 197</i>	1990	yes	no
Pfünz (No. 55) ; north tower reconstructed on the original foundations (PORTA PRAETORIA) with wall connection to the east. <i>Cf. Photo 063, 202 and 203</i>	1986	yes	no

Frontiers of the Roman Empire (Germany) No 430 bis

1. BASIC DATA

<i>State Party:</i>	Federal Republic of Germany
<i>Name of property:</i>	Frontiers of the Roman Empire Upper German-Raetian Limes
<i>Location:</i>	State of Baden-Württemberg, Karlsruhe and Stuttgart administrative Regions Free State of Bavaria, Mittelfranken, Niederbayern, Oberbayern and Unterfranken administrative Regions State of Hesse, Darmstadt and Giessen administrative Regions State of Rhineland-Palatinate, former Koblenz administrative Region

Date received: 29 January 2004

Category of property:

In terms of the categories of cultural property set out in Article 1 of the 1972 World Heritage Convention, this is a *site*. It is also a phased transboundary serial nomination.

Brief description:

The nomination consists of two sections of the border line of the Roman Empire at its greatest extent in the 2nd century AD, part of what is known as the “Roman Limes”.

The Limes stretched for over 5000kms from the Atlantic coast of northern Britain, through Europe to the Black Sea and from there to the Red Sea and across North Africa to the Atlantic coast.

The two sections cover a length of 550 km, extending between the Rhine in the north-west of Germany, to the Danube in the south-east. They consist of remains of built walls, ditches, forts, fortresses, and watch towers. Certain elements of the line have been excavated, some reconstructed and a few destroyed. Some parts are only known from field surveys.

The nomination is put forward as an extension of Hadrian’s Wall, UK, which was inscribed on the World Heritage list in 1987. To reflect the interest of several State Parties in Europe to nominate further extensions, the nomination is accompanied by a Statement prepared jointly by the UK government and the German States of Baden-Württemberg, Bavaria, Hesse, and Rhineland-Palatinate which sets out a suggested approach for wider nominations of the Roman Frontier initially in Europe but which, it is suggested, might in due course be relevant in Africa and Asia.

2. THE PROPERTY

Description

The Roman Empire, in its extent, was one of the greatest empires the world has known. It was protected by a network of frontiers stretching for over 5,000 kilometres from the Atlantic Coast in the west, to the Black Sea in the East, from central Scotland in the north to the northern fringes of the Sahara Desert in the south.

Much survives on the ground of this frontier, which was largely constructed in the 2nd century AD when the Empire reached its greatest extent. These frontiers were at times a linear barrier, at other times protected spaces or in some cases a whole military zone. Substantial remains survive in (clockwise from the west) in the UK, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria, Romania, Turkey, Syria, Jordan, Israel, Iraq, Egypt, Libya, Algeria, Tunisia and Morocco.

The remains include:

- The lines of the linear frontier;
- Natural elements of the frontier such as sea, rivers;
- Military installations and ancillary features such as roads within and beyond the frontier.

These encompass both visible and buried archaeology, supplemented in places by reconstructions.

Together the remains form an extensive relict cultural landscape which displays the unifying character of the Roman Empire, through its common culture.

The current nomination includes 507 km of frontier in two sections, known as the Upper German-Raetian Limes (*Obergermanisch – Raetischer Limes*). This frontier was constructed in stages from around 85 AD until the end of the 2nd century AD. It was abandoned during the second half of the 3rd century AD.

Much of this part of the Limes was an ‘arbitrarily’ drawn ‘straight’ line, defined precisely to the metre along its whole course, which separated the Roman Empire from German Magna, and the Germanic peoples that it had failed to conquer. The Limes was not solely a military bulwark: it also defined economic and cultural limits, becoming a cultural divide between the Romanised world and the non-Romanised Germanic peoples.

It was drawn to enable the control of trade routes and to include within the Empire agriculturally rich areas such as the Nördlinger Ries and the rich limestone soils of the Frankish Alps. This divide continued to influence the development of the area long after the demise of the Roman Empire.

The straightness of the line seems to have been primarily to allow a line of site along its length, rather than to make use of topography to create an easily defensible barrier.

The mathematical precision of the Limes reflects impressive Roman surveying skills.

The nominated area consists within its 550km length of forts, watchtowers, and settlement zones around the larger forts, where civilian populations who supported the

military lived. The Limes and its structures thus reflect a social and historical unit.

Most of the remains of the Limes are in open areas, across agricultural fields or through forests: 46% in woods or hedges, and 46% in arable or grassland fields. Around 8% are within modern settlements and towns, with some buried beneath buildings. Around 9% have been destroyed.

Several areas that have been built over are included in the nomination as in many cases authentic archaeological material is preserved under the surface. It is also suggested that sections that are not accessible or visible could in the future be 'visualised' in some way to improve perceptions of the precise course of the Limes.

What has been excluded are sites that have been destroyed, or smaller sites that it has proved difficult to protect.

The nominated area is surrounded by a buffer zone where individual components are preserved as elements in the landscape.

The two sections of the Limes are the Upper German section to the northwest and the Raetian section to the southeast.

The nominated area consists of the remains of:

- *Limes barrier Upper German section*
- *Limes barrier Raetian section*
- *Watchtowers*
- *Forts*
- *Vici –civilian settlements*

These are considered separately.

Remains of the Limes barrier

The Limes barrier seems to have started as a cleared strip of land through ancient forest landscape, and been developed first with a simple palisade fence and then either with a rampart and ditch construction or a wall depending on the topography.

27% of the Limes is said to be visible, while 9% has been destroyed.

The nominated line is a uniform 30 metres wide. This width is said to encompass the totality of archaeological remains along the border which are known or confidently supposed.

Limes barrier Upper German section

This covers 330 km. It was aligned to protect the fertile landscape of the Neuwied basin, the trade routes of the Rhine valley, the north-south routes of the Idstein depression, the fertile plain of the Wetterau, the densely populated Giessen (in Roman times), and the Main River – important as a commercial highway.

In the western part of this stretch the route follows the terrain of the land; along the Main River it is a 'wet' border of some 52km; to the east however it becomes a mathematically straight line taking no account of the underlying topography.

The 40 forts along this stretch are clustered to reflect the need to secure the economic and social importance of the prosperous areas.

Excavations have shown that this section consisted of a uniform structure of earthen rampart protected by a massive ditch some 8 m wide and up to 2.5 m deep.

Limes barrier, Raetian section

This covers 220km. The western part of this section is also laid out with mathematical precision. The Limes protects the Rems valley, and the Nördlinger Ries. To the east the line is less regular reflecting its piecemeal development.

Some 167 km of this section, unlike the Upper German Section, was constructed of a wall of locally quarried stones, probably up to 3 m high and 1.2 m thick, and with a white plaster surface. This construction reflected the opportunities and constraints of the local topography: stone was available from the Jura Plateau of the Swabian and Frankish Alps and ditches were difficult to construct. The remains of the wall are still visible in many places between the Rotenbach valley in the west and the Danube in the east, now partly as a stone embankment.

Watchtowers

Along the whole nominated Limes some 900 watchtower positions are known or conjectured. These stood at distances of between 300 and 800 metres from each other. They were mainly sited to give good visual connections with the next tower. However in areas of intensive commercial activities, the towers were more tightly clustered together.

The earlier towers were of wooden construction; there was a general progression into stone. The stone was quarried locally and plastered with a white plaster decorated with red lines to simulate ashlar masonry. Roofing was of wooden shingles. Trajan's column in Rome is said to provide visual evidence for some of these towers.

Their bases were usually square, (only a few hexagonal floor plans have been found) with each side being around 4 to 8 m in length. The thickness of the walls was not more than 60 cm. It is assumed that the towers reached between 7 and 9 metres in height. They were three storeys with the ground floor used as stores, while the top floor, perhaps with a wooden gallery, served as a lookout tower.

The towers probably accommodated between 3 and 6 soldiers.

Of the 896 confirmed locations of watchtowers, 260 are visible, 394 presumed and 28 destroyed. The nominated sites for watchtowers are 60 x 60 metres.

Forts

Over 60 forts known along the Limes were garrisons for the larger independent military units. They could accommodate between 100 and a 1000 soldiers – and their size varied according to the numbers stationed within them. The soldiers carried out watch duty and also monitored goods and people passing along and through the border.

Forts reflected the types of soldiers stationed within them. They could be *ala* forts, for mounted troops, or *cohors* forts for infantry units.

There were also *numeri* forts for small reconnaissance and observation units, and fortlets for even smaller groups of between 20 and 30 men sometimes sited between larger forts. 60 fortlets are known.

58 larger forts are included in the nomination. A short description of all 58 forts has been submitted.

Many of the Limes forts were probably of similar plan and included similar structures with the same functions. The best researched one is the Saalburg fort. The original fort (around 90 AD) covered an area of about 0.7 ha. It was rectangular in plan and had corner towers. A much larger fort, of 3.2 ha, (221m by 147 m) was built over the early one, in around 135 AD. It had four gates, a stone and timber defence wall and a double ditch. Remains of many of the internal buildings have been excavated, most of which were built of stone. In 1897, Emperor Wilhelm II, commissioned the reconstruction of the fort. Some of its structures are used as a museum dedicated to the Limes.

Vici –civilian settlements

Extensive civilian settlements developed around the limes, either along the trade routes or around the forts. Often extending to several hectares, these settlements were rarely defended. They accommodated the dependents of soldiers, tradesmen, craftsmen and others who serviced the military.

The settlements included baths, religious and administrative buildings as well as houses. The known settlements adjacent to forts have been included in the nominated areas.

History

At its height the Roman Empire extended into three continents. Its borders reflected the waxing and waning of power over more than a millennia. In what is now Germany there were several military campaigns into the area north of the Alps and east of the River Rhine from 55/53 BC to 15-16 AD, but the area was not brought under direct control until around 85 AD when the oldest part of the Limes was created between the River Rhine and the high Taunus Mountains. This frontier followed the contours of the landscape. Later the courses defined were much straighter and the first forts established.

Similarly in the area of the Raetian Limes the border was secured first under Emperor Claudius (41-54 AD), probably moved north across the river under the Emperor Domitian, and then under Emperor Trajan forts were established.

The early Limes barrier seems to have been a cleared stretch of forest monitored by wooden towers. Under the Emperor Hadrian (117-138 AD) the Limes was additionally secured with a palisade fence. In the 2nd century AD the Limes was in part straightened, and also strengthened with embankments or stone walls and numerous forts, and fortlets.

The nomination acknowledges that the chronology of the creation and expansion of the Limes is under researched and more work needs to be done to establish firm dates and sequences.

The Upper German-Raetian Limes was given up during the second half of the 3rd century AD, probably about 260AD.

After the end of Roman rule, many Romanised Celtic-German peoples moved away from territory within the Limes and other new Germanic settlers moved in. Although the walls survived for many centuries as an impressive landmark, gradually facts about its rationale and use were replaced by myths and legends.

The “re-discovery” of the Upper German Raetian Limes was linked to 19th interest in humanistic research.

A central institution for the research of the Upper German-Raetian Limes, called “*Reichs Limeskomision*”, was founded in 1892 and chaired by the Noble Prize winner for literature, Theodor Mommsen. The work of this commission relied heavily on previous research by the Kingdom of Wurttemberg, the Grand Duchess of Baden and Hessen and the Kingdom of Bavaria. Other earlier research was carried out by different associations concerned with the study of Roman remains, such as the Commission for the research of the Imperial Roman Limes, active in the first half of the 19th century, or by individuals like Wilhelm Conrady from Hanau, Friedrich Kofler from Hesse, and Friedrich Ohlenschlager and Karl Popp from Bavaria.

The last of the 14 volumes of the research of the Limes, carried out by the Imperial Commission, was published in 1937. More than 90 forts and some 1000 watchtowers, as well as all line segments, were identified and recorded.

Only after World War II and the founding of the Federal Republic of Germany, was new impetus given to the research of the Limes. Open questions and new issues were addressed from 1959 on, by the Roman Germanic Commission, providing continuous publication of results, with the series “*Limesforschungen*”. Increasingly not just military issues were addressed, but also other topics such as the civilian settlements and relationships with border provinces.

The 1950s and 1960s development boom caused the loss of many of the sites and elements of the Limes, while at the same time contributed considerably to the knowledge and research. New research techniques as well as air photography helped in the completion of the picture of the extent and characteristics of the Roman Limes in Germany.

Management regime

Legal provision:

The built cultural heritage is protected by the different states' monuments protection laws. All elements of the Limes are protected by the laws of the relevant states.

Management structure:

The management of the Limes is carried out independently by each state, through state and local authorities. Only small parts of the Limes are practically developed for visitors, presented and managed. The nomination dossier goes in length into the future plans, resulting mainly from the nomination process. 25 watchtowers have been developed, for the benefit of visitors, some partly reconstructed. One fort (Saalburg) was extensively reconstructed, in what can be considered already as a monument per-se for the history of site presentation. Four other forts have been partially restored and presented.

Justification by the State Party (summary)

“The borders of the Roman Empire form the largest individual monument of one of the most important civilizations in the history of humanity”. The frontier is not just a military installation, but rather a symbolic demarcation, between the “civilized” world and the “barbarians”. Even after it was no longer a border, its role as cultural dividing line persisted.

The extensive research and remains of the Limes are sometimes the only evidence for roman military building techniques, military strategy and the ability of an empire to manage a border line as long as 5000 km.

3. ICOMOS EVALUATION

Actions by ICOMOS

An ICOMOS expert mission visited parts of the nominated site in August – September 2004.

ICOMOS also consulted its International Scientific Committee on Archaeological Heritage Management (ICHAM).

Following the evaluation process and the ICOMOS evaluation panel meeting, the State Party was contacted for further information. Such information has been provided.

Conservation

Conservation history:

Different parts of the Limes have been treated in different ways, due to more than a century of interest and to the fact that four states are involved. As already described – the Saalburg fort was reconstructed at the end of the 19th century. During the 20th century, other forts and towers were consolidated but also reconstructed as late as the end of the century. In most cases the reconstruction is partial; in several cases it is based on pure imagination, not following proper research results. In some areas and parts of the Limes conservation and presentation has used landscaping to identify features. Much of the site is simply legally protected and there has not been any specific conservation intervention.

State of conservation:

The ICOMOS expert mission expressed its great concern regarding many reconstructions based purely on imagination, sometimes based on visual descriptions on Trajan's column in Rome. Such are the reconstructions in Wissenburg, Welzheim, Eichstatt, Grosserlach, Hillscheid, Lorch, Polheim and Rheinbrohl. However, the expert mission highlighted the work done in Feldberg as a model for proper conservation and intelligent presentation and mentioned also Bad-Nauheim as good conservation work.

The ICOMOS expert also commented on the modern, non intrusive archaeological research methods, which help research without the exposure of the built elements, and their consequent deterioration.

Management:

The site and its different elements are managed by four states, and many local authorities. Some parts are well

protected by legislation but there are other parts which lack proper protection (for example, in the words of the nomination dossier, on the Hunzel fort: "The fort does not have any legally binding monument protection"). In the case of several forts the nomination states that they are not recorded in the land utilisation plan (for example: Altenstadt, Ruckingen, Seligenstadt and others).

Risk analysis:

Many of the elements of the site are at a risk of being built over by developing cities. This seems to be the main risk, as mentioned by the nomination. It seems that a strong wish to show the public something which is not visible, through reconstructions, could also be considered another risk.

Authenticity and integrity

Authenticity:

Much of the Limes and its components are underground, never excavated or backfilled. Some have been properly conserved and presented. All these elements keep their authenticity. Several are presented symbolically by expressing their boundaries on the ground surface, while protecting their authenticity as well as the setting and integrity of the surroundings. In many cases though the authenticity has been compromised by unacceptable reconstructions.

Comparative evaluation

The Roman Limes is compared in the nomination with the only other large border protection structure – the Great Wall of China. It is different though in its characteristics, elements and even all its functions. The Roman Limes was not only a military structure: it also served to regulate trade and the movement of people. The two monumental works belong to two different great civilizations, historic periods and parts of the world. Therefore, while they can be considered as of the same architectural category, they have completely different characteristics.

The nomination also points out that within the Roman Empire there were many differing response to ways of securing or controlling the Limes. Unfortunately through lack of research it is not possible to consider the full extent of those approaches across the Empire. Nevertheless from what is known, it is clear that the sections being nominated display special features: in terms of the European part of the Empire, a land border was the exception: only in the UK and Romania are similar land boundaries observed.

Another distinctive feature of the Upper German-Raetian Limes is its mathematical straightness and the narrowness of the border zone. While elsewhere the border is supported by installations in front of or behind the border line, these are largely absent in the nominated area. Finally the design of the border seems to have reflected existing local cultures, both in the materials used and in the spacing of towers – although all the reasons for their siting are not yet fully understood.

The Upper German-Raetian Limes has value as part of the wider Roman Limes which reflects the scope and power of the Roman Empire. The nominated area has similarities

and differences from other sections: but it is a substantial part of the overall picture in terms of what has survived. In particular it contains detailed evidence for certain types of Roman building techniques which do not survive elsewhere.

On the basis of current research many questions remain unanswered: the nominated site must therefore be seen as encapsulating much latent scientific evidence for Roman social, economic and military history.

Outstanding universal value

General statement:

The Roman Frontier as a whole has an extraordinary high cultural value. It was the border of one of the biggest civilizations in human history, which affected the western world and its peoples for many centuries. It had an important effect on urbanization and on the spread of cultures among remote regions.

The German section of the frontier, like other sections, has values represented in the Limes as a whole. It also represents particularly local responses to the challenge of holding the border against Germanic peoples while at the same time fostering trade, commerce and agriculture.

It is suggested in the Summary Nomination Statement provided with the nomination (see below) that the outstanding universal value of the overall Roman Limes should be established to which individual sections may relate, and that each section should demonstrate authenticity and integrity of the lengths nominated.

The nominated Limes is put forward as an extension of Hadrian's Wall. As such it does not need to demonstrate outstanding universal value in its own right but must add to the existing nomination.

ICOMOS considers that it adds significantly to the understanding of the overall concept of the Roman frontier and complements and amplifies the existing nomination.

Evaluation of criteria:

The present nomination is proposed as an extension of the Hadrian Wall, which has been inscribed on the basis of criteria ii, iii, iv. The German section is being suggested for inscription on the basis of criteria i, ii, iii, iv and vi.

ICOMOS considers that the current nomination should be considered under the same criteria for which Hadrian's Wall was inscribed and the same criteria as it is suggested the whole Roman frontier could meet.

The justification for criterion i is in representing a masterpiece of human creative genius, being a demonstration of the surveying technologies in Roman period. ICOMOS believes that there are much better examples of this such as the many aqueducts, bridges and roads all over the Roman Empire and therefore that nomination does not meet criterion i.

Criterion ii: The Limes, with its forts, fortlets, walls, ditches, linked infrastructure and civilian architecture exhibit an important interchange of human values through the development of Roman military architecture, extending the technical knowledge of construction and management to large areas of the world. The Limes and particularly

some of the forts were the core of urban development of some of the most important cities of Europe.

Criterion iii: In general, and along the nominated section in particular, the Limes bears an exceptional testimony to the Roman culture and its different traditions – from military, through engineering, architecture, religions, management and politics. In addition it triggered the exchange of cultural values through movement of soldiers and civilians from different nations.

Criterion iv: The Roman Limes, and its German section, are outstanding example of military architecture and building techniques, which were spread all around Europe and parts of Asia and Africa.

Criterion vi: This is suggested as the frontier is a symbol of the Roman period in Europe, with ideas and religions spread in the Roman empire, within its boundaries, and later effecting spread of Christianity. ICOMOS considers that the case for this criterion is not strong.

Further serial nominations to create a wider Frontier of the Roman Empire World Heritage Site

The nomination is accompanied by a Summary Nomination Statement submitted jointly by the UK State Party and the German States of Baden-Wurttemberg, Bavaria, Hesse and Rhineland-Palatinate. This sets out the rationale for creating a single World Heritage site entitled the Frontiers of the Roman Empire which would be a serial transboundary nomination encompassing remains of the Limes from countries in which it is evident such as UK, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria, Romania, Turkey, Syria, Jordan, Israel, Iraq, Egypt, Libya, Algeria, Tunisia and Morocco.

The Statement describes in some detail the surviving material in these countries ranging from the *Fossatum Africae* in Algeria and Morocco which divided the cultivated fields within the Empire from the grazing lands of the nomads beyond, to the substantial forts still standing in Syria and Jordan, and the cities of Aquincum in Hungary and Viondonissa in Switzerland.

The Statement sets out a Statement of Significance for the whole Roman frontier across three continents and involving ultimately nominations from all countries with surviving installations.

The Statement of Significance suggests that the whole Roman frontier is of outstanding universal value for the following qualities:

- The scope and extent of the frontier reflects the unifying impact of the Roman Empire on the wider Mediterranean world, an impact that persisted long after the empire had collapsed
- The frontiers are the largest single monument to the Roman civilisation
- The frontiers illustrate and reflect the complex technological and organisational abilities of the Roman Empire which allowed them to plan, create and protect a frontier of some 5000 kms in length, garrison tens of thousands of men, and to manage the

social, economic and military implications of this frontier.

- The frontier demonstrates the variety and sophistication of the response to topography and political, military and social circumstances which include walls, embankments, rivers, and sea.

It is suggested that as a whole the Frontiers of the Roman Empire should satisfy criterion ii, iii and iv as follows:

Criterion ii: The Limes as a whole reflects the development of Roman military architecture and the impact of the frontier on the growth of transport routes, urbanization.

Criterion iii: The Roman frontier is the largest monument of the Roman Empire, one of the world's greatest pre-industrial empires. The physical remains of Limes, forts, watchtowers, settlements and the hinterland dependent upon the frontier, reflect the complexities of Roman culture but also it unifying factors across Europe and the Mediterranean world.

Unlike the Roman monuments already inscribed, the Limes constructions are evidence from the edges of the Empires and reflect the adoption of Roman culture by its subject peoples.

The frontier was not an impregnable barrier: rather it controlled and allowed the movement of peoples within the military units, amongst civilians and merchants, thus allowing Roman culture to be transmitted around the region and for it to absorb influences from outside its borders.

Criterion iv: The Limes reflect the power and might of the Roman Empire and the spread of classical culture and Romanisation which shaped much of the subsequent development of Europe.

The Statement suggests that overall frontier might contain:

- The remains of the created Limes barrier
- Natural sites incorporated into the Limes barrier
- The network of military installations, ancillary features and linking roads along behind and in front of the frontier.

It is suggested that each site nominated would need to reflect the outstanding universal value of the whole and would also need to demonstrate authenticity and integrity.

To pursue this overall nomination an international group known as the Bratislava Group was created in 2003. This has members from UK, Germany, Austria, Slovakia and Hungary. It is suggested that this could be extended to include representatives from ICOMOS and the World Heritage Centre as well as from further countries which intend to nominate sections.

The Bratislava Group aims to:

- Advise State Parties on the significance of the Roman frontiers and on the development of best practice guides for management and to improve understanding
- Develop supporting structures such as an overall research strategy, database and website

The authors of the Statement also propose Management Principles which will be applied to their own parts of the site and which they suggest should apply to future parts of the site as well. These are:

Participating states should agree to management based on the proper identification, recording, protection, conservation, presentation and understanding of the remaining Limes structures as the remains of Roman civilisation and as a symbol of common heritage. To achieve this a common approach will be developed.

It is suggested that new nominations would need to demonstrate outstanding universal value, authenticity and integrity and comply with all other aspects of the Operational Guidelines. They would also need to subscribe to a common vision for the whole site.

4. ICOMOS RECOMMENDATIONS

Recommendation for the future

ICOMOS supports the wider proposal to encourage further nominations to reflect the scope and extent of the Roman Frontier, the largest single monument to Roman civilisation, initially in Europe but in due course perhaps also in Africa and Asia, and the approaches set out in the Summary Nomination Statement presented by the UK Government and the German States of Baden-Wurttemberg, Bavaria, Hesse and Rhineland-Palatinate.

This document suggests that the Bratislava Group, set up to support possible future nominations, will develop Management Principles. ICOMOS suggests that these include principles for the reconstruction of remains based on scientific principles and accepted international standards.

The nominated limes requires better protection in some parts and more up-to-date presentation techniques, which will reduce the amount of reconstruction and allow that which does take place to be based on scientific principles and accepted international standards.

ICOMOS considers that the Roman remains need to be differentiated from reconstructions. Whereas reconstructions carried out in the 19th century can be said to now have a certain historical interest, it does not consider that reconstructions carried out since the inception of the Venice Charter can be considered authentic or of sufficient value as to be included in the nomination.

ICOMOS further considers that any further reconstructions, as have been suggested for Saalburg, unless based on firm scientific evidence and carried out according to accepted international standards, could risk putting the site under threat.

ICOMOS considers that those parts of the Limes that have been reconstructed since 1965, together with development over and above Roman remains, should be excluded from the nomination and treated as a buffer zone.

Recommendation with respect to inscription

ICOMOS recommends that the World Heritage Committee adopt the following draft decision:

The World Heritage Committee,

1. Having examined Document WHC-05/29.COM/8B,
2. Inscribes the property on the World Heritage List on the basis of ***criteria ii, iii, and iv*** as an extension of Hadrian's Wall World Heritage site:

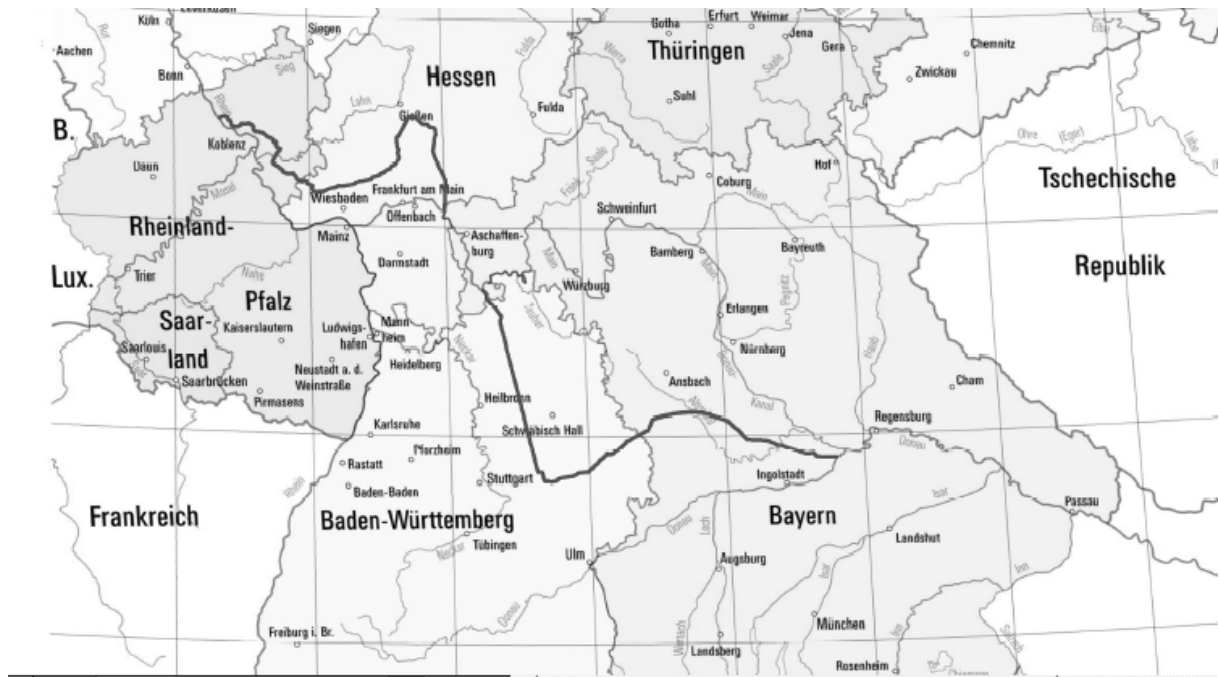
Excluding:

- Reconstructions carried out since 1965;
- Urban development above Roman remains;

And provided that satisfactory documentation to reflect these exclusions can be agreed before the next World Heritage Committee Meeting.

3. Recommends that the reconstructed elements excluded from the nomination, together with development above the Roman remains, be considered as a buffer zone for the inscribed site.
4. Further recommends that the nomination be seen as the second phase of a possible wider, phased, serial transboundary nomination to encompass remains of the Roman frontiers around the Mediterranean Region.
5. Recommends that the combined Hadrian's Wall and Upper German-Raetian Limes sites together be known as the Frontiers of the Roman Empire.
6. Recommends that the Hadrian's Wall site be known as Frontiers of the Roman Empire: Hadrian's Wall and that the Upper German-Raetian Limes site should be known as the Frontiers of the Roman Empire: Upper German-Raetian Limes.

ICOMOS, April 2005



Map showing the location of the nominated property



Limes-ditch to the east of Haghof



Aerial view of Aalen Fort Site

Les frontières de l'Empire romain (Allemagne) No 430 bis

1. BASIC DATA

<i>État partie :</i>	République Fédérale d'Allemagne
<i>Bien proposé :</i>	Frontières de l'Empire romain <i>Limes</i> de Germanie Supérieure et de Rhétie
<i>Lieu :</i>	État de Bade-Wurtemberg, régions administratives de Karlsruhe et de Stuttgart État libre de Bavière, régions administratives de Mittelfranken, de Niederbayern, d'Oberbayern et D'Unterfranken État de Hesse, régions administratives de Darmstadt et de Giessen État de Rhénanie-Palatinat, ancienne région administrative de Coblenche

Date de réception : 29 janvier 2004

Catégorie de bien :

En termes de catégories de biens culturels, telles qu'elles sont définies à l'article premier de la Convention du Patrimoine mondial de 1972, il s'agit d'un *site*. C'est aussi une proposition d'inscription en série transfrontalière échelonnée.

Brève description :

La proposition consiste en deux tronçons de la frontière de l'Empire romain à son apogée, au II^e siècle apr. J.-C., frontière appelée « *limes* romain ».

Le *limes* s'étend sur plus de 5 000 km, depuis la côte Atlantique au nord de la Grande-Bretagne, traversant l'Europe jusqu'à la Mer Noire et, de là, jusqu'à la Mer Rouge et l'Afrique du Nord, pour revenir à la côte Atlantique.

Les deux tronçons couvrent une distance de 550 km, s'étendant du Rhin, au nord-ouest de l'Allemagne, au Danube au sud-est. Ils sont constitués de vestiges de murs bâtis, fossés, forts, forteresses et tours de guet. Certains éléments de la ligne ont été fouillés ; certains ont été reconstruits et d'autres ont été détruits, ou sont connus d'après les études réalisées sur le terrain, mais n'ont pas été fouillés.

La proposition d'inscription est présentée en tant qu'extension du mur d'Hadrien au Royaume-Uni, inscrit sur la Liste du patrimoine mondial en 1987. Plusieurs États parties en Europe envisageant de proposer l'inscription

d'autres tronçons du *limes*, la proposition d'inscription est accompagnée d'une déclaration préparée conjointement par le gouvernement britannique et les États allemands de Bade-Wurtemberg, de Bavière, de Hesse et de Rhénanie-Palatinat qui définit le projet d'une extension de la proposition d'inscription de la frontière romaine, tout d'abord à l'Europe puis, à terme, à l'Afrique et à l'Asie.

2. LE BIEN

Description

L'Empire romain, dans sa totalité, fut l'un des plus grands empires que le monde ait connu. Il était défendu par un réseau de frontières s'étendant sur plus de 5000 kilomètres, de la côte Atlantique à l'ouest à la mer Noire à l'Est, du centre de l'Ecosse au nord aux limites septentrionales du désert du Sahara au sud.

Les vestiges de cette frontière, qui fut en grande partie construite au II^e siècle apr. J.-C. au moment de l'apogée de l'Empire, sont encore bien visibles. Les frontières de l'Empire romain étaient parfois une barrière linéaire, parfois des espaces protégés et, dans d'autres cas, une zone militaire à part entière. Des vestiges importants subsistent dans les pays suivants (dans le sens des aiguilles d'une montre en commençant par l'ouest) : Royaume-Uni, Pays-Bas, Belgique, Allemagne, Suisse, Autriche, Slovaquie, Hongrie, Slovénie, Croatie, Serbie, Bulgarie, Roumanie, Turquie, Syrie, Jordanie, Israël, Irak, Égypte, Libye, Algérie, Tunisie et Maroc.

Les vestiges comportent :

- les lignes de la frontière linéaire ;
- les éléments naturels de la frontière, tels que les mers, les cours d'eau ;
- les installations militaires et les constructions annexes telles que les routes à l'intérieur et à l'extérieur de la frontière.

Ces vestiges sont parfois visibles, parfois à l'état de sites archéologiques non fouillés et d'autres fois matérialisés par des reconstructions.

L'ensemble des vestiges constituent un paysage culturel rélique qui témoigne du caractère unificateur de l'Empire romain grâce à sa culture commune.

La proposition d'inscription actuelle comprend 507 km de ligne frontière répartis en deux tronçons, connue sous le nom de *limes* de Germanie Supérieure et de Rhétie (*Obergermanisch – Raetischer Limes*). Cette frontière fut construite par étapes, à partir de l'an 85 apr. J.-C., jusqu'à la fin du II^e siècle apr. J.-C. Elle fut abandonnée au cours de la seconde moitié du III^e siècle apr. J.-C.

Une grande partie de ce tronçon du *limes* était une ligne « droite », « arbitrairement » tracée, définie au mètre près tout le long de son tracé, qui séparait l'Empire romain de la Germanie et des peuples germains que Rome n'était pas parvenu à conquérir. Le *limes* n'était pas seulement un ensemble militaire ; il définissait aussi des limites culturelles et économiques, devenant une séparation

culturelle entre le monde romanisé et les peuples germaniques non romanisés.

Sa fonction était de contrôler les routes marchandes et d'inclure dans l'Empire des terres agricoles riches telles que le bassin du Nördlinger Ries et les riches terres calcaires des Alpes franques. Cette frontière continua d'influencer le développement des zones environnantes longtemps après la fin de l'Empire romain.

Le tracé de la frontière en ligne droite semble avoir eu pour objectif de permettre l'installation d'une série de sites et non d'utiliser la topographie pour créer une barrière facilement défendable.

La précision mathématique du *limes* reflète les compétences impressionnantes des Romains dans le domaine de la topographie.

La zone proposée pour inscription consiste, tout le long de ses 550 km en forts, tours de guet et, autour des forts de plus grandes dimensions, des zones d'établissements civils, appuis des structures militaires. Le *limes* et ses structures reflètent ainsi une unité sociale et historique.

La plupart des vestiges du *limes* se trouve dans des zones ouvertes, dans des champs ou des forêts : 46 % dans des bois ou des haies et 46 % dans des terres arables ou des prairies. Près de 8 % se trouvent dans des villes ou des installations modernes, une partie étant enfouie sous des constructions plus récentes. Environ 9 % ont été totalement détruits.

Plusieurs zones construites au-dessus de vestiges ont été intégrées à la proposition d'inscription, comme c'est le cas de nombreux matériaux archéologiques authentiques qui sont préservés sous la surface du sol. Il est également suggéré que des parties qui ne sont ni accessibles ni visibles soient à l'avenir « visualisées » de manière à améliorer la perception du tracé précis du *limes*.

Des sites entièrement détruits ou de moindre importance qu'il est difficile de protéger ont été exclus.

La zone proposée pour inscription est entourée d'une zone tampon où des composantes individuelles sont préservées en tant qu'éléments du paysage.

Les deux tronçons du *limes* sont le *limes* de Germanie supérieure au nord-ouest et le *limes* de Rhétie au sud-est.

La zone proposée pour inscription comprend les vestiges suivants :

- *Le limes de Germanie Supérieure*
- *Le limes de Rhétie*
- *Les tours de guet*
- *Les forts*
- *Les vici – établissements civils*

Ils sont considérés séparément.

Les vestiges du limes

Le *limes* semble d'abord avoir été une zone simplement déboisée traversant les forêts anciennes qui fit place d'abord à une simple palissade puis, selon la topographie, à un rempart doté d'un fossé ou à un mur.

27 % du *limes* est dit visible, tandis que 9 % a été détruit.

La ligne proposée pour inscription est d'une largeur uniforme de 30 mètres. Cette largeur est sensée comprendre la totalité des vestiges archéologiques qui sont connus ou supposés avec certitude.

Le limes de Germanie Supérieure

Il s'étend sur 330 km. Il était destiné à protéger le paysage fertile du bassin de Neuwied, les routes marchandes de la vallée du Rhin, les routes nord-sud de la dépression d'Idstein, la plaine fertile de la Wetterau, la région de Giessen fortement peuplée à l'époque romaine et le Main, importante voie fluviale pour le commerce.

Dans la partie occidentale de ce tronçon, les routes suivent le profil du terrain ; le Main, forme une frontière « humide » longue d'environ 52 km ; dans sa partie orientale, le *limes* devient une ligne parfaitement droite qui ne tient pas compte de la topographie.

Les 40 forts installés le long de ce tronçon traduisent le besoin de sécuriser l'importance économique et sociale de cette zone prospère.

Des fouilles ont montré que ce tronçon consistait en une structure uniforme de rempart en terre protégée par un fossé de quelque 8 m de large et de 2,5 m de profondeur.

Le limes de Rhétie

Il s'étend sur 220 km. La partie occidentale de ce tronçon est également dessinée avec une précision mathématique. Le *limes* protège la vallée de Rems et le bassin du Nördlinger Ries. À l'est, la ligne est moins régulière et reflète son développement au coup par coup.

Sur environ 167 km de ce tronçon, contrairement au tronçon de Germanie supérieur, fut érigé un mur en pierre extraite localement, probablement jusqu'à une hauteur de 3 m et d'une épaisseur de 1,2 m, recouvert d'un enduit blanc. Cette construction reflète les opportunités et les contraintes relatives à la topographie du lieu : la pierre était disponible sur le plateau jurassien des Alpes souabes et franques, et les fossés étaient difficiles à creuser. Les vestiges du mur sont encore visibles en de nombreux endroits entre la vallée de Rotenbach à l'ouest et le Danube à l'est, en partie intégrés aujourd'hui à un remblai de pierres.

Les tours de guet

Quelque 900 tours de guet, connues ou supposées, jalonnent le tronçon du *limes* proposé pour inscription. Elles étaient placées à intervalles de 300 à 800 m, de manière à assurer un bon contact visuel d'une tour à l'autre. Toutefois, dans les zones d'activité commerciale

intense, les tours étaient plus rapprochées les unes des autres.

Les tours les plus anciennes étaient construites en bois puis, progressivement, elles ont été remplacées par des tours en pierre. La pierre était extraite de carrières locales et revêtues d'un enduit blanc décoré de lignes rouges pour imiter une maçonnerie en pierre de taille. Les toits étaient recouverts de bardeaux en bois. La colonne Trajane à Rome porte des représentations de quelques-unes de ces tours.

Elles étaient habituellement de base carrée (seules quelques-unes de forme hexagonale ont été découvertes), chaque côté mesurant de 4 à 8 m de long. L'épaisseur des murs ne faisait pas plus de 60 cm. On suppose que les tours mesuraient 7 à 9 m de haut. Elles comportaient trois niveaux, le rez-de-chaussée servant de magasin, tandis que le niveau supérieur, probablement doté d'une galerie en bois, servait de poste de guet.

Les tours abritaient probablement entre 3 et 6 soldats.

Sur les 896 tours de guet connues, 260 sont visibles, 394 supposées et 28 détruites. Les sites proposés pour inscription pour les tours font 60 x 60 m.

Les forts

Plus de 60 forts de garnison connus le long du *limes* hébergeaient les unités militaires indépendantes les plus importantes. Ils pouvaient recevoir entre 100 et 1000 soldats – leurs dimensions variaient en fonction du nombre de militaires stationnés. Les soldats effectuaient des rondes et contrôlaient les marchandises et les personnes passant à proximité de la frontière et la traversant.

Les forts variaient en fonction des troupes qu'ils abritaient. Les forts *ala* hébergeaient des troupes montées tandis que les forts *cohors* hébergeaient des unités d'infanterie.

Il y avait aussi des forts *numeri* pour les petites unités de reconnaissance et d'observation et des fortins pour des groupes encore plus petits de 20 à 30 hommes, parfois implantés entre deux forts de plus grandes dimensions. On a répertorié 60 fortins.

Cinquante-huit forts de plus grandes dimensions sont inclus dans la proposition d'inscription. Une brève description des 58 forts a été jointe au dossier.

Nombre des forts du *limes* présentant des plans et des structures similaires avaient des fonctions comparables. L'un des forts les plus étudiés est celui de Saalburg. Le premier fort de Saalburg (aux alentours de 90 apr. J.-C.) couvrait environ 0,7 hectare ; de plan rectangulaire, il possédait des tours d'angle. Un fort bien plus grand, de 3,2 hectares (221 m sur 147 m) fut construit sur le premier, aux alentours de 135 apr. J.-C. Il comptait quatre portes, un mur de défense en pierre et en bois et un double fossé. Les vestiges de bon nombre des bâtiments internes ont fait l'objet de fouilles ; beaucoup étaient construits en pierre. En 1897, l'empereur Guillaume II commanda la reconstruction du fort. Certaines de ses structures sont utilisées comme musée dédié au *limes*.

Les vici –établissements civils

Des établissements civils importants se développèrent le long du *limes*, soit sur les routes marchandes soit autour des forts. S'étendant souvent sur plusieurs hectares, ces installations étaient rarement défendues. C'est là que vivaient les personnes dépendant des soldats, les commerçants, les artisans et d'autres personnes qui proposaient leurs services aux soldats.

Les établissements comprenaient des thermes, des bâtiments religieux et administratifs ainsi que des habitations. Les établissements connus contigus aux forts ont été inclus dans les zones proposées pour inscription.

Histoire

À son apogée, l'Empire romain s'étendait sur trois continents. Ses frontières reflètent les aléas d'un empire puissant sur plus de mille ans. Dans ce qui est aujourd'hui l'Allemagne, il y eut plusieurs campagnes militaires au nord des Alpes et à l'est du Rhin, de 55/53 av. J.-C. à l'an 15-16 apr. J.-C., mais la région ne fut pas sous le contrôle direct des Romains avant 85 apr. J.-C., lorsque la plus ancienne partie du *limes* fut créée entre le Rhin et les monts du Taunus. La frontière épousait les contours du paysage. Par la suite, elle fut beaucoup plus rectiligne et les premiers forts furent établis.

De même, dans la zone du *limes* de Rhétie, la frontière fut d'abord établie sous l'empereur Claude (41-54 apr. J.-C.), probablement déplacée vers le nord au-delà de la rivière sous l'empereur Domitien, puis des forts furent établis sous l'empereur Trajan.

Les premières frontières du *limes* semblent avoir été de simples zones défrichées dans la forêt contrôlées par des tours en bois. Sous l'empereur Hadrien (117-138 apr. J.-C.), le *limes* fut doublé d'une palissade en bois. Au II^e siècle apr. J.-C. le *limes* fut en partie retracé en une ligne droite et renforcé par des talus ou des murs de pierre et par de nombreux forts et fortins.

La proposition d'inscription reconnaît que la chronologie de la création et de l'extension du *limes* est en cours d'étude et que des travaux supplémentaires sont nécessaires afin de définir des dates et des phases d'évolution du *limes*.

Le *limes* de Germanie supérieure et de Rhétie a été abandonné pendant la deuxième moitié du III^e siècle apr. J.-C., probablement aux environs de l'an 260 apr. J.-C. Après la fin de l'Empire romain, de nombreux peuples celtes et germaniques romanisés s'éloignèrent des territoires du *limes* et furent remplacés par d'autres colonies germaniques. Bien que les murs marquant le paysage aient subsisté pendant de nombreux siècles, les faits et la raison de leur implantation firent progressivement place à des mythes et des légendes.

La « re-découverte » du *limes* de Germanie supérieure et de Rhétie est liée à l'intérêt que le XIX^e siècle porta à la recherche humaniste.

Une institution centrale pour l'étude du *limes* de Germanie supérieure et de Rhétie, appelée *Reichs Limeskomision* et présidée par le prix Nobel de littérature Theodor Mommsen, fut fondée en 1892. Les travaux de cette commission s'appuyaient surtout sur les précédentes études réalisées par le royaume de Wurtemberg, les grands duchés de Bade et de Hesse et le royaume de Bavière. D'autres recherches antérieures ont été réalisées par différentes associations axées sur l'étude des vestiges romains, comme la Commission d'étude du *limes* impérial romain, active pendant la première moitié du XIXe siècle, ou par des personnes comme Wilhelm Conrady de Hanau, Friedrich Kofler de Hesse, Friedrich Ohlenschlager et Karl Popp de Bavière.

Le dernier des 14 volumes de l'étude du *limes* réalisée par la Commission impériale fut publié en 1937. Plus de 90 forts et quelque 1000 tours de guet, ainsi que des segments de tous les segments linéaires, furent identifiés et répertoriés.

Ce n'est qu'après la Seconde Guerre mondiale et la fondation de la République fédérale d'Allemagne que les recherches sur le *limes* connurent un nouvel essor. La Commission germano-romaine se pencha à partir de 1959 sur des questions restées sans réponse et de nouveaux problèmes, en publiant régulièrement ses résultats sous la forme de la série *Limesforschungen*. Le débat s'élargit progressivement, traitant non seulement des questions militaires mais aussi d'autres thèmes comme les établissements civils et les relations avec les provinces frontalières.

L'expansion des années 1950 et 1960 provoqua la perte de bon nombre de sites et des éléments du *limes*, tout en contribuant considérablement à la connaissance et à la recherche. De nouvelles techniques de recherche, ainsi que la photographie aérienne, permirent d'avoir une idée plus complète de l'étendue et des caractéristiques du *limes* romain en Allemagne.

Politique de gestion

Dispositions légales :

Le patrimoine culturel bâti est protégé par les lois de protection des monuments des différents États. Tous les éléments du *limes* sont protégés par les lois des États afférents.

Structure de la gestion :

La gestion du *limes* est assurée indépendamment par chaque État, via les autorités d'État et locales. Seules de petites parties du *limes* sont aménagées sur le plan pratique pour les visiteurs, avec présentation et gestion. Le dossier de proposition d'inscription s'étend longuement sur les plans futurs, résultant essentiellement du processus de proposition d'inscription. Vingt-cinq tours de guet ont été aménagées, parfois en partie reconstruites, pour le bénéfice des visiteurs. Un fort (Saalburg) a fait l'objet de vastes travaux de reconstruction, dans le cadre de ce qu'on peut déjà considérer comme un monument *per se* dans l'histoire

de la présentation de sites. Quatre autres forts ont été partiellement restaurés et présentés.

Justification émanant de l'État partie (résumé)

« Les frontières de l'Empire romain forment le plus grand monument de l'une des civilisations les plus marquantes dans l'histoire de l'humanité. » La ligne n'est pas une simple installation militaire, mais plutôt une démarcation symbolique, entre le monde « civilisé » et les « barbares ». Même après qu'elle ait perdu son rôle de frontière, elle conserva celui de ligne de division culturelle.

Les recherches et vestiges importants sont parfois la seule trace des techniques de construction militaires romaines, de leur stratégie militaire et de la capacité d'un empire à gérer une frontière de 5000 kilomètres.

3. ÉVALUATION DE L'ICOMOS

Actions de l'ICOMOS

Une mission d'expertise de l'ICOMOS a visité des sections du site proposé pour inscription en août-septembre 2004.

L'ICOMOS a également consulté son comité scientifique international sur la gestion du patrimoine archéologique.

À la suite du processus d'évaluation et de la réunion de la Commission pour le patrimoine mondial de l'ICOMOS, l'État partie a été contacté pour des informations complémentaires. Ces informations ont été fournies.

Conservation

Historique de la conservation :

Différentes parties du *limes* ont été traitées de façon différente, du fait de plus d'un siècle d'intérêt et de l'implication de quatre États. Comme déjà indiqué, le fort de Saalburg a été reconstruit à la fin du XIXe siècle. D'autres forts et tours ont été consolidés, mais aussi reconstruits à la fin du XXe siècle. Dans la plupart des cas, la reconstruction est partielle, mais repose dans plusieurs cas sur un travail d'imagination pure et non sur les résultats des études. Dans certaines zones et certaines parties du *limes*, la conservation et la présentation s'appuient sur le paysagisme. Une grande partie du site bénéficie simplement d'une protection juridique et n'a pas fait l'objet d'interventions de conservation particulières.

État de conservation :

La mission d'expertise de l'ICOMOS a exprimé des réserves en ce qui concerne bon nombre de reconstructions (Wissenburg, Welzheim, Eichstatt, Grosserlach, Hillscheid, Lorch, Polheim et Rheinbrohl), purement basées sur un travail d'imagination, parfois sur les descriptions visuelles de la colonne de Trajan à Rome. La mission d'expertise présente le travail réalisé à Feldberg comme un modèle de bonne conservation et de

présentation sensible. Elle mentionne aussi Bad-Nauheim comme un bon travail de conservation.

La mission d'expertise de l'ICOMOS mentionne les méthodes de fouille archéologiques non intrusives modernes, qui favorisent l'étude sans exposition des éléments bâtis et donc sans la détérioration qui s'en suit.

Gestion :

Le site et ses différents éléments sont gérés par quatre États, et de nombreuses autorités locales. Certaines parties sont bien protégées par la législation, mais d'autres manquent d'une protection appropriée (par exemple, d'après le dossier de proposition d'inscription à propos du fort de Hunzel : « Le fort ne dispose d'aucune protection des monuments légalement exécutoire »). Dans le cas de plusieurs forts, la proposition d'inscription indique qu'ils ne sont pas répertoriés dans le plan d'occupation des sols (par exemple : Altenstadt, Ruckingen, Seligenstadt et d'autres).

Analyse des risques :

Les villes en développement risquent de faire disparaître beaucoup des éléments du site. Ce risque semble être le principal, comme l'indique la proposition d'inscription. Il semble qu'un autre risque important provienne du désir de montrer au public quelque chose qui n'est pas visible, au moyen de reconstructions.

Authenticité et intégrité

Authenticité :

Une grande partie du *limes* et de ses éléments sont souterrains, et n'ont jamais été fouillés ou remblayés. Certains ont fait l'objet d'une conservation et d'une présentation appropriée. Tous ces éléments ont conservé leur authenticité. Plusieurs sont présentés symboliquement par la représentation de leurs contours en surface, ce qui protège leur authenticité ainsi que le cadre et l'intégrité des alentours. Dans de nombreux cas cependant, l'authenticité a été compromise par des reconstructions inacceptables.

Évaluation comparative

Le *limes* romain est comparé à la seule autre grande structure de protection frontalière : la grande muraille de Chine. Il présente cependant des caractéristiques, des éléments et même des fonctions différentes. Le *limes* romain n'était pas seulement une structure militaire : il servait aussi de régulateur des flux commerciaux et des mouvements des hommes.

Ces deux œuvres monumentales appartiennent à deux grandes civilisations différentes, à des périodes historiques et à des régions différentes du monde. Par conséquent, même si l'on considère qu'elles peuvent entrer dans la même catégorie architecturale, elles ont des caractéristiques complètement différentes.

La proposition d'inscription souligne aussi que dans l'Empire romain il y avait de nombreuses manières

différentes de garantir la sécurité et de contrôler le *limes*. Malheureusement, en raison du manque de recherche, il est impossible d'envisager l'étendue complète de ces approches à travers l'Empire. Néanmoins, de ce que l'on sait, il apparaît que les tronçons proposés pour inscription présentent des caractéristiques particulières de la partie européenne de l'Empire, une frontière terrestre était l'exception : seuls le Royaume-Uni et la Roumanie présentent des frontières similaires.

Une autre caractéristique distinctive du *limes* de Germanie supérieure et de Rhétie est son tracé rectiligne et l'étroitesse de la zone frontalière. Tandis qu'ailleurs la frontière est complétée par des installations en avant ou en arrière de la ligne, la zone proposée pour inscription n'en présente quasiment pas. Enfin, le tracé de la frontière semble refléter des cultures locales existantes, à la fois dans les matériaux utilisés et dans l'espacement entre les tours – bien que toutes les raisons qui président à leur emplacement ne sont pas encore entièrement comprises.

Le *limes* de Germanie supérieure et de Rhétie a une valeur dans le cadre du *limes* romain qui reflète l'étendue et la puissance de l'Empire romain. La zone proposée pour inscription présente des similitudes et des différences par rapport aux autres tronçons ; elle donne cependant un bon aperçu de ce qui a subsisté. En particulier, elle comporte des témoignages détaillés de certains types de techniques de construction romaine qui ne sont pas représentés ailleurs.

Sur la base des recherches actuelles, de nombreuses questions restent encore sans réponse : le site proposé pour inscription doit donc être considéré comme renfermant des éléments scientifiques encore non révélés de l'histoire militaire, économique et sociale romaine.

Valeur universelle exceptionnelle

Déclaration générale :

La frontière romaine possède une valeur culturelle très élevée. Elle délimita l'une des plus grandes civilisations de l'histoire de l'humanité, une civilisation qui influença le monde occidental et ses populations pendant des siècles. Elle eut un effet notable sur l'urbanisation et l'expansion des cultures dans des contrées isolées.

La section allemande de la frontière, comme ses autres tronçons, possède toutes les valeurs que représente le *limes* dans son ensemble. Elle représente en particulier des réponses locales au problème de garantir la frontière contre les peuples germaniques tout en favorisant le commerce, les échanges et l'agriculture.

Il est suggéré dans le résumé de déclaration de la proposition d'inscription fourni avec la proposition (voir ci-dessous) que la valeur universelle exceptionnelle de l'ensemble du *limes* romain serait établie en fonction des tronçons auxquels elle se rapporte, et que chaque tronçon présenterait les garanties d'authenticité et d'intégrité nécessaires pour les zones proposées pour inscription.

La présente proposition d'inscription du *limes* est soumise en tant qu'extension du mur d'Hadrien. En tant que telle, il

n'est pas nécessaire de prouver sa valeur universelle exceptionnelle mais simplement de compléter la partie déjà inscrite.

L'ICOMOS considère qu'elle complète de manière satisfaisante la compréhension du concept global de la frontière romaine et complète et amplifie la partie déjà inscrite.

Évaluation des critères :

La présente proposition d'inscription est soumise comme extension du mur d'Hadrien, qui a été inscrit sur la base des critères ii, iii et iv. La section allemande est proposée pour inscription sur la base des critères i, ii, iii, iv et vi.

L'ICOMOS considère que la proposition d'inscription devrait être envisagée sur la base des mêmes critères d'inscription que ceux du mur d'Hadrien et des mêmes critères qui sont suggérés pour l'ensemble de la frontière romaine.

Le critère i est justifié par le fait qu'elle représente un chef d'œuvre du génie créateur humain, car elle fait la démonstration des technologies topographiques de l'époque romaine. L'ICOMOS estime qu'il y a de bien meilleurs exemples pour ce critère, par exemple les aqueducs, les ponts et routes dans tout l'Empire romain. Par conséquent, la proposition d'inscription ne remplit pas le critère i.

Critère ii : Le *limes*, avec ses forts, ses fortins, ses murs, ses fossés, son infrastructure associée et son architecture civile, témoignent d'un important échange de valeurs de l'humanité grâce au développement de l'architecture militaire romaine, étendant leurs connaissances techniques de construction et de gestion à de vastes régions dans le monde. Le *limes* et, plus particulièrement, certains des forts, étaient au cœur du développement urbain de certaines des plus importantes villes d'Europe.

Critère iii : Il ne fait aucun doute que le *limes* représente un témoignage exceptionnel de la culture romaine et de ses différentes traditions – en matière d'armée, d'ingénierie, d'architecture, de religions, de gestion et de politique. En outre, il a favorisé l'échange des valeurs culturelles, grâce aux mouvements de soldats et de civils de différentes nations.

Critère iv : Le *limes* romain et sa section allemande sont des exemples exceptionnels de l'architecture militaire et des techniques de construction qui se sont répandues dans toute l'Europe et dans certaines régions d'Asie et d'Afrique.

Critère vi : Il est suggéré que la frontière est un symbole de la période romaine en Europe, avec des idées et des religions qui se sont répandues dans tout l'Empire romain et qui plus tard ont affecté la diffusion du christianisme. L'ICOMOS considère que la justification de ce critère n'est pas assez solide.

Autres propositions d'inscription en série pour créer une frontière plus vaste de l'Empire romain comme site du patrimoine mondial.

La proposition d'inscription est accompagnée d'un résumé de déclaration de la proposition d'inscription soumis conjointement par le Royaume-Uni et les États allemands de Bade-Wurtemberg, de Bavière, de Hesse et de Rhénanie-Palatinat. Ce résumé définit les raisons qui président à la création d'un seul site du patrimoine mondial intitulé « les frontières de l'Empire romain », qui serait une proposition transfrontalière en série englobant les vestiges du *limes* qui sont visibles dans les pays suivants : Royaume-uni, Pays-Bas, Belgique, Allemagne, Suisse, Autriche, Slovaquie, Hongrie, Slovénie, Croatie, Serbie, Bulgarie, Roumanie, Turquie, Syrie, Jordanie, Israël, Irak, Égypte, Libye, Algérie, Tunisie et Maroc.

La déclaration décrit en détail le matériel qui subsiste dans ces pays, allant du *Fossatum Africae* en Algérie et au Maroc, qui séparait les champs cultivés de l'Empire des pâturages utilisés par les nomades au-delà de la frontière, jusqu'aux forts encore debout de Syrie et de Jordanie, en passant par les villes de Aquincum en Hongrie et de Viondonissa en Suisse.

Une déclaration de valeur a été établie pour l'ensemble de la frontière romaine à travers trois continents, qui engagerait à terme des propositions de la part de tous les États qui possèdent des vestiges de ces installations.

La déclaration de valeur suggère que l'ensemble de la frontière romaine est d'une valeur universelle exceptionnelle pour les qualités suivantes :

- L'envergure et l'étendue de la frontière reflètent l'impact unificateur de l'Empire romain sur le monde méditerranéen élargi, un impact qui a persisté longtemps après l'effondrement de l'Empire.

- La frontière est le monument le plus vaste de la civilisation romaine.

- La frontière illustre et reflète les capacités d'organisation et technologiques de l'Empire romain qui lui permit de planifier, de créer et de protéger une frontière de quelque 5000 km de long, de stationner des dizaines de milliers d'hommes et de gérer les implications économiques, sociales et militaires de cette frontière.

- La frontière témoigne de la variété et de la sophistication de la réponse aux conditions topographiques, politiques, militaires et sociales qui comporte des murs, des talus, des cours d'eau et des mers.

Il est suggéré que l'ensemble de la frontière de l'Empire romain devrait satisfaire les critères ii, iii et iv de la manière suivante :

Critère ii : Le *limes* dans son ensemble reflète le développement de l'architecture militaire romaine et l'impact de la frontière sur l'urbanisation et la construction des routes de transport.

Critère iii : La frontière romaine est le plus grand monument de l'Empire romain, lui-même l'un des plus

grands empires de l'ère préindustrielle. Les vestiges physiques du *limes* : forts, tours de guet, établissements humains ainsi que les terres intérieures dépendantes de la frontière, reflètent les complexités de la culture romaine, mais aussi ses facteurs unificateurs à travers l'Europe et le monde méditerranéen.

Contrairement aux monuments romains déjà inscrits, les constructions du *limes* témoignent des limites de l'Empire et reflètent l'adoption de la culture romaine par les peuples soumis.

La frontière n'était pas une barrière infranchissable. Au contraire, c'était une frontière qui contrôlait et autorisait les mouvements des hommes, civils et marchands, à l'intérieur des unités militaires, permettant ainsi à la culture romaine de se répandre alentour, et permettant à l'Empire romain d'absorber des influences venant de l'extérieur de ses frontières.

Critère iv : Le *limes* reflète le pouvoir et la puissance de l'Empire romain ainsi que la propagation de la culture classique et de la romanisation qui ont déterminé en grande partie le développement ultérieur de l'Europe.

La déclaration suggère que la frontière comporte :

- les vestiges de la ligne conçue du *limes* ;
- des sites naturels faisant partie intégrante de la barrière du *limes* ;
- Le réseau d'installations militaires, les éléments annexes et les routes créées à l'avant, à l'arrière et le long de la frontière.

Il est suggéré que chaque site proposé pour inscription reflète la valeur universelle exceptionnelle de l'ensemble et prouve aussi son authenticité et son intégrité.

Pour mener à bien cette proposition d'inscription globale, un groupe international désigné sous le nom de Groupe de Bratislava a été créé en 2003. Il est composé de représentants du Royaume-Uni, d'Allemagne, d'Autriche, de Slovaquie et de Hongrie. Il est suggéré qu'il pourrait être étendu à des représentants de l'ICOMOS et du Centre du patrimoine mondial ainsi que d'autres pays qui ont l'intention de proposer pour inscription des tronçons du *limes*.

Les objectifs du groupe de Bratislava sont de :

- conseiller les États parties sur l'importance des frontières romaines et sur le développement de guides des meilleures pratiques pour la gestion et pour améliorer la compréhension ;
- développer des structures de soutien telles qu'une stratégie de recherche globale, une base de données et un site web.

Les auteurs de la déclaration proposent aussi des principes de gestion qui seront appliqués à leur partie du site et qui devraient aussi s'appliquer aux futurs tronçons du site. Ces principes sont les suivants :

Les États participants devraient accepter une gestion basée sur l'identification, l'inventaire, la protection, la

conservation, la présentation et la compréhension des structures préservées du *limes* en tant que vestiges de la civilisation romaine et un symbole du patrimoine commun. Pour parvenir à cela, une approche commune sera développée.

Il est suggéré que les nouvelles propositions d'inscription devraient démontrer la valeur universelle exceptionnelle, l'authenticité et l'intégrité des biens et se conformer à tous les autres aspects des *Orientations devant guider la mise en œuvre de la Convention du patrimoine mondial*. Elles devraient aussi souscrire à une vision commune de l'ensemble du site.

4. RECOMMANDATIONS DE L'ICOMOS

Recommandations pour le futur

L'ICOMOS soutient la proposition générale pour encourager des propositions d'inscription qui reflètent l'extension et l'ampleur de la frontière romaine, le plus grand monument de la civilisation romaine, pour commencer en Europe mais, à termes, peut-être aussi en Afrique et en Asie. L'ICOMOS soutient aussi les approches définies dans le résumé de proposition d'inscription présenté par le gouvernement du Royaume-Uni et les États allemands de Bade-Wurtemberg, de Bavière, de Hesse et de Rhénanie-Palatinat.

Ce document suggère que le Groupe de Bratislava, formé pour soutenir de possibles propositions d'inscription à venir, développera des principes de gestion. L'ICOMOS suggère qu'ils incluent des principes pour la reconstruction des vestiges sur la base des principes scientifiques et des normes internationales reconnues.

Le *limes* proposé pour inscription requiert une meilleure protection sur certaines parties et une technique de présentation plus moderne, ce qui limitera la quantité de reconstructions et permettra à celles qui sont entreprises de reposer sur des principes scientifiques et des normes internationales reconnues.

L'ICOMOS considère qu'il est nécessaire de différencier les vestiges romains des reconstructions. Quoique les reconstructions menées au XIXe siècle peuvent être considérées aujourd'hui comme ayant un certain intérêt historique, l'ICOMOS considère que les reconstructions ayant été effectuées depuis les débuts de la Charte de Venise ne sont pas authentiques ou d'une valeur suffisante pour être incluses dans la proposition d'inscription.

L'ICOMOS considère également que toutes reconstructions futures, comme celles suggérées pour Saalburg, à moins qu'elles ne soient basées sur des preuves scientifiques solides et menées selon des normes reconnues au niveau international, pourraient menacer le site.

L'ICOMOS considère de plus que les parties du *limes* reconstruites depuis 1965 ainsi que les développements qui recouvrent et qui sont situés sur les vestiges romains devraient être exclus de la proposition d'inscription et traités comme une zone tampon.

Recommandation concernant l'inscription

L'ICOMOS recommande que le Comité du patrimoine mondial adopte le projet de décision suivant :

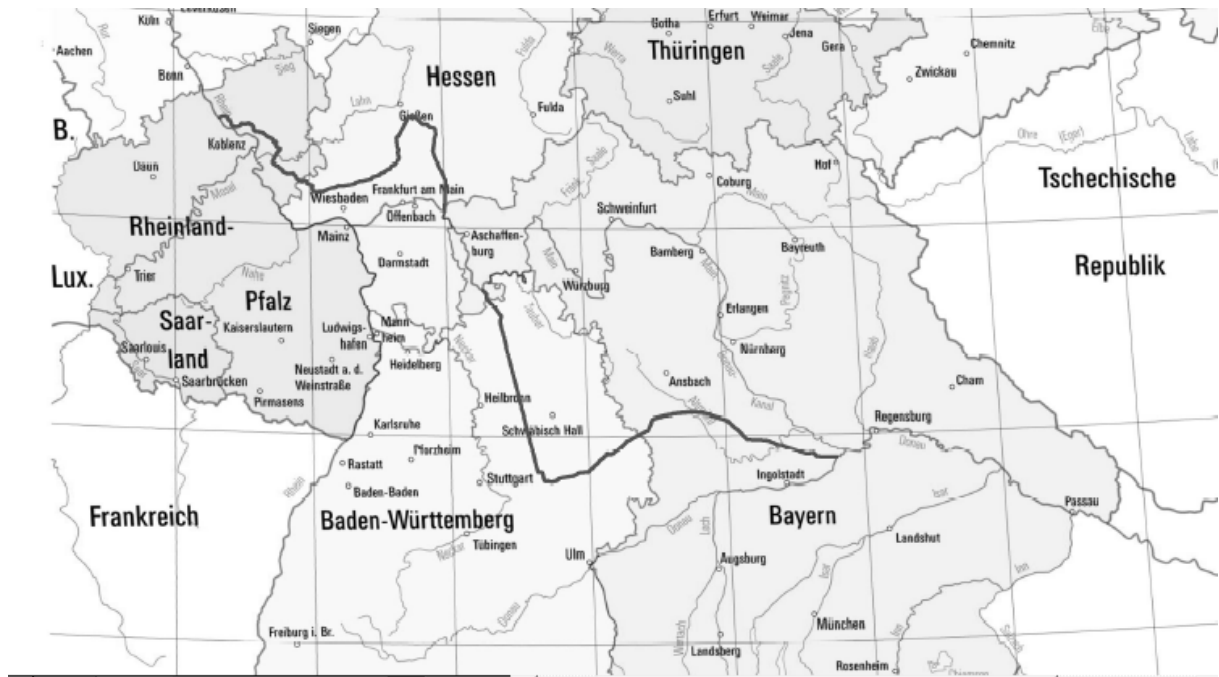
Le Comité du patrimoine mondial,

1. Ayant examiné le document WHC-05/29.COM/8B,
2. Inscrit le bien sur la Liste du patrimoine mondial sur la base des *critères ii, iii et iv* en tant qu'extension du site du mur d'Hadrien déjà inscrit sur la Liste du patrimoine mondial, à l'exception :
 - Des reconstructions menées depuis 1965,
 - Des développements urbains au-dessus des vestiges romains.

Et à la condition qu'une documentation satisfaisante qui présente ces exclusions soit soumise avant la prochaine réunion du Comité du patrimoine mondial.

3. Recommande que les éléments reconstruits exclus de la proposition d'inscription, ainsi que les développements au-dessus des vestiges romains soient considérés comme une zone tampon.
4. Recommande également que la proposition d'inscription soit envisagée comme la seconde phase d'une proposition d'inscription plus large, en série, transfrontalière et échelonnée pour englober les vestiges des frontières romaines dans la région méditerranéenne.
4. Recommande que le mur d'Hadrien et les sites du *limes* de Germanie supérieure et de Rhétie soient désignés en tant que Frontières de l'Empire romain.
5. Recommande de plus que le site du mur d'Hadrien soit renommé « Frontières de l'Empire romain : le mur d'Hadrien » ; que le site du *limes* de Germanie supérieure et de Rhétie soit dénommé « Frontières de l'Empire romain : *Limes* de Germanie supérieure et de Rhétie ».

ICOMOS, avril 2005



Plan indiquant la localisation du bien proposé pour inscription



Fossé du Limes à l'est d'Haghof



Vue aérienne du site du fort d'Aalen

WORLD HERITAGE LIST

Nomination Form

Convention concerning the protection of the world cultural and natural heritage.

Under the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO in 1972, the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, called 'the World Heritage Committee' shall establish, under the title of 'World Heritage List', a list of properties forming part of the cultural and natural heritage which it considers as having outstanding universal value in terms of such criteria as it shall have established.

The purpose of this form is to enable States Parties to submit to the World Heritage Committee nominations of properties situated in their territory and suitable for inclusion in the World Heritage List.

This 'Nomination Document' has been prepared in accordance with the 'Format for the nomination of cultural and natural properties for inscription on the World Heritage list' issued by UNESCO.

The form has been completed in English and is sent in four copies to:-

The Secretariat
World Heritage Centre
UNESCO
7 place de Fontenoy
75352 Paris 07 SP
France

UNITED NATIONS EDUCATIONAL SCIENTIFIC AND CULTURAL ORGANISATION

The nomination documents for the proposed extension of the Frontiers of the Roman Empire World Heritage Site through the addition of the Antonine Wall (UK) are published in 2007 by Historic Scotland, Longmore House, Salisbury Place, Edinburgh EH9 1SH

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www.historic-scotland.gov.uk

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The following organisations are committed to the nomination of the Antonine Wall for World Heritage Status as an extension of the Frontiers of the Roman Empire World Heritage Site.



FRONTIERS OF THE ROMAN EMPIRE
WORLD HERITAGE SITE
PROPOSED EXTENSION

THE
ANTONINE
WALL

VOLUME I

NOMINATION FOR EXTENSION OF
THE WORLD HERITAGE SITE





FOREWORD

By the Rt Hon Tessa Jowell, MP, Secretary of State for Culture, Media and Sport

Over 20 years ago the United Kingdom ratified the World Heritage Convention. In so doing we joined together with an international community committed to the identification and protection of universally significant places and monuments. We are keen to further the well established ideals of working in partnership with other nations to secure our common shared heritage and to continue our support for UNESCO's goals to broaden representation of the World Heritage List.

I am therefore delighted to nominate The Antonine Wall for inscription on the World Heritage List. Situated in Scotland and extending from the River Clyde to the Firth of the Forth, The Antonine Wall is one of the UK's most important Roman monuments and the most northerly, elaborate and complex land frontiers of the Roman empire. As such, this nomination is presented as an extension to the trans-national *Frontiers of the Roman Empire World Heritage Site*. This unique site, created in

2005 to include Hadrian's Wall in the UK and the Upper German Raetian Limes, will eventually encompass remains of the Roman frontiers around Europe and the Mediterranean region of North Africa and the Middle East. The creation of this site is testimony to the co-operation between the German and UK States Parties and we hope to welcome and support nominations from many other countries seeking to add their sections of the Roman frontier in the future.

I am extremely grateful to the German authorities, in particular the States of Baden-Württemberg, Bayern, Hessen and Rheinland-Pfalz, and ministerial colleagues in Scotland for their support for this nomination. I would also like to express my thanks to the many people and organisations who have worked in a spirit of partnership to develop this nomination and its accompanying Management Plan. On behalf of the UK Government, I am delighted to give my full support to this nomination for World Heritage status.



Tessa Jowell

Tessa Jowell

LEFT: Hadrian's Wall at Cawfields looking east. The Wall lies to the left and the Vallum to the right. Milecastle 42 sits in the foreground.



STATEMENT OF SUPPORT

In 2005 the Upper German-Raetian Limes (Obergermanisch-Raetischer Limes) in Germany was declared a World Heritage Site. It joined Hadrian's Wall in the UK as the next section of the frontiers of the Roman empire to become a World Heritage Site, both stretches of the frontier combining to form the new trans-national Frontiers of the Roman Empire World Heritage Site. Germany, and in particular the four Länder through which the frontier passes, Rheinland-Pfalz, Hessen, Baden-Württemberg and Bayern, are delighted to be part of this innovatory approach which may well result in the world's longest if not largest trans-national World Heritage Site. We look forward to cooperating with many other countries in Europe, the Middle East and north Africa in order to bring all the various sections of the frontiers of the Roman empire together into this new international community.

This wider cooperation has already commenced with the formation of a German-UK Inter-Governmental Committee responsible for the management infrastructure and development of the Frontiers of the Roman Empire World Heritage Site. The committee is supported by the 'Bratislava Group', a scientific committee which provides professional advice on technical, archaeological and scientific matters relating to the site. As part of this group, German archaeologists have provided advice to their colleagues in Scotland on the nomination of the Antonine Wall and have seen and approved the final

documentation. They are also involved in ongoing discussions on the creation of a research strategy for Roman frontiers, under the aegis of the European Archaeological Association. Germany is also a partner in the European Commission's Culture 2000 project, the Frontiers of the Roman Empire. Such projects are a valuable way of sharing knowledge and experience as well as raising the profile of this important part of our shared heritage.

Scotland and Germany have close ties in their special interest in the frontiers of the Roman empire as both countries lay on the edge, partly within but mostly outside of that empire. The Antonine Wall in Scotland was erected in the second century during the reign of the Emperor Antoninus Pius, when the Upper German-Raetian Limes in Germany was built. Men recruited in north Britain served on the German frontier.

We, the responsible authorities for World Heritage affairs in the four Länder through which the Upper German-Raetian Limes passes, confirm that in our view the Antonine Wall has outstanding universal value and therefore fully support the proposal to extend the Frontiers of the Roman Empire through the addition of the Antonine Wall, and that the Management Plan for the property confirms to the principles set down in the Summary Nomination Statement for Frontiers of the Roman Empire World Heritage Site.

We wish our colleagues in the UK every success.



Doris Ahnen
Ministerin für Bildung,
Wissenschaft, Jugend und
Kultur Rheinland Pfalz



Udo Corts
Hessischer Minister für
Wissenschaft und Kunst



Dr. Thomas Goppel
Bayerischer
Staatsminister für
Wissenschaft, Forschung
und Kunst



Ernst Pfister, MdL
Wirtschaftsminister
des Landes Baden-
Württemberg

LEFT: The German frontier still survives as a defining feature within the landscape today.



PREFACE

Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport

Scotland's existing World Heritage Sites reflect its long and colourful history. The spectacular prehistoric remains of Orkney represent our early past. Edinburgh Old and New towns mark our medieval history and the enlightenment of the eighteenth century. New Lanark is a symbol, not only of our immense industrial heritage, but also the care exercised by the best owners for their workers. St Kilda is a monument to the ability of people to live on the edge of the world, as well as our spectacular natural landscape and maritime heritage.

It is appropriate that our Roman past should have a place in this pantheon. Scotland first came to the attention of the classical world through the voyage of Pytheas of Marseille 300 years before the birth of Christ. When Roman armies eventually reached this area they already had considerable geographical knowledge, including the name which has resonated down the centuries, *Caledonia*. However, Scotland was to remain on the periphery of the Roman world, subject to invasion and withdrawal over three centuries, with most of the country never conquered.

It was during one of these episodes that the Antonine Wall was built. For a generation, in the second century AD, it was the north-west frontier of the Roman empire. It is, however, but one monument surviving from the Roman era. Scotland is singularly fortunate in retaining the remains not just of the Antonine Wall but other

Roman frontiers, roads, temporary camps, two legionary bases, forts, including the world famous Ardoch, fortlets and even the smallest military structure, the observation tower. All these structures remind of us of our heritage. It is from the Roman empire that Christianity came to our shores. Today, we live by Roman law. The treaty establishing the European Union was signed in Rome.

The Antonine Wall is important not only as a visible reminder of one of the most important states that the World has ever seen, but also as part of a great network of frontiers which that empire constructed in order to protect itself. It will be the third element, joining Hadrian's Wall and the German Limes, in the first trans-national, serial World Heritage Site; the 'Frontiers of the Roman Empire'. This new kind of Site reflects the priorities of the World Heritage Committee and encourages support and cooperation between the participating countries. In due course other countries with Roman Frontiers are planning to be part of the Site. It is very exciting that Scotland is part of this initiative. The Antonine Wall is a vital element in this framework because, for its time, it was the most advanced frontier constructed by Rome. It is for these reasons that I am recommending to UNESCO inclusion of this monument on the list of World Heritage Sites.



LEFT: The Antonine Wall at Rough Castle looking east. The fort lies to the south (right) of the Wall, with its annexe beyond.



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LEFT: The Antonine Wall crossing Croy Hill looking west



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INTRODUCTION

The Frontiers of the Roman Empire

The Roman empire was one of the greatest empires the world has ever seen. Even today, it fires the imagination. It has inspired great literature and amazing films. People from all over the world travel to see its great monuments. Many of these monuments, some of which have been protected for centuries, are World Heritage Sites. Most of these World Heritage Sites lie in the heart of the empire, in Italy, France, Spain and other countries around the Mediterranean Sea. That heartland was protected by frontiers, often of considerable complexity, stretching for 5000 km from the Atlantic along the Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier from the Black Sea to the Red Sea faced Rome's greatest enemy, Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco. Rome's frontiers were therefore of equivalent importance to the great cities of the interior.

These frontiers were built in a great variety of materials - stone, earth, turf, clay, mud brick, timber, in short whatever was available locally - and in the type of installations constructed. In several countries there are several lines of frontier installations as the empire advanced and retreated: both Britain and Germany possess two great linear barriers. Elsewhere, rivers were used as borders while the mountains formed a convenient boundary for Dacia in modern Romania.

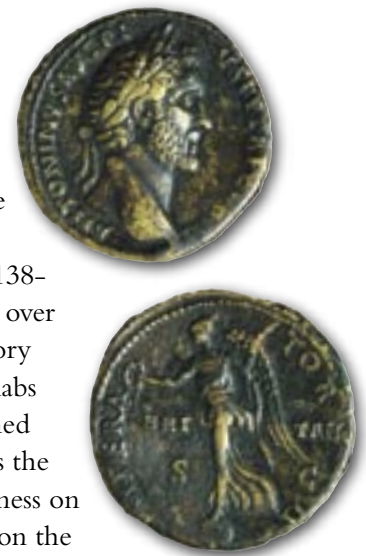
Walls, ramparts, forts, fortlets and towers are the physical evidence for these

frontiers, and they were once manned by soldiers whose duties were to protect the empire and implement the regulations which governed movement across the frontier, including collecting customs duties. Successive emperors sought to protect their empire not only by fighting wars but also by building new and more elaborate defensive structures. Occasionally, they explicitly stated their intent as is attested by a series of inscriptions in Pannonia (modern Hungary) which record that under the emperor Commodus (180-192) towers were erected along the banks of the Danube to prevent the incursions of brigands.

The Antonine Wall

The Antonine Wall was built by the Roman army on the orders of the Emperor Antoninus Pius (reigned 138-161) following the Roman victory over its northern enemies in 142, a victory celebrated in the unique distance slabs erected along the frontier. It stretched for 60 km (40 Roman miles) across the narrow waist of Scotland from Bo'ness on the River Forth to Old Kilpatrick on the River Clyde and consisted of a turf rampart perhaps 3-4 m high fronted by a great ditch. It was occupied for no more than a generation being abandoned in the 160s: the decision to withdraw may have been made as early as 158.

The Antonine Wall, in spite of its relatively short life, was the most developed frontier built by the Romans to protect and defend their empire. While its first plan was based on the earlier Hadrian's Wall to the south, during construction it was further



One of the coins issued in 142 or 143 to celebrate the victory in Britain.

LEFT: One of the scenes on the Bridgeness distance slab.



developed in several ways. Yet, following its abandonment, these new elements were not incorporated into later alterations to Hadrian's Wall, or the German frontier. In that way, the Antonine Wall sits at one end of a pendulum reflecting the development of Roman frontiers. Hadrian's Wall and the Antonine Wall were complementary and study of both allows the development of Roman frontiers to be better understood.

The Antonine Wall is the most complex of all Roman frontiers, even more so than Hadrian's Wall. Its forts were closer together than on any frontier. They vary considerably in size, defensive arrangement and plan, unlike the forts on Hadrian's Wall. Many, perhaps most, had an annexe attached to one side: a feature not to be found in this form on any other Roman frontier line. Unlike on Hadrian's Wall, the forts were linked by a road from the beginning. The rampart itself was of an 'improved' type – certainly an improvement on the turf sector of Hadrian's Wall – with a stone base and culverts. The Antonine Wall also possessed other several unique features in the expansions and small enclosures.

The survival of many distance slabs provides information on the way the soldiers divided up the work of constructing the Wall. The known labour camps, uniquely identified on the Antonine Wall, help flesh out the details of the division of labour during its construction.

The Antonine Wall was an achievement of what the historian Edward Gibbon called the Roman Empire's

"Golden Age". But that Age was not as peaceful as Gibbon believed and the Antonine Wall both reflects the disturbed state of the frontier regions and also the measures taken by the Romans to protect their empire and ensure peaceful lives for its inhabitants. These protective actions were acknowledged by writers of the reign of Antoninus Pius such as Aelius Aristides and Appian who described how the Romans protected their empire by camps and walls.



The temple erected by Antoninus Pius in the Forum in Rome to the memory of his wife. After his death the temple was re-dedicated to the imperial couple.

The Antonine Wall is also a physical manifestation of the change in frontier policy inaugurated by the Emperor Antoninus Pius. Hadrian had clearly decided that his empire should have limits. His successor, Antoninus Pius, overturned his policy, expanding the empire in both Britain and Germany, where his frontier is already part of the Frontiers of the Roman Empire World Heritage Site. This decision probably reflects the weak position of Antoninus Pius when he succeeded Hadrian. He had no military experience and little of any other form of imperial service. His acclamation as *Imperator*, Conqueror, was the only such title he accepted in his long reign of 23 years in spite of waging wars on other frontiers and his extension of the empire in Germany. The special nature of the distance slabs which record the fighting, the Roman victory and the support of the gods is not only a testimony to the achievements of the Roman army but to the unique position of its commander-in-chief, the Emperor Antoninus Pius.

The Antonine Wall forms an important and visible feature in Scotland's countryside. It survives as a monumental testimony to the military power of one of the world's greatest states, sitting within a

landscape once highly industrialised, and yet its value has always been recognised. The Antonine Wall not only symbolises the continuing value of heritage in the midst of commercial development but is now a significant element in the regeneration of the landscape in which it sits. It is valued as such by its local community and as an important historical monument, a powerful educational tool and source of recreation.

The Antonine Wall divided Scotland between the south which was part of the Roman empire from the north which was never fully conquered. It thus not only represents a division still relevant in today's Scotland, but also a shared European heritage and accordingly has considerable potential to foster understanding of our past, present and future.

Today, the Antonine Wall is visible for over a third of its total length. Some 17 km of the 60 km length of the Antonine Wall are in public ownership or guardianship and open to the public. Elsewhere, old roads and tracks perpetuate the line of the Wall, their names, such as Grahamsdyke Road, acknowledging the mythical history of the monument, and now supplemented by such as Roman Road and Antonine Court in modern housing developments.



The base of the column erected in Rome and dedicated to Antoninus Pius. The emperor and empress, Antoninus and Faustina, are seen ascending into heaven.



EXECUTIVE SUMMARY

State Party	United Kingdom
State, province or region	Scotland
Name of property	Frontiers of the Roman Empire World Heritage Site: The Antonine Wall

Geographical co-ordinates to the nearest second

The east end of the Antonine Wall lies at National Grid Reference NT 032 807 at a latitude of 56° 00' 35" north and a longitude of 3° 33' 8" west.

The west end of the Antonine Wall lies at National Grid Reference NS 458 730 at a latitude of 55° 55' 32" north and a longitude of 4° 28' 41" west.

Textual description of the boundaries of the nominated Property

The proposed Site extends for a distance of 60 km from the eastern end of the Antonine Wall, in the modern town of Bo'ness on the Firth of Forth, to Old Kilpatrick on the River Clyde.

The proposed Site includes all the linear elements of the frontier, that is the rampart, ditch and outer mound, and the Military Way where its location is recorded, together with the forts, fortlets, expansions and small enclosures, civil settlements where known, and the temporary camps along the Wall used by the soldiers building the frontier.

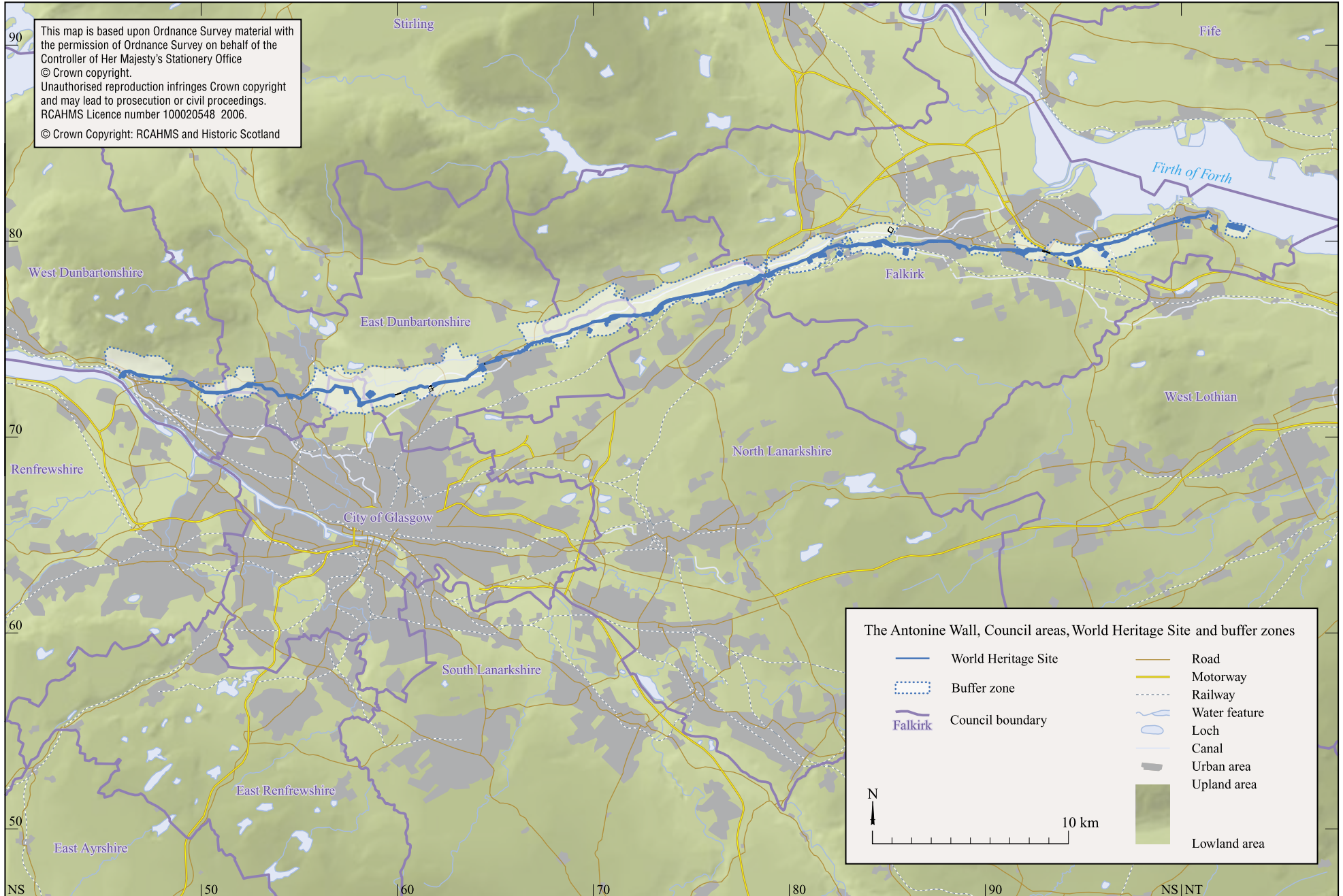
The World Heritage Site has been defined in the following way. Along the line of the Wall the southern boundary of the World Heritage Site has been placed 5 m to the south of the rampart and then projected 50 m to the north of this line creating a corridor 50 m wide. This corridor includes the three main linear features together with other elements that are likely to lie immediately beyond the known archaeology. The corridor is widened where necessary to include forts, fortlets, the Military Way and other elements of the frontier which are attached to the linear barrier. Camps, usually placed at some distance from the Wall, are defined separately. The corridor is also widened to incorporate within the proposed World Heritage Site, areas protected through scheduling under the *Ancient Monuments and Archaeological Areas Act 1979*. In such circumstances the proposed Site extends to the whole size of the scheduled area except where that area relates to a monument of a different period.

Maps of the nominated Property, showing boundaries and buffer zones

The maps relating to the nomination are included in Volume II of the nomination.

LEFT: The fort and annexe at Rough Castle looking west.

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The Antonine Wall, Council areas, World Heritage Site and buffer zones

	World Heritage Site		Road
	Buffer zone		Motorway
	Council boundary		Railway
			Water feature
			Loch
			Canal
			Urban area
			Upland area
			Lowland area

Justification

Statement of Outstanding Universal Value

The Antonine Wall, as a Roman Frontier, is a physical and visual testimony to the former extent of one of the world's greatest states, the Roman empire. It formed part of a frontier system which surrounded and protected that empire.

The Antonine Wall has a particular value in being the most highly developed frontier of the Roman empire: it stands at the end of a long period of development over the previous hundred years and therefore facilitates a better understanding of the development of Roman frontiers in Britain and beyond. It is one of only three artificial barriers along the 5000 km European, North African and Middle Eastern frontiers of the Roman empire. These systems are unique to Britain and Germany, though more fragmentary linear barriers are known in Algeria and Romania. Built following an invasion of what is now Scotland during 139-142 and occupied for possibly only 20 years, it served as the most northerly frontier of the Roman empire at the high point of its power and influence in the ancient world. It has many unique features which demonstrate the versatility of the Roman army, while its short life is of considerable value in offering a snap-shot of a Roman frontier in its most advanced state. As the most northerly frontier, it stands as an example of Rome's stated intention to rule the world.

The Antonine Wall has a distinctive value as a unique physical testimony to the nature of the constitution of the Roman empire and the requirement of the emperor for military prestige. The abandonment of Hadrian's Wall and the construction of a new northern frontier at the behest of a new emperor reflects the realities of power politics in Rome during Edward Gibbon's "Golden Age". It also stands as a physical manifestation of the statements of writers flourishing during the reign of Antoninus Pius about the measures which Rome took

to protect its inhabitants, even those living in its most distant province.

The Antonine Wall is of significant value in terms of its rarity, scale, preservation, and historical and archaeological value; the engineering and planning skills of its builders; the understanding of Roman frontier policy and management, and its influence on the landscape and history of local peoples during the Roman period and beyond; and also in terms of its contribution to the economic, educational and social values of today's society.

Criteria under which Property is nominated

- ii** on the basis that the Antonine Wall is the most complex and developed of all Roman frontiers;
- iii** as the most northerly frontier of the Roman empire, the Antonine Wall reflects the wish of Rome to rule the world; and is a physical manifestation of a change in Roman imperial foreign policy following the death of the emperor Hadrian in 138;
- iv** on the basis that the Antonine Wall was constructed at the time when writers were extolling the virtues of Roman frontiers; that it bears an exceptional testimony to the military traditions of Rome; and is an exceptional example of the methods developed by the Romans to protect their empire.

Name and contact information of official local institution/ agency

Organisation: Historic Scotland
Address: Longmore House
Salisbury Place
Edinburgh EH9 1SH
UK

Tel: 0044 131 668 8724
Fax: 0044 131 668 8730

E-mail: david.breeze@scotland.gsi.gov.uk
Web address: www.historic-scotland.gov.uk

LEFT: the proposed World Heritage Site and its buffer zone.



Map illustrating the boundary of the Roman empire during the reign of Antoninus Pius. Those sections of the frontier which are already part of the Frontiers of the Roman Empire World Heritage Site – Hadrian's Wall and the German *Limes* – are marked in red.

I IDENTIFICATION OF THE PROPERTY

I. a Country
United Kingdom accompanying features and local authority Council areas

I. b State, province or region
Scotland III.2 The Antonine Wall and accompanying features, the scheduled areas, the buffer zones and local authority Council areas

I. c Name of Property
Frontiers of the Roman Empire World Heritage Site: The Antonine Wall IV Index map to the 1:25,000 maps
IV.1.1-8 Eight maps of the Antonine Wall at a scale of 1:25,000 showing the proposed World Heritage Site, known forts and fortlets, camps, other features and the buffer zones

I. d Geographical co-ordinates to the nearest second

The Antonine Wall crosses Scotland from modern Bo'ness on the Firth of Forth to Old Kilpatrick on the River Clyde.

The east end of the Antonine Wall lies at latitude of 56° 00' 35" north and a longitude of 3° 33' 8" west (National Grid Reference NT 032 807).

The west end of the Antonine Wall lies at a latitude of 55° 55' 32" north and a longitude of 4° 28' 4" west (National Grid Reference NS 458 730).

IV.2.1-8 Eight maps of the Antonine Wall at a scale of 1:25,000 showing the proposed World Heritage Site, known forts fortlets, camps, other features, the scheduled areas and the buffer zones

V Index map to the 1:5,000 maps

V.1-39 Thirty-nine maps of the Antonine Wall and all known features at a scale of 1:5,000 showing the scheduled areas and the proposed World Heritage Site

I. e Maps and plans, showing the boundaries of the nominated property and buffer zone

These maps are included in Volume II of the nomination. They show the position and course of the Antonine Wall at various scales:

- I The position of the Antonine Wall in the Roman empire
- II The location of the Antonine Wall and Hadrian's Wall in north Britain
- III.1 The Antonine Wall and

The detailed maps are coded to differentiate between visible remains (the various elements being colour coded); no surface remains; unconfirmed line.

I. f Area of site proposed for inscription (ha) and of the proposed buffer zone (ha)

The proposed Site consists of the entire length of the Antonine Wall, 60 km/40 Roman miles/37 statute miles long, from Bridgeness, Bo'ness on the Firth of Forth to Old Kilpatrick on the River Clyde.



Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport, with representatives of the five local authorities at the signing of the Concordat, 20 June 2006, to support the nomination and protect the Antonine Wall.

It includes the main linear elements: the rampart, ditch and outer mound, and also the Military Way where it is known. The proposed Site also includes the remains of the 16 surviving forts together with their accompanying annexes and civil settlements and other external features where known, 9 fortlets, 6 expansions, 2 smaller enclosures, and part or all of the 16 surviving labour camps in the vicinity of the Wall. The proposed World Heritage Site does not include those parts of the Antonine Wall which have been destroyed. These sections include small lengths quarried away and narrow sectors removed in the cuttings for canals, railways and roads. These total only 2 km of the whole length of the Antonine Wall. These stretches are included in the buffer zone.

The World Heritage Site has been defined in the following way. Along the line of the Wall the southern boundary of the World Heritage Site has been placed 5 m to the south of the rampart and then projected 50 m to the north of this line creating a corridor 50 m wide. This corridor includes the three main linear features together with other elements that are likely to lie immediately beyond the known archaeology. The corridor is widened where necessary to include forts, fortlets, the Military Way and other elements of the frontier which are attached to the linear barrier. Camps, usually placed

at some distance from the Wall, are defined separately as parts of the proposed Site. The corridor is also widened to incorporate within the proposed World Heritage Site areas protected through scheduling under the *Ancient Monuments and Archaeological Areas Act 1979*: in such circumstances the proposed Site extends to the whole size of the scheduled area except where that area relates to a monument of a different period. The proposed World Heritage Site does not include the modern buildings which lie within its boundaries, but only the underlying Roman archaeology.

The proposed World Heritage Site is protected through two primary UK items of legislation: the *Ancient Monuments and Archaeological Areas Act 1979* and the *Town and Country Planning (Scotland) Act 1997*. The former Act in the main protects those parts of the Antonine Wall sitting in countryside or within open ground in urban settings. All scheduled sections of the Antonine Wall, including its associated camps, form part of the proposed World Heritage Site. Within urban contexts, the five local authorities along the line of the Antonine Wall all have policies which protect the Antonine Wall under the provisions of the *Town and Country Planning (Scotland) Act 1997*.

Through the use of these two pieces of primary legislation the surviving 58 km of the original total length of 60 km of the Antonine Wall are provided with robust legal protection for their inclusion in the proposed World Heritage Site. The 2 km of the Wall which have been destroyed, mainly through quarrying, canals, roads and railways, are included in the buffer zone. In this way, the linear integrity of the monument will be maintained. This approach is in keeping with the definition of the German section of the Frontiers of the Roman Empire World Heritage Site. The Hadrian's Wall part of the Frontiers of the Roman Empire World Heritage Site, however, consists of only the scheduled sections of the monument. As a result, much of the Wall in urban areas is excluded from the Site. This reflects the conditions pertaining

THE ANTONINE WALL

The Antonine Wall is the most important ancient monument from the Roman era to survive in Scotland. It is a monument of international importance. It crosses Scotland from the town on the Firth of Forth to Old Kilpatrick on the River Clyde and survives remarkably well as a visible and valued feature in the landscape in view of its location in Scotland's industrial heartland.

We, the representatives of the Scottish Ministers, East Dunbartonshire, Falkirk, Glasgow, North Lanarkshire and West Dunbartonshire Councils state our support for the nomination of the Antonine Wall as a World Heritage Site and confirm that all parties are committed to working together to achieve recognition of the appropriate place of the Antonine Wall in the cultural heritage of Scotland and its wider international context. Further, all parties confirm that they will work together to improve the protection, management, presentation and interpretation of the Antonine Wall.

Signed on behalf of:

John Gifford Scottish Ministers
Anna C. Shaw East Dunbartonshire Council
Robert J. Spears Falkirk Council
Alan K. Murray City of Glasgow Council
Kevin Whitehead North Lanarkshire Council
Connie O'Sullivan West Dunbartonshire Council



in the early 1990s when its boundary was defined. Since then, protection of archaeological remains through the spatial planning system has become an integral part of the UK approach to conservation. The current Hadrian's Wall World Heritage Site Management Plan states that it is the intention to seek to extend the boundaries of the Site to include surviving but unscheduled stretches in the urban areas on the same basis as is proposed for the Antonine Wall part of the World Heritage Site.

The proposed World Heritage Site is defined in relation to existing information. As knowledge about the Antonine Wall grows, the areas of protection will change and, as past experience demonstrates, be expanded. This, in turn, may lead to small-scale amendments to the boundaries of the proposed World Heritage Site.

The buffer zone along the Antonine Wall has been defined in relation to local circumstances, including the landscape and modern features such as towns and villages, roads and railways. The aim, as with all buffer zones, is to protect the setting of the monument and, in this case, continue to allow understanding of why the Antonine Wall was erected in a particular location. The protection of amenity areas to each side of the Wall has been an important element of central government's protection for the monument for the last 50 years.

These amenity zones, already incorporated into the development control strategies of the five local authorities along the line of the Antonine Wall, form the basis of the buffer zones now proposed.

The size and location of the buffer zone has been reconsidered as part of the exercise of preparing this nomination document. It has been defined only in relation to the archaeological remains in the countryside as it is not possible to define buffer zones in urban areas. However, those sections of the Wall which have been destroyed are included in the buffer zone in order to maintain the linearity of the monument. The buffer zone is protected through UK legislation. All separate parts of the buffer zone are already zoned under the *Town and Country Planning (Scotland) Act 1997* as countryside or green belt by the five local authorities along the line of the Antonine Wall. Within the terms of the World Heritage Committee 2005 decision concerning the nature of the Frontiers of the Roman Empire (Germany) World Heritage Site, medieval and modern buildings within the proposed World Heritage Site serve as an overlying buffer zone.

Area of nominated property:	526.9 ha.
Buffer zone:	5229 ha.
Total:	5755.9 ha.

Detailed specification of the proposed World Heritage Site

NO	NAME	NGR	LATITUDE AND LONGITUDE	AREA_HA	POP
1	Carriden	NT0319180597- NT0234180782	56:0:30.592N 3:33:15.020W-56:0:35.952N 3:34:4.317W	16.7	5
2	Muirhouses Camp	NT0179280695- NT0158280717	56:0:32.735N 3:34:35.887W-56:0:33.292N 3:34:48.036W	3.3	0
3	Bridgeness-Kinneil	NT0138081507- NS9784680430	56:0:58.685N 3:35:0.739W-56:0:21.197N 3:38:23.250W	18.7	430
4	Kinglass Park Camp	NT0041181037- NT0022981038	56:0:42.767N 3:35:56.043W-56:0:42.663N 3:36:6.549W	2.9	45
5	Kinneil-Nether Kinneil	NS9629979876- NS9781180426	56:0:2.089N 3:39:51.749W-56:0:21.041N 3:38:25.264W	9.8	5
6	Nether Kinneil-M9	NS9335379398- NS9624679876	55:59:44.308N 3:42:41.037W-56:0:2.048N 3:39:54.807W	25.3	10
7	Inveravon Camps 2&3	NS9626279364- NS9594679271	55:59:45.507N 3:39:53.172W-55:59:42.254N 3:40:11.272W	4.8	0
8	Polmonthill Camp	NS9486778879- NS9455479106	55:59:28.732N 3:41:12.965W-55:59:35.824N 3:41:31.341W	6.7	0
9	Little Kerse Camp	NS9447478797- NS9423678935	55:59:25.770N 3:41:35.519W-55:59:30.043N 3:41:49.442W	3.6	0
10	M9-Callendar Park	NS9045979549- NS9285879543	55:59:46.841N 3:45:28.205W-55:48:34.851N 3:42:38.514W	26.0	415
11	Military Way, Laurieston	NS9146379475- NS9140879482	55:51:15.399N 3:44:6.097W-55:21:36.913N 3:42:48.056W	0.1	0
12	Callendar Park east	NS9042579557- NS8996379579	55:30:45.840N 3:44:8.906W-55:51:14.174N 3:45:32.324W	3.2	0
13	Callendar Park- Westburn Avenue	NS8992379590- NS8729079984	55:29:40.763N 3:44:34.541W-56:5:44.912N 3:48:48.251W	18.5	230
14	Westburn Avenue- Glenfuir Road	NS8676679850- NS8724079994	55:52:48.506N 3:48:40.782W-55:38:48.244N 3:47:33.326W	2.6	130
15	Watling Lodge- Castlecary	NS8666779847- NS7840978206	55:53:20.754N 3:48:48.042W-55:21:58.282N 3:55:7.531W	81.8	90
16	Tamfourhill Camp	NS8583579461- NS8603479430	55:36:5.395N 3:48:45.907W-55:35:33.229N 3:48:32.996W	5.4	0
17	Milnquarter Camp	NS8269879357- NS8243579358	56:9:59.567N 3:53:26.998W-55:36:2.482N 3:52:0.085W	3.3	5
18	Castlecary-Twechar	NS7854978140- NS6923075564	55:43:31.683N 3:56:5.106W-55:33:8.712N 4:4:25.326W	104.2	10
19	Twechar Camp	NS6992975465- NS6976775451	55:32:37.056N 4:3:43.710W-55:53:5.365N 4:5:0.240W	2.4	0
20	Twechar-Harestanes	NS6919875554- NS6694974822	56:9:46.911N 4:6:29.178W-56:5:44.912N 3:48:48.251W	16.2	10
21	Harestanes-Hillhead	NS6693974803- NS6582274219	55:37:57.432N 4:6:52.133W-55:28:46.756N 4:7:25.286W	9.5	25
22	Hillhead- Kirkintilloch	NS6579674213- NS6533674106	56:8:38.858N 4:9:42.511W-55:36:18.862N 4:8:18.285W	2.4	20
23	Kirkintilloch- Adamslie	NS6532274101- NS6469773809	55:28:46.261N 4:7:53.748W-56:9:10.063N 4:10:48.034W	6.1	40
24	Adamslie	NS6464673794- NS6453973761	55:41:41.440N 4:9:15.996W-55:37:55.046N 4:9:9.284W	0.5	0
25	Adamslie- Glasgow Bridge	NS6451373446- NS6356073000	55:23:54.504N 4:8:23.523W-55:49:12.903N 4:10:44.159W	12.4	0

26	Glasgow Bridge-Cadder	NS6354672985-NS6180272661	55:41:40.330N 4:10:18.956W-55:17:56.177N 4:10:37.361W	12.6	0
27	Cadder-Wilderness Plantation	NS6155672562-NS6026072277	55:47:1.551N 4:12:31.669W-55:49:9.505N 4:13:53.638W	8.6	5
28	Wilderness Plantation-Bearsden	NS5983872152-NS5491372026	55:37:17.924N 4:13:36.021W-55:23:44.621N 4:17:28.836W	43.9	50
29	Balmuildy Camp	NS5842272177-NS5886072195	55:28:39.245N 4:14:26.507W-55:49:8.039N 4:15:14.020W	8.5	0
30	Bearsden-Old Kilpatrick	NS5491072041-NS4629573341	55:22:7.643N 4:17:23.229W-56:7:45.348N 4:28:29.321W	60.8	190
31	Old Kilpatrick, A 82-railway	NS4619373344-NS4610073315	56:7:45.348N 4:28:29.321W-55:16:34.767N 4:25:22.927W	0.8	500
32	Old Kilpatrick fort	NS4606573308-NS4586973077	55:51:35.556N 4:27:39.046W-55:53:44.604N 4:27:58.735W	5.1	140
33	Old Kilpatrick, River Clyde	NS4586173060-NS4583473020	55:49:26.048N 4:27:42.361W-55:34:53.392N 4:26:47.643W	0.2	0
				TOTAL	2350

Buffer zones

NO	NAME	NGR	LATITUDE AND LONGITUDE	AREA_HA	POP
1	Carriden	NT0364780628-NT0228880828	55:42:50.556N 3:32:4.469W-56:4:55.371N 3:34:18.026W	63.3	0
2	Muirhouses Camp	NT0181180661-NT0152280725	55:23:25.048N 3:33:1.551W-55:29:20.568N 3:33:32.603W	6.8	0
3	Bridgeness	NS9963081059-NT0154081270	55:33:37.887N 3:35:31.260W-55:39:2.669N 3:33:55.714W	17.0	0
4	Kinneil-M9	NS9307379653-NS9862980675	55:56:40.034N 3:42:48.360W-55:33:4.803N 3:36:26.999W	532.1	100
5	M9-Mumrills	NS9346879313-NS9140780297	55:53:58.680N 3:42:18.209W-55:21:7.809N 3:42:46.799W	110.0	20
6	Callendar Park East	NS9043679480-NS9075279274	55:36:41.537N 3:44:24.613W-55:45:19.147N 3:44:30.432W	6.2	0
7	Callendar Park West	NS9038779582-NS8916179528	56:4:10.510N 3:45:44.506W-55:50:8.846N 3:46:15.369W	24.6	550
8	Tamfourhill-Bonnyside	NS8647679548-NS8262780003	55:58:11.580N 3:49:13.180W-55:31:47.218N 3:51:36.578W	341.9	0
9	Milnquarter Camp	NS8283979232-NS8237579219	55:38:12.163N 3:51:43.370W-55:57:35.694N 3:53:7.980W	13.4	0
10	Seabegs-Castlecary	NS8224480055-NS7885678537	55:40:56.541N 3:52:25.542W-55:47:18.275N 3:55:59.108W	331.2	140
11	Castlecary-Kirkintilloch	NS7877979031-NS6577974225	55:59:41.791N 3:56:41.955W-55:59:29.326N 4:9:11.804W	1597.8	65
12	Kirkintilloch-Bearsden	NS6466973808-NS5491872033	55:54:4.955N 4:9:57.173W-55:26:26.250N 4:17:38.202W	1542.2	35
13	Bearsden-Duntocher	NS5276872900-NS4939872750	55:53:20.057N 4:21:19.865W-56:9:25.864N 4:25:36.037W	297.4	15
14	Duntocher-Old Kilpatrick	NS4849773397-NS4508874331	56:8:52.519N 4:26:26.107W-56:3:57.728N 4:29:24.141W	341.8	10
				TOTAL	925

These population figures are based on the average number of 2.27 people living in a house or flat in Scotland as provided by the Scottish Executive Census Office.



II DESCRIPTION

2.a Description of property

2.a.1 The Antonine Wall is the name given to the Roman frontier in Scotland/UK which crossed the narrowest part of Britain at the Forth–Clyde isthmus. It was built during the years following 142 on the orders of the Emperor Antoninus Pius (reigned 138–161) and survived as the north–west frontier of the Roman empire for a generation before being abandoned in the 160s in favour of a return to Hadrian’s Wall. It stretched for nearly 60 km (40 Roman miles) across the narrow waist of Scotland from Bo’ness on the Firth of Forth to Old Kilpatrick on the River Clyde. The Wall consisted of a turf rampart perhaps 3–4 m high fronted by a great ditch. The material from the ditch was tipped out onto the north side to form a wide, low mound or glacis. Forts were placed along the Wall at approximately 3 km intervals; many had annexes attached to one side. The forts were linked by a road, the Military Way. In between the forts sometimes lay a fortlet and in addition three pairs of expansions, possibly serving as beacon platforms, have been found as

well as small enclosures and other features. It was through the gates of these forts and fortlets that many Roman goods passed into the lands of Caledonia beyond. Some of the labour camps used by the soldiers building the Wall are known. Inscriptions demonstrate that the Antonine Wall was built by soldiers of the three legions of Britain, the Second, Sixth and Twentieth, who recorded their work on ornamental “distance slabs”. Despite its short life, excavation has revealed a complicated building history for the Antonine Wall.

MAP REF: V-1

A linear description of the Antonine Wall

Ownership or guardianship is indicated thus: (*Historic Scotland*)

2.a.2 The easternmost fort on the Antonine Wall lies detached from the barrier, a little to the east of the end of the Wall at Carriden. Nothing is visible above ground. An inscription was found at the site in the early eighteenth century, but the fort was only discovered through aerial archaeology in the 1940s and

LEFT: The Antonine Wall ditch in Callendar Park, Falkirk.





The entrance drive to Kinneil House lies on the line of the Antonine Wall.

subsequently tested through excavation. Further excavation revealed an annexe to the west of the fort. To the east, aerial photography has indicated the existence of a civil settlement. An altar found here in 1956 demonstrated that the name of this fort was *Velunia*, a name also recorded in the *Ravenna Cosmography*.

Also detached from the east end of the Wall are two labour camps, one, Muirhouse, surviving in pasture and the other, Kinglass, beside Bo'ness Academy (*Falkirk Council*). The exact end of the Antonine Wall has not been located through excavation, but it can be determined on circumstantial evidence. The discovery in 1868 of a large distance slab beside Bridgeness Tower in Bo'ness (see page 92), has been taken as indicating the eastern terminal point of the linear barrier. The very size of the stone and the fact that it was found almost complete, though broken, argues that it had not been moved far from its original location. The find spot lies on a small promontory of

land which in the Roman period would have jutted out into the Firth of Forth. Furthermore, the measurement given on the stone is 4,652 paces, which is very close to the distance from Bridgeness to the crossing of the River Avon at Inveravon, especially if the fortlet at Kinneil is taken out of the length constructed by the legion. A voussoir of the sort used in bath-house roofs was found a few metres away from the distance slab in 1937.

Through Bo'ness, Grahamsdyke Lane and Grahamsdyke Road retain the ancient name for the Antonine Wall: Grim's Dyke. The later streets, Grahamsdyke Road and then Dean Road, follow the line of the Wall, utilising the raised beach overlooking the Forth, its strong position confirmed by glimpses through the houses to the north side of the road. The land beside the Forth has now been reclaimed: formerly the water would have lapped the bottom of the slope to the north of the Wall. The rampart base was located at St Mary's Church in 1989 and the slight hollow of the ditch is visible on the west bank of the Dean Burn at the west end of Bo'ness. The entrance drive to Kinneil House (*Falkirk Council/Historic Scotland*) perpetuates the line of the Antonine Wall, which has been located through aerial archaeology to the west of the gorge behind the house. Here the Wall sits in an archaeological landscape. There was Neolithic settlement along the northern scarp, a medieval village and the sixteenth century Kinneil House, while in the adjacent cottage James Watt experimented with the steam engine.

MAP REF: V-2, 3 & 4



In the country park to the west of Kinneil House a fortlet, discovered in 1978, was excavated two years later and subsequently laid out for display: it is the only fortlet so displayed on the Antonine Wall (*Falkirk Council*). To the north, a faint, broad hollow represents the ditch. Beyond the park, the modern minor road takes up the line of the Wall, which still stands high above the Firth of Forth. The strength of the landscape is such that the eye looks through the modern petrochemical works on the reclaimed ground below the Wall to the hills beyond the Forth. The line of the Antonine Wall has been confirmed here by excavation in several locations. To the south of the Wall at Inveravon, on the elevated plateau, sit two labour camps and a small third camp, at the west end of the stretch from Bridgeness to the River Avon.

At Inveravon Farm, the Wall drops down the slope to the River Avon. Parts of a military structure of uncertain type and size, but probably part of a fort, have been found here at Inveravon during excavations. It has been suggested that one structure was an expansion (see page 51), but this seems unlikely owing to its low lying location. Box-flue tiles have also been found here indicating the former existence of a bath-house.

On the far side of the River Avon, beside the ski-slope, a broad hollow reflects the ditch enlarged through water action over many centuries: it is the first main visible section of the linear barrier from the east (*Falkirk Council*). To the south of the ditch at this point is a ski-slope. A



golf course straddles the line of the Wall, and then a reservoir. At the far end, a fine stretch of ditch is visible in Polmont Woods (*Falkirk Council*) as it descends the slope to a stream. Nothing is visible in the next two fields. Polmont Church and kirkyard sit on the Wall and then a short length of

The north gate of the fortlet at Kinneil, looking south.-east

MAP REF: V-4, 5, 6 & 7

The ditch in Polmont Woods.





The low plateau on which sits the fort of Mumrills.

ditch is visible between the church and the M9 motorway. The double bend in the line of the Wall here may indicate the position of a fortlet. To the south lie two labour camps (*Falkirk Council*), one, Little Kerse, partially destroyed by the construction of the motorway.

The construction of the motorway removed the remains of the Wall, which were first examined through excavation. To the west of the motorway, the Wall follows the line of the slip road to the motorway. The rampart base and the Military Way have been located in the grounds of a garden centre. In the field at the far end, the rampart base has been located through excavation. The former road, lined by trees, sits in the ditch as it climbs the slope to the fort at Mumrills. This is the largest fort on the Wall and was the base of a cavalry regiment. It has been examined through excavation, but nothing is now visible above ground. The western

MAP REF: V-7, 8 & 9

defences of the fort and the annexe to the west were built over following excavation in 1958–60. To the east of the fort, a small enclosure investigated in 1960, may relate to the building phase of the Wall. Buildings, inscriptions and sculpture indicate the former existence of a civil settlement outside the fort.

At this point, the Wall takes up the position it is to follow for many kilometres. It sits on the southern slope of the Midland Valley of Scotland formed by the River Carron, a tributary of the River Forth, and the River Kelvin, a tributary of the River Clyde. To the north, across the valley, lie the Gargurnock Hills and the Campsie Fells.

In Laurieston, Grahamsdyke Street follows the line of the Wall and the Military Way has been located in several gardens of the houses to the south. Pits have been found on the berm in Laurieston outside a possible fortlet. The A9 road and the



The ditch survives well in Callendar Park, Falkirk.



railway cross the line of the Wall and to the west the Antonine Wall runs through the grounds of Callendar House (*Falkirk Council*). At the east end of the park, pits were found on the berm and also a hearth and other evidence for occupation behind the rampart. A post-hole in the rampart has been taken to indicate the location of a timber tower. Beside the eastern modern road through the rampart, a post-Roman timber hall was located through excavation, sitting in the lea of the Roman rampart. The outer mound becomes now very obvious for the first time, with the ditch to the south. The rampart, however, is nowhere visible. The ditch and outer mound are cut by the former entrance to Callendar House.

At the west end of Callendar Park, the Wall takes a turn to the south-west to negotiate a burn. Beside the burn, now covered over, a hypocausted room, presumably part of a larger building, has been located and excavated (see page 52). A short section of the rampart base covered by earth is on display beside the car park (*Falkirk Council*). The ditch was located behind the Cladhan Hotel during its construction where it appears to have ended in a rounded butt-end. The fort in Falkirk lies in the area known as the Pleasance. It has been located through archaeological investigation though few details are known: most of the surviving evidence is in the form of ditches which define the enclosure. Arnothill and Arnothill Lane take the line of the road to the west. At Bantaskin a 1960s housing



A short length of rampart can be seen beside the car park on Kemper Avenue, Falkirk.

estate overlies the Wall, but the ditch and upcast mound re-appear clearly to the west (*Historic Scotland*). Two roads now cut through the Wall, with the ditch visible in between. Excavation in 1976 in advance of road building revealed the Wall base and culverts through it, the ditch and outer mound.

In the eighteenth century, the canal cut through the Wall and when that was in-filled, the land was partially built over. Two fine stretches of ditch lie to each side of Watling Lodge (*Historic Scotland*). The house of Watling Lodge itself occupies the site of a gate through the Wall, protected by a fortlet (*Falkirk Council*), taking the road north to the outpost forts of Camelon, Ardoch, Strageath and Bertha (see page 56). It was discovered in 1894, excavated then and again in 1972-4. To the east of the house the ditch preserves almost its original

MAP REF: V-9, 10, 11
& 12





The ditch at Watling Lodge retains almost its original profile.

MAP REF: V-12 & 13

profile of 12 m wide by 4.5 m deep, while the outer mound is particularly sharp because of the steep slope to the north. The rampart base is not visible, though it has been located through excavation. Generally, to the east of Watling Lodge the rampart was mostly constructed of clay; to the west it was of turf. One of the camps to the north at Wester Carmuir, Camelon, may have been used by the Wall builders but has been excluded from the nomination as belonging to the wider complex of camps at Camelon/Lochlands. A further construction camp lies to the south of the Wall at Tamfourhill (see page 53).

At Tamfourhill begins one of the best preserved stretches of the Antonine Wall.

The ditch is visible until Bonnybridge; the outer mound to the north for most of the distance, up to 23 m wide; the rampart survives too as an observable feature; while further to the south the Military Way can be followed in some sections (*Falkirk Council, Central Scottish Forest Trust and Historic Scotland*). Only two houses, a couple of roads, a cart track and the disused route of a railway impinge on the remains.

A few metres to the west of Lime Road sits an expansion. Its pair lies just short of the disused railway line. A pit heap, the debris from former clay mining in the vicinity, impinges on the south side of the rampart. At the most northerly point of the Wall, a stream cuts through the monument. To the west, the ditch is usually water-logged; a track occupies the top of the outer mound.

Rough Castle is the best preserved fort on the line of the Antonine Wall (*Historic Scotland*). Visible are the low remains of the rampart of the fort, 6 m wide. Two ditches encircle the fort, except in the northern sector beyond the west gate where an extra ditch was added, and the northern sector beyond the east gate where no ditches were provided. Immediately to the east at this point lay a small enclosure, part of its ditch still visible. It was interpreted by its excavator as a wagon park; more recently it has been proposed as the ditch surrounding a fortlet abandoned when the fort was built. The enclosure sits within an annexe which lies to the east of the fort: it is actually larger than the fort. The annexe had one ditch to the south and three to the east: its





The fort at Rough Castle from the air. The Antonine Wall crosses the photograph diagonally. To its right lies the fort and its annexe. A field system may be seen top right. For a plan of the fort see page 46.

rampart is not visible. Stone and timber buildings have been found in the fort and annexe during excavations. None is now visible, though the Military Way can be seen passing through both fort and annexe. Beyond the north defences of the fort are ten rows of defensive pits, usually called *lilia* (see page 61). Only about one third of the total length of the lines of pits is revealed today. To the south-east of the fort is a field system of at least two phases, visible today as a series of low mounds and shallow ditches. Excavation led to the suggestion of a prehistoric date, but the existence of a metalled path through the field system, running at right-angles to the Military Way, might be thought to support a Roman date.

Rough Castle fort sits above the Rowan Tree Burn. Immediately to the west

of the burn, the Military Way runs across the open ground; beside it sit the footings of a later medieval or early modern house. In this area the rampart is well preserved and stands to its greatest height along the line of the Wall, just short of 2 m. In the ditch and behind the rampart are the faint traces of two more later medieval or modern houses. An expansion lies to the west of the cattle grid: it was excavated in 1957. From here to the end of the section in state care, several shallow pits can be seen to the south of the rampart (see page 43); a further pit was found below the expansion. These are the quarry pits from which the gravel was extracted to construct the Military Way which at this point lies underneath the cart track. Excavation has demonstrated that the stones and gravel of the road sit on a bed of turf. The second

MAP REF: V-13





Rushes mark the line of the ditch at Bonnybridge. Behind stands the quaintly named Elf Hill.

MAP REF: V-13, 14, 15, 16 & 17

The rampart and ditch in Seabegs Wood looking west.



expansion of the pair lies in the grounds of Bonnyside House a few metres beyond the sector in state care.

The access track crosses the Wall, which continues in a westerly direction, the ditch clearly visible, to the north of Elf Hill (*Falkirk Council*). It then runs through housing to pass by the Antonine Primary School, where a medieval motte sits on the outer mound (*Falkirk Council*). A camp lies

some distance to the south at Milnquarter. The line of the Wall through Bonnybridge was investigated on several occasions through the twentieth century. At the west end of the Seabegs area of Bonnybridge, the slope to the north of the former Seabegs Place farm is the southern slope of the ditch. Immediately beyond the stream is a well-preserved stretch of rampart, ditch, outer mound and Military Way (see page 43) in Seabegs Wood (*Historic Scotland*). At the far end of the wood, the ditch bends to the north. This was to link with a fortlet in the next field projecting to the north of the Wall and located in 1977. A camp lies to the south of the Wall at this point.

The ditch is now intermittently visible through the next 2 km. It is visible faintly as it descends the hill but its position is then occupied by the Forth and Clyde Canal. It reappears as the canal moves to the north, but then survives as a shelf behind Allandale Cottages and thereafter a faint hollow. Where the road crosses the Wall at Dundas Cottages, the ditch is better preserved running through the field to the former school (*Historic Scotland*).

Castlecary fort (*Historic Scotland*) sits at the watershed between the Forth and Clyde river basins. It is one of only two forts known to have had stone walls, and was occupied by two thousand-strong cohorts and a legionary detachment, presumably at different times (see page 46). The fort platform is recognisable north of the railway. Some stones of the east fort wall and the headquarters are visible. An annexe lay to the east, but is not visible.





The faint depression of the ditch at Castlecary.



The stand of trees at Tollpark is a notable landmark. They march along the upcast mound to the north of the ditch.

The A80 dual carriageway now intervenes and has destroyed the Wall. A short length of ditch survives on the far side, under the railway arch. A former industrial complex overlies the line of the Wall, but it reappears in fields to the west of the railway. The modern growth of Castlecary village has destroyed, following excavation, most traces of two large temporary camps, possibly used by the builders of the fort. A circular enclosure, possibly a tower, has been identified between the Wall and Military Way at Garnhall. For the next 10 km, the ditch is nearly always visible, the outer mound often, but the rampart rarely. Through the first sector over the former Garnhall Farm (*Historic Scotland/ North Lanarkshire*) only the ditch is visible. Pits have been found on the berm here. Through Tollpark (*Historic Scotland*) the

ditch is exceptionally well preserved with a pronounced outer mound to the north. At one point, a section of rampart base crossed by a culvert is visible. A labour camp lies a little to the south of this point. At the west end of the airport runway, the former farm of Westerwood sits within a fort: only the southern circuit of the ditches of the fort are visible (see page 46). Traces of field boundaries have been recorded to the west of the fort. The ditch and outer mound, a little less well preserved, now run through a golf course, the former being utilised for part of its length by the track. At the far end, a section is in state care (*Historic Scotland*); the ditch here has been widened by water action over the subsequent centuries.

The railway crosses the Wall diagonally, which then runs through the

MAP REF: V-17, 18
& 19





The east expansion on Croy Hill looking west.



The ditch at Bar Hill looking west.

MAP REF: V-20 & 21

grounds of Easter Dullatur farm. Across the following fields, the ditch is visible, but the remains become more prominent to the west of Wester Dullatur farm. To the south, at Dullatur, was formerly a camp of two phases, examined in 1998 before being built over.

The stretch over Croy Hill (*Historic Scotland*) is one of the most evocative along the whole line of the Wall. The outer mound is so prominent that an 18th century visitor thought he was walking along the rampart. The underlying rock is dolerite and the overlying soil is thin. The Roman army strived to complete the ditch to full size, but did not break up the stone to form a regularly shaped outer mound. At the end of the first straight stretch, not even the ditch was completed, the undug rock being left as a sort of causeway across the ditch. A little beyond is the fort at Croy Hill (see page 47). It was once occupied by a hamlet, some walls of which survive; otherwise the fort is marked by a group of trees. A small platform a little beyond the fort was the site of a fortlet examined in

1978. The Military Way passes to the south of the main ridge on which the rampart sits. The ditch, not always dug, diverges from the rampart and runs along the foot of the ridge, which gradually steepens to the north to form a line of crags. Remarkably, here the ditch (and outer mound) was still provided in the trough to the north of the crag. On the rampart above sit two expansions, both visible, and with wide views to the south up Clydesdale.

The Wall is not upstanding as it passes to the north of Croy village, but across the modern road, the signposted track follows its line, with the ditch soon appearing to the north. A double bend in the line of the Wall may indicate the location of a fortlet at Giraln Hill, but excavation has so far failed to locate it. In the woodland of the former Gartshore estate all three elements



are visible, together with the partly filled remains of a trench cut across the frontier in the 1890s, the last such element of the Wall's recent history to be still visible. The outer mound at this point is especially wide as it falls down the slope to the north. The ditch runs up the hill towards the highest point on the line of the Wall, Castle Hill (*Historic Scotland*). On the rocky knoll was a pre-Roman fort, the shelves to the north reflecting the former position of the ramparts and ditches (see page 41). The Roman rampart and ditch curved round to the north, but the latter had not been completed. In one section the top soil had been removed, but nothing more; then not even the ground appears to have been broken. The way the outer mound relates to the ditch suggests either that the spoil had been thrown forward by soldiers working from the east to the west or that the constructions gangs were shaving the edge off Castle Hill and dumping the spoil on the site of the outer mound.

A little to the west of Castle Hill is the fort at Bar Hill (*Historic Scotland*). This is the only fort on the line of the Wall which is detached from the rampart (Carriden is also detached, but lies beyond the east end of the Wall). Excavated in 1902-05, it produced an important collection of artefacts, in particular from the well. This structure is visible within the headquarters building, together with the bath-house in the north-west corner of the fort. The fort platform is clear, with the site of the east gate visible, protected by an additional ditch forming a barrier across the Military Way,



The headquarters building at Bar Hill.



and a drain at the north-east corner. The Wall rampart and ditch pass to the north of the fort: the ditch can be traced down the hill to the village of Twechar.

An artist's impression of the fort at Bar Hill. Drawn by Michael J. Moore.

Through Twechar the line of the Wall is taken by the modern road, to the

MAP REF: V-21, 22 & 23





The eastern ditches of the fort at Auchendavy survive as a faint hollow in the hedge line.

MAP REF: V-23, 24, 25, 26, 27, 28 & 29

north of which the ditch is faintly visible, and then a former mineral line. To the south of the village sits a labour camp (*East Dunbartonshire Council*). Crossing the canal, the Wall roughly follows the line of the modern road, but they nowhere exactly coincide, and nor is the Wall visible. At Shirva, the discovery of five sculpted stones associated with funerals, indicates the location of a cemetery. The road swings though an S-bend to enter the fort of Auchendavy at its east gate. The fort ditches south of this point are visible as a broad, shallow hollow. The road leaves the fort by the site of its west gate. Shortly after this, the road crosses the line of the Wall, which then passes under the canal. To the south of the canal, the Wall runs between the canal and the modern houses (*East Dunbartonshire Council/Historic Scotland*), no longer visible, before entering Kirkintilloch.

The line of the Wall through Kirkintilloch is not certain in various places. It presumably continued westwards on the same alignment as last recorded

at St Flannan's Church until it met the Roman fort, known to have been located in Peel Park in the centre of the town (*East Dunbartonshire Council*). The southern defences of the fort have been recorded in various excavations. At the west end, the Wall took a sharp south-westerly turn, as revealed by excavations in the 1950s. It then presumably turned equally sharply to the west to take up the east-west line plotted by Sir George Macdonald in the 1930s. Much here has been lost in this stretch through sand quarrying.

A stream marks the western boundary of Kirkintilloch, at Adamslee. On the ridge to the south sits a labour camp. The Wall lies at first south of the modern road, the ditch but a shallow hollow, but at Glasgow Bridge, where there was a fortlet, it crosses the road and now lies to its north. Beyond the roundabout, the belt of tall trees marks the Military Way. At the far end of this stretch, gravel quarrying removed the fort at Cadder following excavation in 1929-31.

Another golf course now sits astride





The fort, and farm, at Balmuirdy on the northern edge of Glasgow City from the south.

the Wall: a distance slab is preserved in the club house. At the west end of the golf course the ditch is faintly visible, but then occurs a section destroyed by gravel quarrying in the 1960s. Wilderness Plantation contains several significant features (see page 50 and 52). A fortlet was excavated in 1965/6. To each side are three smaller enclosures revealed by aerial archaeology. One was destroyed before its discovery by the gravel quarry; a second was examined in 1980; the third has not been investigated. The excavation demonstrated that a small area measuring only 5.5 m across was protected by a bank and ditch, being constructed at the same time as the Antonine Wall rampart. Its purpose is not known. The ditch survives as a shelf running across the fields. At a right-angle bend in the road, a pond occupies the ditch.

Balmuirdy fort overlooks the crossing of the River Kelvin. Examined in 1912–14, it was shown to have been built before the rampart, its date being supported by

the discovery of a building inscription of Lollius Urbicus fallen from the north gate (see page 48 and 57). At the north corners of the fort, which had stone walls, were stone wing walls as if waiting to receive a stone Antonine Wall. To the east of the fort lay an annexe. Geophysical survey in 2005 failed to locate a civil settlement beyond the ramparts. Nothing is visible on the ground today. A large labour camp, possibly used by the soldiers building the fort, lies to the north of the Wall and east of the fort.

The Wall turned in a northern direction at the north-west corner of the fort. Roman stones found in the river indicate the former existence of a bridge. From Mumrills to Balmuirdy, the Wall has been following the southern slope of the Midland Valley of Scotland formed by the tributaries of the Rivers Forth and Clyde. At this point, however, the River Kelvin continues in a south-westerly direction while the Wall bears to the north-west, losing its relationship with the strong topographical line to the east. For the next

MAP REF: V-29, 30 & 31



The stone base in New Kilpatrick Cemetery, Bearsden.



MAP REF: V-31, 32 & 33

The ditch at Roman Park, Bearsden.



The rampart base in Roman Park, Bearsden



7 km, as it passes through this drumlin landscape, it tends to move from high point to high point before adopting a straighter line as it approaches the River Clyde and its terminal point. At its second turn north of Balmuilydy, a broad, shallow hollow marks the line of the ditch. At Summerston traces of a fortlet have been found with a camp beside it. The Wall turns again on Crow Hill. A shallow hollow marks the site of the ditch at the east end of Douglas Golf Club.

New Kilpatrick Cemetery (*East Dunbartonshire Council*) retains as visible features two lengths of the stone base of the Antonine Wall rampart. The more easterly is crossed by a culvert. Between this spot and the second section of base the Wall turns sharply on the top of the hill. The second length of base is rather wider than usual, and contains a step down the slope as well as a culvert. West of the cemetery, the ditch and outer mound continues for some distance to the rear of the house gardens, with the rampart at first also surviving. The modern Roman Road appears to lie on top of the Military Way. It continues over the cross-roads, but at the far side Roman Road moves off the Roman line to negotiate the railway. It climbs up the slope to the fort at Bearsden. The platform of the fort may be noted with, at the far end, the road dropping into the hollow formed by the west ditches of the fort. The fort was excavated between 1973 and 1982 (see page 48). The regimental bath-house and latrine were gifted to the state, consolidated following excavation and laid open for public display (*Historic Scotland*).



Roman Road continues the line of the Military Way beyond Bearsden Cross, and the line of the Wall is paralleled by the modern road layout. The rampart base may be observed in the grounds of several houses. In Roman Park, on Iain Road, between Milverton Avenue and Westbourne Crescent, a section of ditch still survives together with a length of rampart base (*East Dunbartonshire Council*). The line of the Wall is also preserved as public open space between the houses at the west end of Bearsden (*East Dunbartonshire Council*).

Castlehill is a prominent land mark, being surmounted by a circle of trees. The fort on this hill is known through aerial survey but has never been excavated (see page 48). It is a most important archaeological resource. From here the Wall takes a more straight line to the terminal fort at Old Kilpatrick. The ditch may be observed on the west side of Castlehill descending the slope and crossing the Peel Glen Road. Beyond Peel Glen the ditch survives as a faint hollow crossing Hutcheson Hill and again beyond the Cleddans Burn. The modern track now picks up the line of the Wall as far as



The line of the Wall has been preserved through the houses at the west end of Bearsden.

Hardgate. A fortlet was located to the west of Cleddans farm in 1980. The houses of the ancient village of Hardgate obscure the line of the Wall at the east side of Duntocher.

The fort at Duntocher sat on the summit of Golden Hill (*West Dunbartonshire Council*). It was excavated between 1948 and 1951, when a complicated sequence was revealed (see page 49). A fortlet, with its own ditch, was replaced by a fort with an annexe before the rampart builders arrived. Today, the only visible feature is a short length of rampart base on the west flank of the hill. A few metres to the west, beside the stream, was the site of the regimental bath-house. Across the burn, the Wall lies under the houses of Duntocher, but its line is soon taken up by Beeches Road and then the track leading west towards Carleith Farm. As the Wall leaves

MAP REF: V-34, 35, 36, 37 & 38



The base of the Antonine Wall rampart on Golden Hill, Duntocher.





Castlehill: aerial view of the fort site.

MAP REF: V-37, 38 & 39

Duntocher into more open countryside, its topographical location can be better appreciated. From immediately in front of the Wall the land rises to the north to the Kilpatrick Hills. In effect, the lie of the land is against the Romans. It is not known why the Wall was brought so far west into this unfavourable position, but it may have been in order to control most of the fording points across the River Clyde: the fords were more important before the dredging of the river in modern times. This location strengthens the view that the Antonine Wall was not erected as a military defensive obstacle: it was not a Maginot Line.

Shortly before the track turns north to Carleith Farm, masonry was found during

excavation in 1980 suggesting the location of a fortlet here, but the shallowness of the topsoil had resulted in the near destruction of the rampart base (*West Dunbartonshire Council*). On the west side of the track, the hollow of the ditch is visible. The Wall passes to the north of Dalnotter Cemetery heading for Mount Pleasant Farm. Here it swings south to the fort at Old Kilpatrick, now mainly buried beneath houses and a former bus garage: only the southern part of the fort is undeveloped (see page 49). The end of the Wall is now obliterated by the canal, but a distance slab was found at this point, probably erected at the very western end of the Antonine Wall (see page 95).



Environmental background

2.a.3 The economic expansion in the region occurred in the later Iron Age, demonstrably before Roman military occupation. This expansion developed from Bronze Age and earlier Iron Age small-scale farms and gathered pace in the last 200–300 years BC, for crop growing as well as pasture, and was continued rather than intensified in the first two centuries AD. It is difficult to see differences in this economic expansion north and south of the Antonine Wall itself, or east and west of the Forth–Clyde isthmus, but it is tentatively suggested that in the foothills of the Southern Uplands the Romans entered a landscape already decaying. Roman influence is perhaps recognisable at some localities in a reduction of cereal production and the expansion of grazed pasture, assumed to represent a restructuring of the native economy to support a new market. It is presumed that imports of foodstuffs continued to be important to Roman forces during the Antonine occupation, although possible reconstructions of the sediments in the



Forth and Clyde estuaries suggest these may not have provided coast lines ideal for harbours, though such harbours are believed to have existed at Inveresk on the Firth of Forth and at an unlocated place on the River Clyde. There is little evidence that this increased pastoral economy imposed stresses on soils or plant communities, and the market seems to have been readily supplied within the agricultural capacity of the landscape. Nevertheless, the native economy was probably artificially buoyed by the Roman presence, and withdrawal eventually led to what is best described as an agricultural recession, not population collapse.

The construction of the Antonine Wall would have required the felling of many trees.

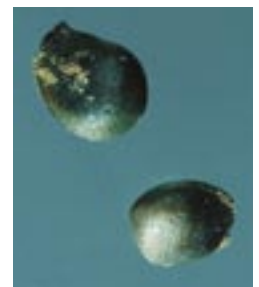


Fig seeds found in the sewage of the latrine at Bearsden: the figs were probably imported from the continent.



The Iron Age fort known as Castlehill stands next to the Roman fort on Bar Hill. It had probably been abandoned many years by the time the Roman army arrived to build their Wall, but it is an important reminder that the land in the vicinity of the Wall had been farmed for centuries before the Romans.

The individual elements of the Antonine Wall

Rampart and ditch

2.a.4 The Antonine Wall was actually a rampart of turf, as stated by the *Historia Augusta, Life of Antoninus Pius* 5, 4. While turf was the most commonly used material in the construction of the rampart, sometimes the turf only formed the cheeks of a rampart of earth while several kilometres at the eastern end were of clay. The rampart was placed on a stone base probably intended to be 15 Roman feet wide (4.4 m). Occasionally the junction between two work gangs can be recognised mainly through the use of different sizes of stones. At various places culverts have been recorded in the base: no regularity can be discerned. It is not known how the top

of the rampart was finished off. In several places excavation has revealed evidence for repair of the rampart. In some instances this occurs beside culverts and suggests damage by water action.

2.a.5 The rampart survives as a mound for about 6 km. Stretches of the stone base are visible in New Kilpatrick Cemetery (each with a culvert), at Iain Road in Bearsden, on Golden Hill, Duntocher, and at Tollpark (also with a culvert) while stone settings for the edge of the rampart may be seen at Kemper Avenue in Falkirk.

2.a.6 In front of the rampart lay a wide and deep ditch. In the central sector it was 12 m wide and up to 3.6 m deep. To the east, however, it was no more than 9 m wide while in the western sector it rarely achieved a width of over 7.5 m. About 22 km of the ditch are still visible.

2.a.7 The material from the ditch was tipped out onto the north side to form a low mound or glacis, usually called the upcast or outer mound. This varies in width depending upon the size of the ditch. Measurements range from 9.5 m to 23 m. Where the ground sloped steeply to the north, the material was generally heaped higher into a sharply pointed mound.

2.a.8 The space between the rampart and the ditch is known as the berm. It was 6 m wide in the central sector but broadened to east and west where the ditch narrowed. This suggests that the main fixed lines were the centre of the ditch and the front edge of the rampart. An important recent discovery has been pits on the berm



Professor Anne Robertson's section through the Antonine Wall at Tentfield Plantation, east of Rough Castle, in 1959 reveals many layers of turf work erected on a stone base. These turves provide valuable information on the nature of the vegetation at the time the Romans started to build the Wall.



A culvert crossing the base of the Antonine Wall in New Kilpatrick Cemetery, Bearsden.



Pits found on the berm immediately in front of the Antonine Wall rampart, in Falkirk.



in certain locations. These were arranged in rows, up to four in number, and staggered so as to help cause confusion to an attacker. They may have held stakes or other such obstacles.

2.a.9 About one-third of the linear barrier is visible; about one third lies in open countryside but is not visible above ground, though its existence has frequently been tested through excavation; about one-third lies in urban areas, though again its survival has been tested through excavation in many areas. Only about 2 km of the total length of the Antonine Wall have been totally destroyed, though to this sum should be added minor cuttings for roads and railways.

Military Way

2.a.10 The final linear feature was the road, usually known as the Military Way, running along the whole length of the Wall. It was normally about 5.5 m wide and placed about 50 m south of the rampart. It rarely survives as a visible feature, but two stretches are preserved. One runs through Tentfield Plantation as far as the western side of the Rowan Tree Burn at Rough Castle; the other lies in Seabegs Wood. At the former site there are remarkable features: the quarry pits from which the gravel was extracted to build the road. A quarry pit was found, on excavation, to underlie the adjacent expansion indicating that the Military Way was constructed

early in the building programme. In several places the line of the Military Way is utilised by modern tracks or roads, such as at Bearsden where the modern Roman Road lies on the Military Way.

A stream has cut a section through the Antonine Wall at Rough Castle. From right to left are the rampart, berm, ditch and broad upcast mound.



The Military Way in Seabegs Wood.



The quarry pits from which gravel was extracted to construct the Military Way are still visible at Rough Castle.

Forts

2.a.11 Seventeen forts are known along the line of the Antonine Wall of which 16 survive and are included in the proposed World Heritage Site. The forts relate to the Wall in different ways. Some were built before the rampart; others at the same time. A further group are clearly later than the rampart. There appears to have been an original plan to construct six forts, known

as primary forts, about 13 km apart: these were the forts built before or at the same time as the rampart. Later, other, secondary, forts were added to the frontier reducing the average distance between the forts to 3.6 km. The decision to add these forts appears to have been taken before the completion of the building of the rampart as one secondary fort had been built before the rampart was brought up to its corners.

	size in hectares		size in acres		distance between forts
	external	internal	external	internal	
Carriden	c.1.76	c.1.6	c.4.4	c.4.0	
					8 km/5 miles
Inveravon	?	?	?	?	
					3.2 km/2 miles
Mumrills	2.9	2.6	7.3	6.5	
					3.2 km/2 miles
Falkirk	?	?	?	?	
					4 km/2½ miles
Rough Castle	0.6	0.4	1.5	1.0	
					5.6 km/3½ miles
Castlecary	1.56	1.4	3.9	3.5	
					3.2 km/2 miles
Westerwood	0.96	0.8	2.4	2.0	
					2.8 km/1¾ miles
Croy Hill	0.8	0.6	2.0	1.5	
					2.8 km/1¾ miles
<i>Bar Hill</i>	1.4	1.28	3.5	3.2	
					3.2 km/2 miles
<i>Auchendavy</i>	1.2	1.09	3.0	2.7	
					2.8 km/1¾ miles
Kirkintilloch	c.1.55	c.1.4	c.3.9	c.3.5	
					4 km/2¾ miles
Cadder	1.3	1.1	3.35	2.8	
					3.5 km/2¼ miles
Balmuilty	1.72	1.6	4.34	4.0	
					4.2 km/3¾ miles
Bearsden	1.2	0.95	2.8	2.4	
					2.3 km/1½ miles
Castlehill	c.1.41	c.1.28	c.3.5	c.3.2	
					3.2 km/2 miles
Duntocher	0.26	0.2	0.66	0.5	
					3.5 km/2¼ miles
Old Kilpatrick	1.88	1.7	4.7	4.2	

The forts on the Antonine Wall (primary forts in bold; Bar Hill and Auchendavy are in both ***bold*** and ***italics*** as it is not known which of the two is the primary fort)

2.a.12 The forts generally had stone principal buildings (headquarters, commander's house and granaries) with timber barrack-blocks and store-houses. Otherwise they are noted for the diversity of their defensive arrangements and internal planning. The number of ditches varied from two to four; at some sites extra elements were provided at a gate or other weak point. Two forts had stone walls, the others turf ramparts.

2.a.13 Beside several forts, and attached to them, were defended enclosures known as annexes. Some are larger than the fort to which they were attached. These often contained the regimental bath-house. Little is known of the other buildings in the annexe.

2.a.14 The basic information about the forts is as follows:

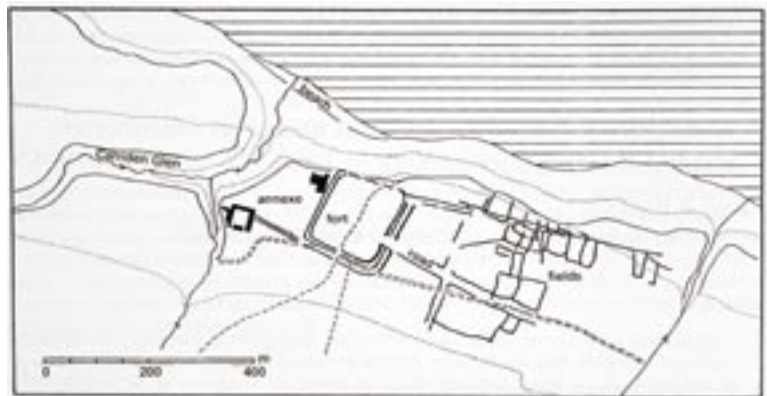
🌀 **Carriden** The fort was discovered through aerial photography in 1945, with subsequent limited excavation, though a building inscription was recorded at the site in the early eighteenth century. An annexe lay to the west. An inscription found in 1956 records the name of the site: *Velunia*. Its find spot lies within a field system to the east of the fort. Nothing is visible above ground.

🌀 **Inveravon** Limited excavation on 2 occasions in 1967 and 1991 has demonstrated the existence of military remains here, one element interpreted as an expansion, and a second possibly an annexe to a fort, but little can be said about the nature of the site. Nothing is visible above ground.

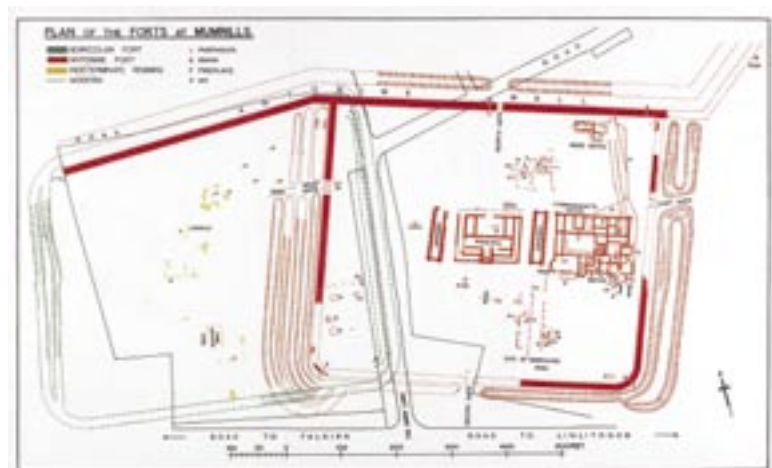
🌀 **Mumrills** The largest fort on the Wall, it was partially excavated in 1923-8. The annexe to the west and the western defences of the fort were built over in the 1950s and 1960s following excavation, but the rest of the fort still lies in open countryside though no surface traces remain. The unit in residence was a cavalry regiment.



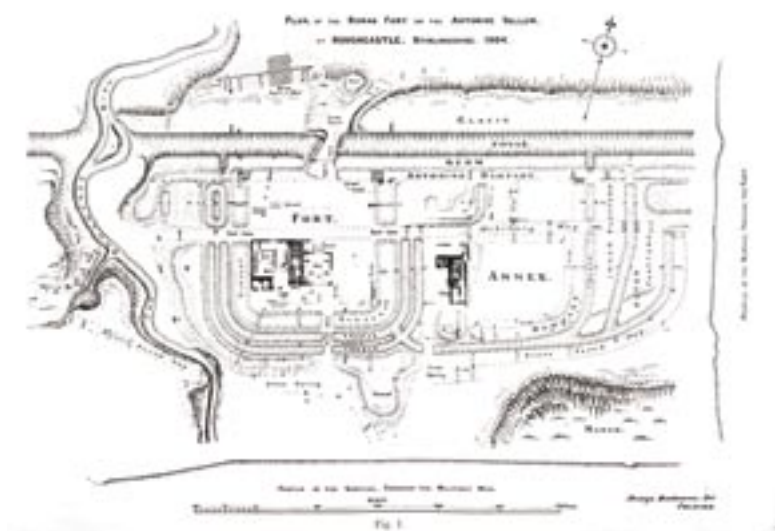
Artist's impression of the fort and annexe at Bearsden looking north-west. The bath-house is the main building in the annexe.



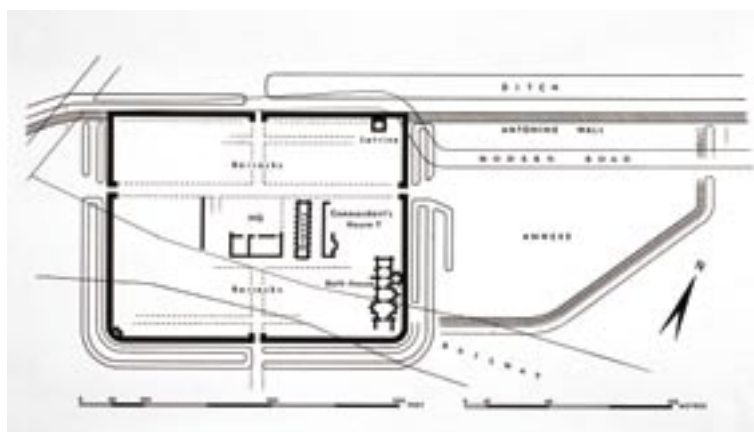
The fort, annexe and field system at Carriden.



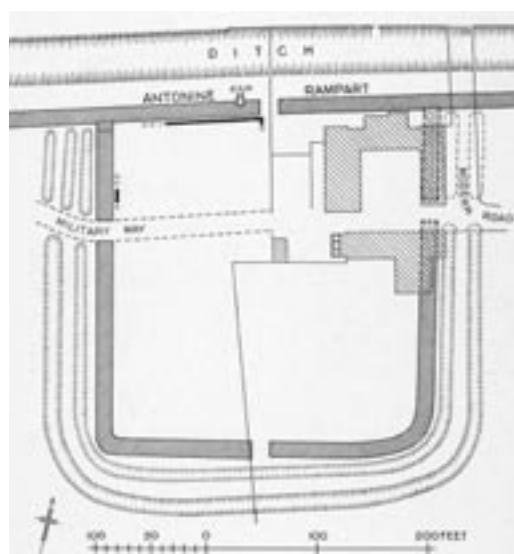
Plan of the 1923-8 excavations of the fort at Mumrills.



Plan of the 1903 excavations of the fort at Rough Castle.



Plan of Castlecary fort and annexe.



Plan of the fort at Westerwood.

❧ **Falkirk** The defences of the fort were located in the Pleasance area of Falkirk between 1989 and 2000. The fort is mostly built over and not visible.

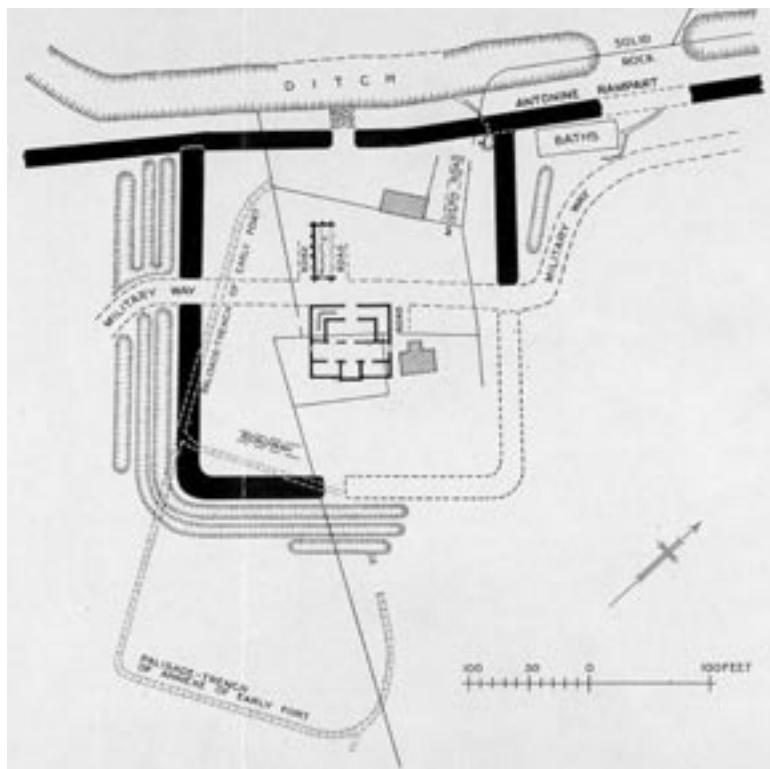
❧ **Rough Castle** This fort has been the site of 4 series of excavations, in 1902–33, 1920, 1932–3 and 1957–61. These demonstrated that the fort was secondary, an addition to the original series. It contained a headquarters building, commander’s house, granary and barrack-blocks, all within a small area. Part of an inscription found in the well in 1903 demonstrated for the first time within the Roman empire that the correct name of the headquarters building was *principia* not *praetorium* as had hitherto been supposed. (see page 68). The regimental bath-house lay in the annexe to the east. The site is unusual on the Antonine Wall in that the whole circuit of the defences of the fort and the annexe are visible; a small enclosure within the annexe may be the remains of an earlier fortlet. Defensive pits, generally known as *lilia*, are uniquely visible beyond the north gate.

❧ **Castlecary** One of only two forts to be protected by stone walls, this fort was examined in 1902, the internal bath-house having been planned in 1769. An annexe lay to the east. Both fort and annexe are today bisected by the Edinburgh–Glasgow railway. The fort is unusual in having attested at it two thousand–strong auxiliary units as well as a legionary detachment: this may relate to its strategic position on the watershed between the Forth and Clyde river basins. The low mound of the east wall of the fort together with some stones of the same wall and parts of the headquarters building are visible.

❧ **Westerwood** The defences of the fort were examined in 1932, the internal bath-house located in 1987 and the civilian settlement to the west partially investigated in 1986–8. The buildings of the former farm of Westerwood still stand within the fort. The southern half of the circuit of the defences is faintly visible.

🌀 **Croy Hill** Excavated in 1920, 1931 and 1935, when an earlier enclosure was found below the fort. The site was formerly occupied by a hamlet. No trace of the fort is visible today.

🌀 **Bar Hill** Uniquely, the fort is detached from the Wall. It occupies the summit of the hill while the Antonine Wall rampart and ditch pass lower down the slope to the north. The fort was extensively examined in 1902-5. The well yielded a remarkable collection of artefacts, including inscriptions and columns. Parts of the timber barrack-blocks were examined. The platform of the fort is clear, with an extra length of ditch guarding the east gate. The drain at the north-east corner of the fort is visible, as are the headquarters building and the bath-house; both were re-excavated prior to consolidation in 1978-82. The ditch of an earlier enclosure can still be traced within the fort.

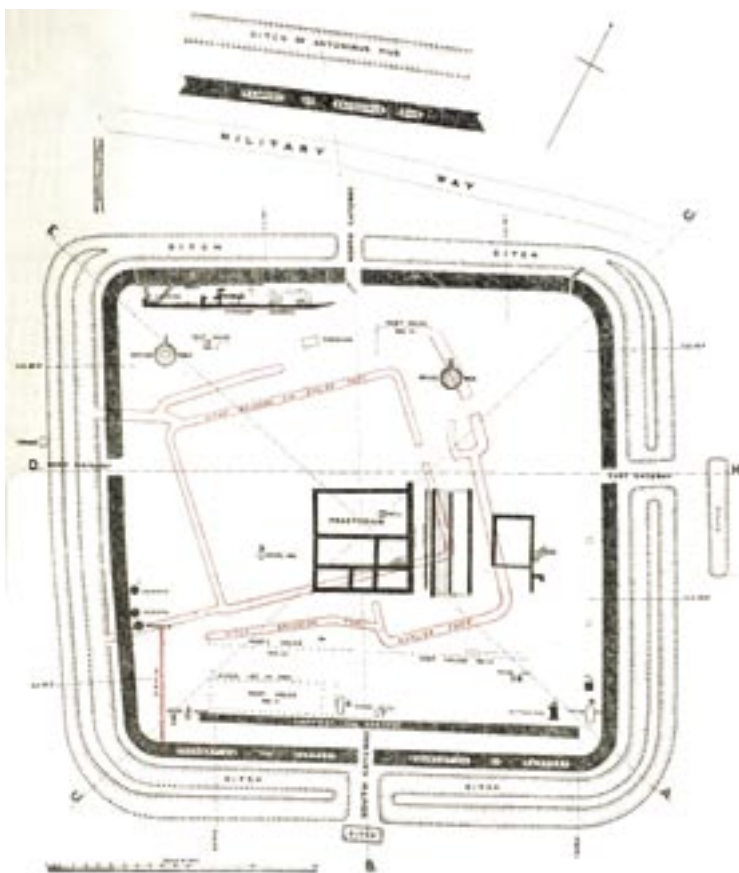


Plan of the fort at Croy Hill.

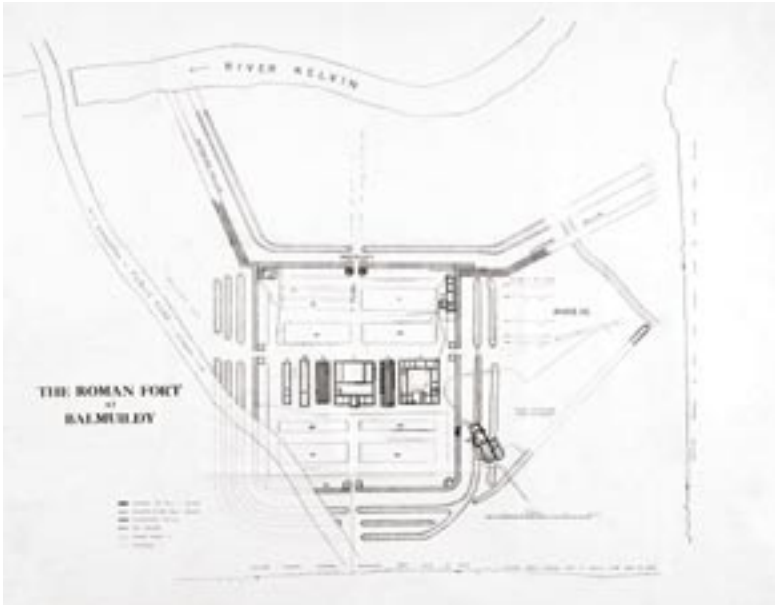
🌀 **Auchendavy** A farm and its steading, now converted to housing, occupy the centre of this fort. The Forth-Clyde canal was constructed in 1771 close to the southern defences, and led to the discovery of a remarkable group of altars dedicated by M. Cocceius Firmus (see page 64). The fort has not been excavated, but its outline partially revealed through aerial and geophysical survey. The eastern defences are visible; the modern road passes through the fort on the line of the Military Way.

🌀 **Kirkintilloch** The nucleus of the fort lies within Peel Park. Here, timber buildings were recorded in the 1950s, while the southern defences were located in the 1980s-90s. Nothing is visible above ground.

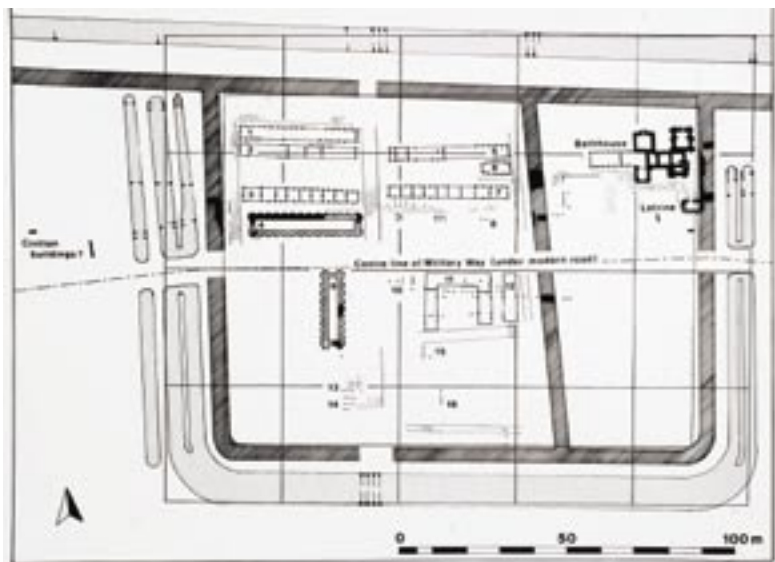
🌀 **Cadder** The fort was excavated in 1929-31 prior to its destruction during gravel extraction (for plan see page 68).



Plan of the 1902-5 excavations of the fort at Bar Hill.



Plan of the 1912-4 excavations of the fort at Balmuildy.



Plan of the 1973-83 excavations of the fort at Bearsden overlain with a grid showing that, in spite of the apparently haphazard placing of the buildings, the fort was constructed within a framework based on the actus, 120 Roman feet long.



Plan of the fort at Castlehill, based on aerial photographs.

✿ **Balmuildy** Excavation between 1912 and 1914 led to the elucidation of almost the complete plan of the fort. The fort was protected by stone walls, with short wing-walls at the northern corners as if the original intention was to build the Antonine Wall in stone. This was not impossible and it is noteworthy that this was one of the first forts to have been constructed along the line of the frontier. To the east lay an annexe, confirmed by geophysical survey in 2005. Nothing is visible above ground.

✿ **Bearsden** Much of the fort was excavated between 1973 and 1982. Within the fort only the two granaries were of stone, all the other buildings were of timber. Uniquely, no headquarters building appears to have been built. The bath-house and latrine lay in the annexe to the east. Both buildings have been consolidated and laid open for display, together with a fragment of the east rampart of the annexe. An artist's impression of the fort and annexe appears on page 45.

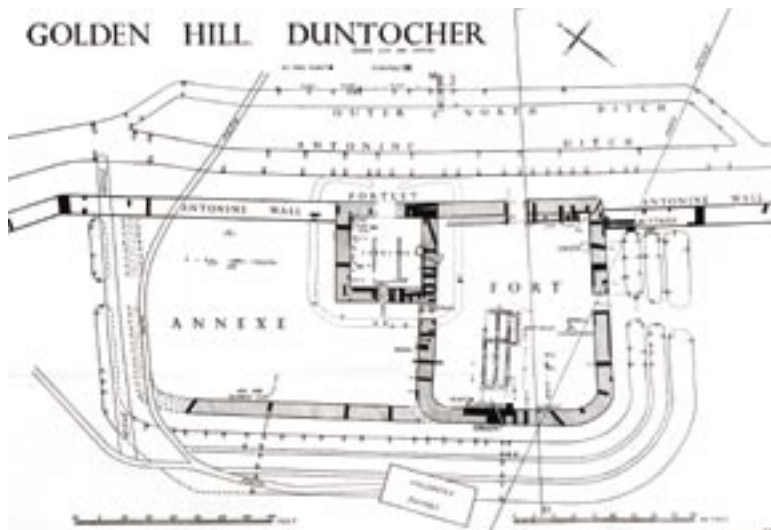
✿ **Castlehill** The fort occupies a prominent hill surmounted by a circle of trees. Its location was revealed through aerial survey. The site has never been excavated. Nothing is visible above ground.



Inscriptions such as this provide information about the regiments based in the Wall forts, in this case the Fourth Cohort of Gauls stationed at Castlehill.

🌀 **Duntocher** Excavations in 1949-51 revealed a tiny fort, with an annexe to the west, containing an earlier fortlet. Nothing is visible above ground.

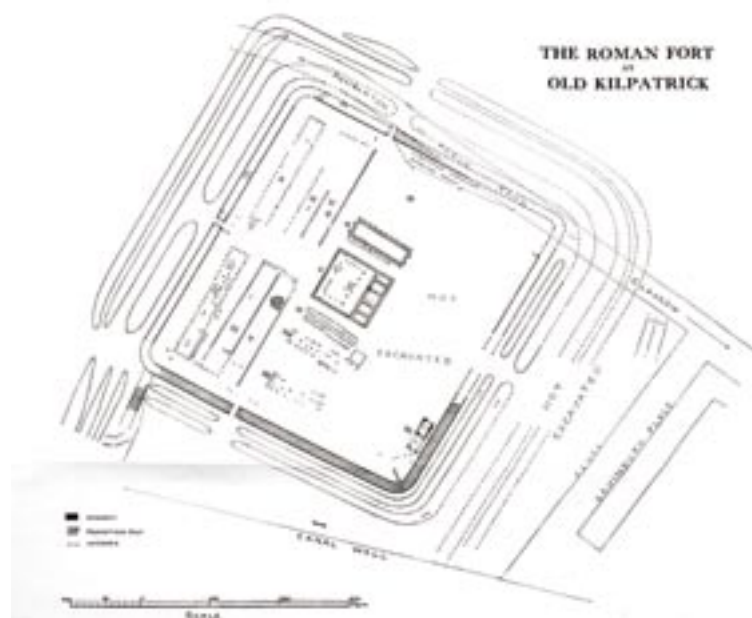
🌀 **Old Kilpatrick** This lies at the west end of the Antonine Wall. Most of the site of the fort is occupied by a former bus depot and housing. It was investigated in 1923-4, 1931 and in the 1990s. Nothing is now visible. A coin of the Emperor Lucilla dating to 164-9 was found in one of the fort's granaries: it is the latest coin discovered within a fort on the Wall.



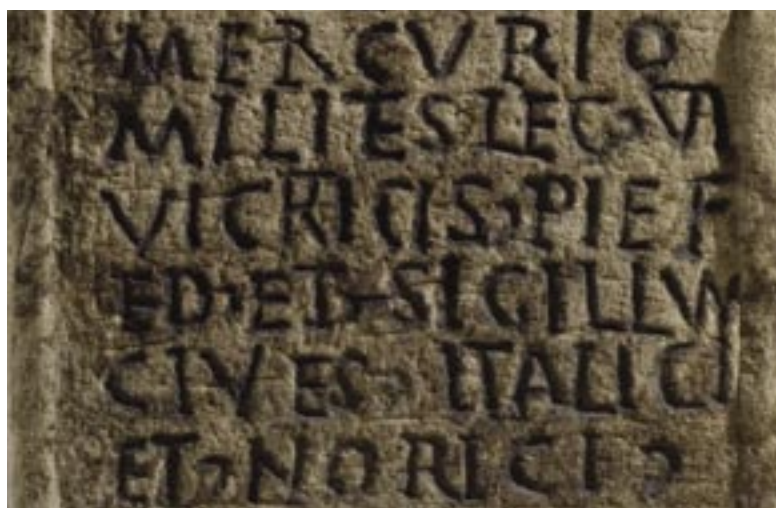
Plan of the 1948-51 excavations of the fort and fortlet at Duntocher.

2.a.15 Inscriptions have provided evidence about the regiments based in these forts.

Mumrills	First Cavalry Regiment of Tungrians and Second Cohort of Thracians
Rough Castle	Sixth Cohort of Nervians
Castlecary	First Cohort of Tungrians, First Cohort of Vardullians and soldiers of legions II and VI
Westerwood	soldiers of legion VI
Croy Hill	soldiers of legion VI
Bar Hill	First Cohort of Baetasians and First Cohort of Hamians
Auchendavy	soldiers of legion II
Balmuildy	plan suggests a 480-strong cohort
Bearsden	barracks suggest the presence of cavalry
Castlehill	Fourth Cohort of Gauls
Old Kilpatrick	First Cohort of Baetasians



Plan of the 1923-4 excavations of the fort at Old Kilpatrick.

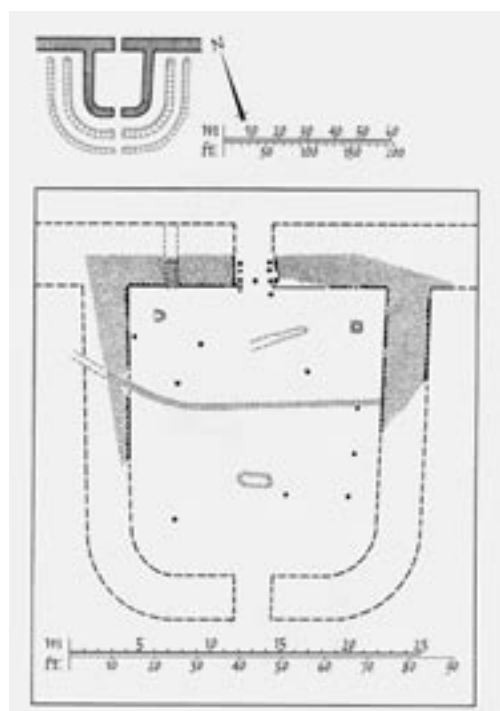


An altar to Mercury erected at Castlecary by soldiers of the Sixth Legion.

Fortlets

2.a.16 Nine fortlets are known along the line of the Antonine Wall and there are hints at the location of five more. They measure 18–21 m internally, being protected by a rampart and, with one exception, either one or two ditches. The fortlets were either built before the rampart or were contemporary with it. The investigation of some sites has demonstrated the existence of internal timber buildings. In certain instances the buildings appear to have been subsequently demolished and gravel laid over the internal area of the fortlet. No clear evidence for a causeway over the Wall ditch in front of the north gates of the fortlets has been found, though it is possible that these were removed when the use of the fortlet was changed.

The fortlet at Kinneil from the air.



The fortlet at Wilderness Plantation excavated in 1965.

🌀 **Kinneil** Located in 1978 as a result of field walking, it was excavated in 1980 and laid out for display. It is contemporary with the Antonine Wall rampart and has one ditch. In its second phase, the north gate appears to have gone out of use. Visible are the ramparts and posts representing the north and south gates and the two internal buildings.

🌀 **Watling Lodge** Excavation prior to the building of a villa in 1894 led to the discovery of a fortlet here, protecting the road leading north through the Wall. Further excavation in 1972–4 established the size and the existence of a single ditch. Nothing is visible above ground.

🌀 **Seabegs** Limited excavation in 1977 identified this fortlet, contemporary with the rampart, and with two ditches. Two periods of use were recorded. Nothing is visible above the ground beyond the prominent location of the fortlet.

🌀 **Croy Hill** Identified through excavation in 1977, it is of one build with the Wall and is protected by a single ditch. Nothing is visible above ground other than the knoll on which the fortlet sits.

🌀 **Glasgow Bridge** Discovered from the air in 1951. Nothing is visible above ground.

🌀 **Wilderness Plantation** Excavation in 1965–6 demonstrated that this fortlet was contemporary with the Wall, protected by two ditches and internally had two phases. Nothing is visible above ground.

🌀 **Summerston** Revealed by aerial photography in 1961 and subsequently confirmed through excavation when the south ditch was located. Nothing is visible above ground.

🌀 **Cleddans** Located through excavation in 1980, this fortlet was built earlier than the rampart. No ditch was found. Nothing is visible above ground.

🌀 **Duntocher** Excavation in 1949 led to the discovery of this fortlet on the summit of Golden Hill, Duntocher. It was built before the adjacent fort and the Antonine Wall rampart. It was surrounded by a ditch with a single entrance to the north and contained at least one timber building. Nothing is visible above ground.

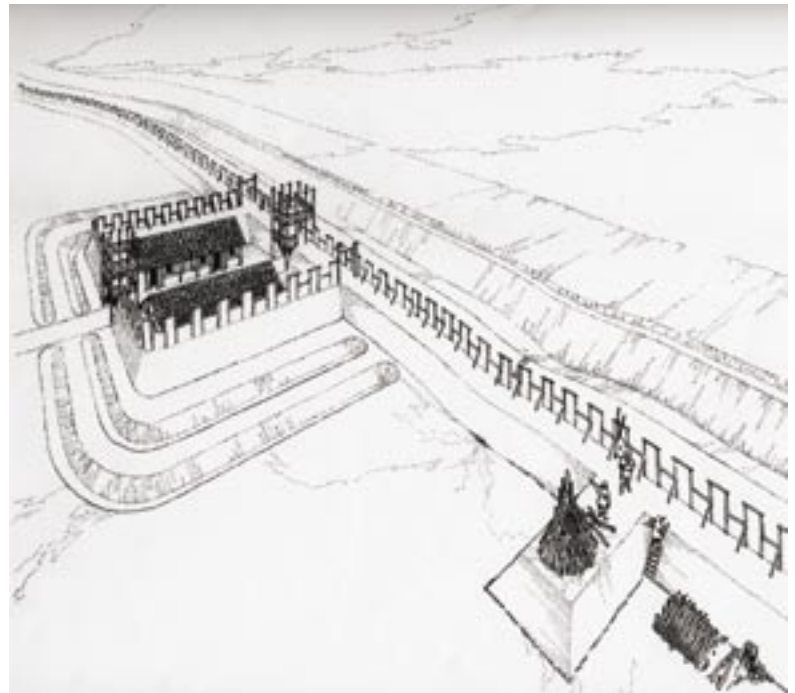
Other potential fortlet sites have been identified including an appropriately sized enclosure within the annexe attached to the fort at Rough Castle (see page 46), a platform west of the fort at Castlehill (see page 48), a dog-leg in the line of the Wall at Giral Hill, Croy, a drain and other features at Laurieston, and the possible remains of a fortlet rampart at Carleith, Duntocher.

Expansions

2.a.17 Six expansions have been discovered along the line of the Wall and a seventh claimed. The six were all located in the 1890s. They are so-called because they consist of a southern extension of the rampart. The term is usefully retained because their purpose is not clear. The six expansions always occur in pairs: one pair on each side of the fort at Rough Castle and one pair on the western slope of Croy Hill (see page 34). It has been suggested that their purpose related to signalling, the easterly two pairs facing the outpost forts to the north, the western pair looking south to the fort at Bothwellhaugh in Clydesdale. An alternative explanation, that they were artillery platforms, is difficult to sustain as auxiliary units do not appear to have been issued with catapults at this time. The seventh possible expansion sits in an entirely different location by the River Avon at Inveravon. Only one side was discovered and other explanations for its use are possible.

🌀 **Tentfield East** Not excavated. Visible as a mound measuring 10 by 5.5 m and 1 m high.

🌀 **Tentfield West** Not excavated. Visible as a mound measuring 5.5 m square.



🌀 **Bonnyside East** Excavated in 1957. The turfwork rested on a stone base 5.2 m square constructed separately from and secondary to the rampart. Above the base, the turfwork of the rampart and the expansion were constructed at the same time. Burnt wood and turves and fragments of two pots were found at the site, suggesting use as a beacon platform. Below the stone base was a quarry pit, valuable evidence that the construction of the Military Way came early in the building sequence. The expansion is visible as a mound standing nearly 1 m high.

🌀 **Bonnyside West** Not excavated. Visible as a mound 9 by 6.5 m standing nearly 1.5 m high.

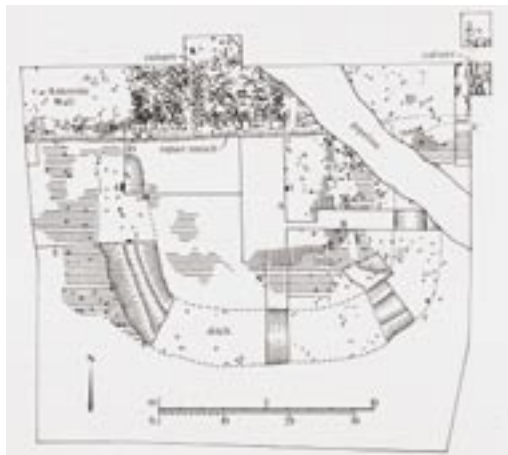
🌀 **Croy Hill East** Excavated in the 1890s. The turfwork rested on a stone base 5.5 m across. The expansion was judged to be secondary, but erected soon after the rampart. Visible as a prominent mound 1.7 m high.

🌀 **Croy Hill West** Excavated in the 1890s. It measured 15.4 by 12.3 m, with the turfwork resting on the bedrock. It was secondary, but erected soon after the rampart. Visible as a prominent mound.

An artist's impression of a fortlet and expansion on the Antonine Wall. Drawn by Michael J. Moore.

Small enclosures

2.a.18 Only three of these are known, all discovered through aerial archaeology, in the vicinity of Wilderness Plantation. The distances between the three enclosures and the adjacent fortlet are about 260 m, 285 m and 295 m. These spaces are rather less than one-sixth of a Roman mile, but the variation was too great to confirm an intention for such a spacing. One enclosure has been excavated. It was contemporary with the rampart and found to consist of a single ditch surrounding a slight turf rampart and enclosing an area about 5.5 m square. No entrance was found and no structure within the enclosure, so its purpose remains a mystery. No small enclosure is visible above the ground.



Plan of the 1980 excavation of a small enclosure at Wilderness Plantation.

Other structures

2.a.19 Several other structures have been recorded immediately to the south of the Antonine Wall rampart. These include: a hearth with associated pottery and burnt bones at the east end of Callendar Park, Falkirk; a building with a hypocausted room at the west end of Callendar Park; a

A room with a hypocaust excavated in Callendar Park, Falkirk in 1980.



platform attached to the rear of the Wall at Tollpark and nearby a circular tower. Although Roman stones have been found in the River Kelvin at Balmuilty, the nature of the bridge there is not known and no evidence exists for the way in which the Wall was carried across streams and rivers.

Camps

2.a.20 All the 20 camps along the Antonine Wall have been found through aerial survey and photography. None is visible on the ground today. The majority range in size from 2 to 2.5 ha and appear to relate to the construction of the frontier. At each end of the eastern $4\frac{2}{3}$ Roman miles of the Wall are two such camps. The four camps between them could have held a complete legion, depending on whether supplies were retained within the camps. At the eastern end of the next length to the west are also two camps. It would appear that the soldiers in these two sectors worked from each end towards the middle as they built the Wall, but how they divided the work between them is not known: perhaps there was a rampart gang and a ditch gang. Two of the larger camps lie beside the forts of Castlecary and Balmuilty and may have held the builders of these installations. These larger camps may have been early in the building sequence for the Wall with one, Balmuilty, lying to the north of the linear barrier. The ditch of one of the camps at Castlecary butted up against the rear of the rampart.

🌀 **Muirhouse** covers 2.19 ha.

🌀 **Kinglass Park.** Size unknown. These two camps lie at the east end of the sector built by the Second Legion.

🌀 **Inveravon.** Two camps of similar size (2.94 and 3.33 ha) sit on the bluff overlooking the River Avon. There is also a small camp of 0.41 ha here. These camps lie at the west end of the sector built by the Second Legion.

🌀 **Little Kerse** covers 2.28 ha. Antonine pottery was found during excavation in the ditch of its annexe.



🌀 **Polmonthill** covers at least 3.3 ha and possessed an annexe.

These two camps lie at the east end of a legionary sector.

🌀 **Tamfourhill** covers 2.7 ha.

🌀 **Milnquarter** covers 2.27 ha.

🌀 **Dalnair** is a few metres to the west of Seabegs: its size is not known but may have been about 2.2 ha.

🌀 **Garnhall**. There are two camps here, though the size of only one is known at 4.53 ha. One of the camps has now been largely built over. The soldiers based here may have been employed building the fort at Castlecary.

🌀 **Tollpark** covered 2.5 ha. It has been partially built over.

🌀 **Dullatur** There are two camps here, the smaller (2.18 ha) lying within the larger (4.3 ha). Antonine pottery was found in the ditch of the larger camp during excavation. It has now been built over.

🌀 **Bar Hill** sits beside the fort: its size is not known.

🌀 **Twechar**. Size unknown.

🌀 **East Cadder** or Adamslee is situated to the west of Kirkintilloch: it covers 1.51 ha.

🌀 **Balmuildy** lies north of the Wall. It covers 4.72 ha and may have two annexes. The soldiers based here may have been employed in building the fort at Balmuildy.

🌀 **Summerston** lies beside a fortlet. It possibly covers 2.3 ha.

The labour camp at Tamfourhill from the air.

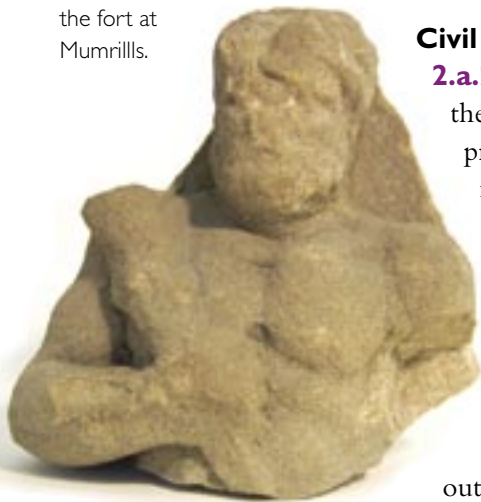
The distribution of known labour camps and distance slabs.



Other temporary enclosures

2.a.21 Excavation has revealed a small enclosure beneath each of the forts at Croy Hill and Bar Hill (see page 47); both appear to have been of a temporary nature (both are in the care of Historic Scotland). They are smaller than normal temporary camps, containing a mere 0.4 ha and 0.2 ha respectively, each with an annexe to the side. A road was noted within the enclosure on Croy Hill and foundations for a building at Bar Hill. An even smaller enclosure lay beside the fort at Mumrills. The ditch of the enclosure on Bar Hill can still be traced around the headquarters building.

This figure of Hercules indicates the presence of a shrine outside the fort at Mumrills.



Civil settlements

2.a.22 Although earlier visitors to the Antonine Wall recorded the presence of buildings outside the forts, modern excavation has failed to reveal much evidence of civil settlements.

Field systems of possible Roman date have also been recorded through aerial photography outside the fort at **Carriden** (see page 45).

At **Mumrills** a line of post-holes, partly overlain by clay and cobble pads 11.6 m long and perhaps intended to support buildings, was found to the east of the fort in 1937. Smaller post-holes, pits, a kiln and a hearth and a gully have also been recorded, together with an altar to the Mother Goddesses. Other post-holes located in the enclosure to the east of the fort in 1958–60 may also relate to the civil settlement.

At **Rough Castle** a field system is still visible as a series of low banks to the south-east of the annexe. Two main periods can be recognised. A metalled path passes through the field system heading for the Military Way. Although a prehistoric date has been postulated for the field system based on limited excavation, a Roman date is perhaps preferable owing to the existence of the metalled path. A road has been recorded leading south from the fort and an altar was found some 2–300 m south of the fort.

A road led south from **Castlecary** for at least 300 m though no buildings have been recorded beside it.



Analysis of pottery found on the Antonine Wall has demonstrated that some was made locally



The field system outside Rough Castle fort, which lies centre top.

At **Westerwood** gullies were recorded west of the fort and south of the Military Way in 1987, together with post-holes, but no pattern was discernible.

On **Croy Hill** ditches, perhaps field boundaries, were recorded in areas excavated in 1975–8 to the south-west and to the east of the fort. Pottery and artefacts were also recovered, but no buildings, though a pottery kiln and a burial were located.

At **Bar Hill** an altar was found east of the fort and may indicate the location of the civil settlement.

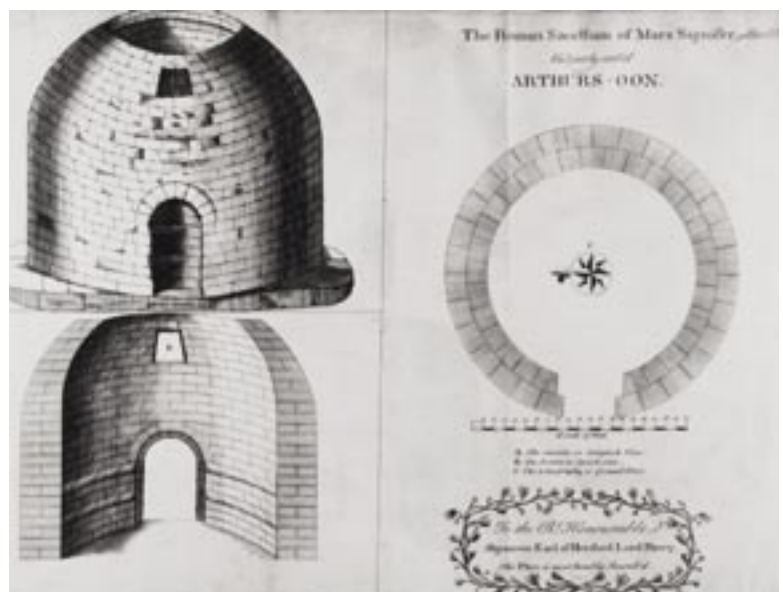
At **Bearsden** a single length of clay and cobble foundation with a pivot hole was recorded west of the fort.

Other Roman structures

2.a.23 The Antonine Wall sits in a wider Roman landscape. Immediately to the

north of the Wall at Watling Lodge lie two Roman forts at Camelon dating to the first and second centuries. Beside them lie several temporary camps. A short distance to the north-east, there stood until 1743 a domed structure, Arthur's O'on, believed to be a Roman temple; it may have been

A drawing of the temple considered to have been a monument to the Roman victory erected a little to the north of the Antonine Wall: it was demolished in 1743.



Roman forts and fortlets in Scotland believed to be contemporary with the Antonine Wall.



erected to celebrate the victory over the barbarians and the construction of the Antonine Wall. Further north, “outpost” forts are known at Ardoch, Strageath and Bertha. To the west of the Antonine Wall, on the high ground overlooking the southern shore of the Clyde Estuary are two fortlets, while two forts protected the southern shore of the Firth of Forth at Inveresk and Cramond. Further south, “hinterland” forts provided accommodation for troops supporting those in the front line. These forts all date to the second century AD. In addition, first century forts are known in the vicinity of the Antonine Wall, some believed to relate to the governorship of Gnaeus Julius Agricola, when Tacitus recorded him placing garrisons on the Forth–Clyde isthmus, while others, perhaps a little later in date, lie along the Gask Ridge in Perthshire. None of these sites has normally been considered part of the Antonine Wall and accordingly all are excluded from this proposed World Heritage Site.



The fort at Kirkintilloch is depicted on the town's coat-of-arms.

Non-Roman structures

2.a.24 Next to the fort at Bar Hill stands a rocky knoll surmounted by a pre-Roman

hill fort (see page 41). The ramparts and ditches of this fort survive as a series of shelves on the northern slopes of the hill. It is probable that this fort was long abandoned by the time the Roman army arrived. Its location and intractable nature forced the Roman army to swing the Wall round the northern flank of the hill (see page 35).

2.a.25 Five medieval mottes are known to have lain on the Antonine Wall. Those at Seabegs, Bonnybridge and in Kirkintilloch are still visible; that at Watling Lodge was destroyed by the construction of the house of that name in 1894 while Cadder (or Cawder) motte was destroyed by quarrying together with the Roman fort. A small medieval castle sat at Inveravon above the River Avon, part of which is still visible. Immediately behind the rampart in Callendar Park, an early medieval timber hall was located through excavation in 1989-90. At Rough Castle, the low footings of three groups of late medieval or early modern houses are visible. Other medieval structures, in particular ecclesiastical in nature, survive in some of the towns along the line of the Wall.

2. b History and Development

2.b.1 The Antonine Wall was only occupied for a generation, from initial construction work which probably started in 142 until the 160s: the decision to abandon the Wall may have been taken as early as 158, the date of an inscription recording re-building on Hadrian's Wall. This short life enhances the importance of the Antonine Wall for it is possible to see clearly the state of a Roman frontier at a particular point in time, and through that frontier understand the development of other frontiers more fully. Most frontiers were occupied for many years – Hadrian's Wall for nearly 300 years, the German *Limes* for one hundred – and it is not easy to isolate the different phases of their history and development. The short life of the Antonine Wall is especially important as it was the most developed of all Roman frontiers.

The short life of the Antonine Wall has a further importance as a dating tool. Artefacts and pottery found in the structures along the frontier had a limited period of use and are invaluable for helping date other forts and indeed civil settlements. The artefacts do not only offer a dated horizon, but so also do the ecofacts from the Wall. They provide a time line for the vegetational history of Scotland of great value to archaeologists working in prehistory and the early medieval period.

The occupation of the Antonine Wall might have been brief, but it was not uneventful. Within that short time-



Pottery found at the fort of Bearsden illustrates the long supply lines which kept the soldiers based there fed and watered.

span, there was much activity on the frontier, including at least two major changes in plan.

The original plan was for a rampart of turf or clay, sitting behind a broad and deep ditch, with the material from the ditch tipped out onto the north side to form an outer mound. The construction of the Wall was assigned to soldiers of the three legions of Britain, who commemorated their work by the erection of distance slabs. Analysis of the measurements on these stones suggests that the central sector from Seabegs to Castlehill was constructed first, probably with the 23.5 km long eastern sector next, and the western 6.5 km last. The distribution of labour camps indicates that the legions building the two eastern sectors divided their soldiers into four gangs, two gangs working inwards from each end of their stretch.

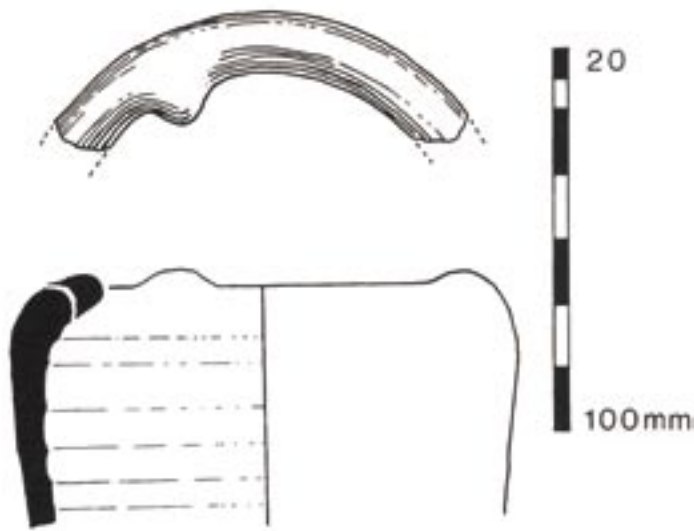
Forts were placed at about 13 km intervals, connected by a road, with fortlets at about 1.8 km intervals between. The expansions/beacon platforms and the small enclosures also date to this



Inscription recording the construction of the fort at Balmuildy under the governor Quintus Lollius Urbicus, probably in 142.

The Antonine Wall was built by legionaries such as this soldier. Drawn by Peter Connolly.





Part of a cooking brazier of the type used in Africa found at Bearsden.

phase. The work of erecting the primary forts started at about the same time as the construction of the rampart. An inscription demonstrates that Balmuildy was erected before the governor Lollius Urbicus left Britain, probably in 142.

It is probable that not all the rampart was constructed before it was decided to add more forts to the Wall. The spacing between the forts was reduced to about 3.5 km. It was probably at this time that the internal arrangements in some, possibly all, fortlets were changed, with the internal buildings being demolished and the area covered

by cobbles or gravel. Subsequently, and still before the whole of the Antonine Wall rampart had been built, it was decided to provide annexes at some, possibly all, forts. There is some evidence that this stage of

the building programme was not completed until after about 155.

The original plan for the Antonine Wall has been seen as a modified version of Hadrian's Wall with forts and fortlets at about the same density. The changes – the additional forts and then the construction of annexes – brought the final version of the frontier to a very different state. A frontier with forts closer together than any other frontier, provided, belatedly, with defended annexes not seen in this form on any other frontier.

The slowness in constructing the Wall may have had several reasons. Firstly, the move north and the building of the Antonine Wall appears to have overstretched the resources of the Roman army in Britain: this can be seen in the use of legionaries to man some of the forts on the Wall, which is unusual. Secondly, while work was in progress, legionaries and auxiliaries were dispatched to Germany for service in the army there. It is also possible that troops from Britain took part in the North African Mauretanian War of the late 140s. Certainly the appearance of small braziers and other evidence for African cooking styles on the Antonine Wall are best explained as imports by troops returning from north Africa.

A lost building inscription of 158 refers to the rebuilding of Hadrian's Wall and is a likely date for the decision to re-commission that frontier and abandon the Antonine Wall. However, a worn coin of the Empress Lucilla and dating to 164-9 found in a granary of the fort at Old Kilpatrick indicates that the process of withdrawal may have been protracted, probably because of the considerable building work required on Hadrian's Wall to bring it back into commission.

There are later coins from the Antonine Wall and an altar recording the erection of a shrine which ought to date to 180-90, so it is possible that some sort of military presence was retained at certain sites even after the abandonment of the Antonine Wall as a frontier.



Coin of 154/5 showing Britannia on the reverse.



Samian pottery found on the Antonine Wall. These vessels were manufactured in Gaul.



Events in northern Britain relating to the Antonine Wall and its abandonment

- 138 accession of the Emperor Antoninus Pius
- 139 rebuilding at Corbridge on Dere Street by Hadrian's Wall
- 142 victory celebrated; Balmuilty built? Lollius Urbicus leaves Britain?
- 143 Wall from Castlehill to Seabegs built with primary forts, fortlets, expansions, small enclosures and Military Way
- 144 Wall from Seabegs to Bo'ness built with primary forts, fortlets, expansions and Military Way
- 144/5 building of secondary forts began; fortlets amended, annexes started to be added to forts? Wall from Castlehill to Old Kilpatrick built
- 145–50 some troops sent to fight in Mauretania, in north Africa? Building work on Wall slowed or even ceased
- 147-2153/57 detachment of Second Cohort of Tungrians in Raetia (modern south Germany) and possibly earlier in the reign in Noricum (modern Austria)
- 151? troops return to Britain from north Africa?
- 151+ work recommences on the Antonine Wall
- 154–55 coin issued showing *Britannia* and indicating a victory in Britain
- about 155+ annexes added (or continued to be added) to forts; Bearsden divided into fort and annexe; Duntocher fort built; Wall from Castlehill to Old Kilpatrick built (if not earlier)
- about 158 legionaries sent from Britain to Germany
- 158 rebuilding on Hadrian's Wall and at Birrens
- 161 “war was threatening in Britain”
- 163 rebuilding at Corbridge
- about 163 samian pottery indicates date of the abandonment of the Antonine Wall
- 164–9 date of coin of the Empress Lucilla found in the granary at Old Kilpatrick
- ?180–90 date of inscription recording the erection of a shrine at Castlecary

The Reason for the Building of the Antonine Wall

2.b.2 The decision to abandon Hadrian's Wall and advance into southern Scotland and build a new Wall was remarkable. No ancient writer offers a reason and so we are left to our own imagination to determine the cause of this action.

Warfare on the northern frontier has been offered as a reason for the move north. Certainly the Greek travel writer Pausanias mentions, in a garbled passage, trouble on the northern frontier of Britain during the reign of Antoninus Pius. However, it might be expected that the army could deal with this without going to the extent of abandoning the recently completed Hadrian's Wall and moving the whole frontier north. The Roman army was a mobile and highly effective fighting force, used to victory in the field – certainly against a native enemy.

A more subtle suggestion is that Hadrian's Wall was a tactical success, but a strategic failure. In other words, while it worked as a frontier, it was built in the wrong place. The main enemy of the Romans in north Britain were the people or peoples known as the Caledones. They are recorded as being a doughty opponent of Rome from the 70s onwards. The troubled state of the northern frontier, particularly in the second century, led to a large army being retained in the province and senior and experienced generals being sent to govern the province. Yet

Most of the soldiers based in the forts on the Antonine Wall were drawn from the second-grade provincial troops, the *auxilia*. Drawn by Peter Connolly.



the Caledones lived nearly 200 km north of Hadrian's Wall. On the basis of this argument, the frontier was moved north to be in closer proximity to an enemy which continued to annoy Rome.

An altogether different theory, based on politics in Rome itself, argues that the Emperor Antoninus Pius had a small war in Britain in order to offer a sop to Trajan's generals who had been rendered inactive through Hadrian's peaceful frontier policies. The new emperor, with no military experience, indulged in a short war in order to placate these powerful men.

A development of this suggestion is that the war in Britain was simply to provide the new emperor with a military victory. While it may be too simple to describe the Roman empire as a military dictatorship, certainly the holding of power depended on the support of the army. Antoninus Pius, chosen by Hadrian to be his successor only 5 months before his death, had never served in the army, indeed had only been out of Italy once, so far as we know. A victory would allow him to be acclaimed *Imperator*, Conqueror, and

strengthen his position: as Suetonius said about Claudius exactly one hundred years before, "the emperor required a triumph".

The acclamation of Antoninus Pius as *Imperator* in 142 was the only time that he was to take such a title during his reign in spite of warfare on other borders, and also the movement of the frontier forward in Germany. This points to the special nature of the British adventure. This may be underlined by the unusual nature of the distance slabs which had been found on the Antonine Wall and are not replicated on any other Roman frontier (see pages 91, 92, 93, 95 and 97). They not only record details of its construction – date, builder, length of rampart constructed – but visually depict the Roman victory. The enemy are shown slaughtered, captive, in a state of submission; the Romans are shown sacrificing to their gods, fighting, victorious, supported by their gods. The sculptures were surely erected to mark not just the victory of Roman arms, but the victory of the army of the Emperor Antoninus Pius, whose name is prominently displayed on every stone.



The goddess Victory places a laurel wreath in the beak of the legion's eagle, watched by a captured enemy.



The Function of the Antonine Wall

2.b.3 Two functions were associated with the Antonine Wall: frontier control and military defence. The linear barrier served to enforce the former purpose. Here the regulations governing entry to the empire were enforced: that travellers could only enter at designated points, unarmed and travel under military escort to specified markets or meeting places. The purpose of the soldiers in the forts on, in front of and behind the Wall, was military defence.

The location of the Wall demonstrates that the linear barrier was not primarily related to military defence. At Kinneil it lay some distance behind the forward edge of the slope. On Croy Hill a sweep of land was left to the north, with a sharp northern slope beyond, which hindered Roman control of movement and in particular could give shelter to would-be attackers. At the west end of the Wall, the land rose up to the Kilpatrick Hills from immediately in front of the Wall so that the lie of the land operated against the Romans. The discovery of additional obstacles in the form of pits on the berm does not affect the situation. Their purpose was to hinder illicit movement and direct travellers to the official points of entry and exit.

The position at the forts was, however, different. These were heavily defended, with more ditches than usual and extra defences in the form of the *lilia* at Rough Castle. It is as if the fort commanders knew that the Wall itself was not defensive and therefore took measures to protect their own men and forts.



The Antonine Wall running across Croy Hill looking east. A "nose" of land, with a sharp northern drop, was left to the north of the Wall (left in this photograph), though it would have been easy to swing the Wall round to encompass it.

The pits, known as *lilia*, to the north of the fort at Rough Castle.

The Later History of the Antonine Wall

2.b.4 The first certain reference to the Antonine Wall after the end of Roman Britain was by the Venerable Bede. Writing at the twin monastery of Jarrow/Wearmouth in about 730, he stated that in the fifth century a Roman army returned to Britain to deal with an invasion of the Picts and Scots and advised the Britons to build a Wall for protection. “The islanders built this wall as they had been instructed, but having no engineers capable of so great an undertaking, they built it of turf and not stone, so that it was of small value. However, they built it for many miles between the two estuaries, hoping that where the sea provided no protection, they might use the rampart to preserve their borders from hostile attack. Clear traces of this wide and lofty earthwork can be seen to this day. It begins about two miles west of the monastery of Aebbercurnig [Abercorn] at a place which the Picts called Peanfahel and the English Penneltun, and runs westward to the vicinity of the city of Alcluith [Dumbarton].”

It is doubtful if Bede ever saw the Antonine Wall – the furthest north he is known to have travelled is Lindisfarne – but his testimony that it survived to his day is valuable. Indeed, the Wall survived

for another 800 years and was visible to Timothy Pont who included it on his map of Scotland in the sixteenth century. In 1755 William Roy could still map it from end to end, observe the Military Way and prepare plans of ten forts. Roy had such a good eye for the ground that his surmise at the location of the Wall even when nothing was visible was usually correct. The eastern end of the Wall had already been lost to knowledge, but Roy assumed that it ended at Carriden.

To that date damage had been piecemeal. The forts certainly provided a useful source of building stone, but elsewhere the Wall was utilised in different ways. An underground passage (souterrain) using Roman stones was built within the ditch at Shirva: it may have been used for storage by the occupants of an adjacent farm. In the Middle Ages those concerned with defence erected castle mounds on the Wall, at Inveravon, Watling Lodge, Seabegs, Kirkintilloch and Cadder: those at Seabegs and Kirkintilloch still survive.

The Agricultural Revolution and the Industrial Revolution both affected the Antonine Wall. The late eighteenth century witnessed serious damage to the Roman earthworks in the face of improved methods of ploughing, and this continued well into the twentieth century.



William Roy surveyed the Antonine Wall in 1755. His map of the Wall was accompanied by plans of the forts and sections across the frontier. This section illustrates the central sector.

In the later nineteenth century, central Scotland became the scene of considerable industrial activity. One of the two forts at Camelon immediately north of the Wall succumbed to a series of iron furnaces; other furnaces were built at Bonnybridge. One reason for this activity was that the area was found to be rich in the kind of clay required to make the bricks for the furnaces. Mining extended under and around the Wall and resulted in subsidence which can still be seen at Rough Castle. Brickworks were required: one was built on the Wall to the west of Castlecary in 1886. Water was important in several industrial processes. In 1743 the possible Roman temple of Arthur's O'on was demolished to provide stone for the mill dam of the Carron ironworks, while a small reservoir was created within the ditch between Westerwood and Dullatur.

Industrial workers required housing and the small towns and villages along the Wall recorded by Roy grew accordingly. By 1910, Bo'ness had still not expanded onto the ridge to the south along which the Wall ran. Laurieston remained a village while the growth of Falkirk was restricted to the east by the policies of Callendar House and to the west by those of Bantaskin House, both estates containing the visible remains of the ditch. Bonnybridge lay wholly north of the

Wall, but Twechar sat astride the frontier and the long history of Kirkintilloch had led to much damage. Bearsden, clustering round the railway station, was already threatening the Wall, and Duntocher likewise, while Old Kilpatrick had rendered the western end of the Wall invisible even to Roy.

Building continued apace. New housing of the 1960s in particular, filled most of the area between the forts of Bearsden and Castlehill, though the line of the Wall towards the west was left open. High rise towers were built around the Wall in Callendar Park. The expansion of Cumbernauld has brought it close to the Wall. And today's workers require places for leisure. Three golf courses and a ski slope lie on or beside the Wall. Death, too, affects the Wall, with cemeteries at various locations along its course.

Buildings require stone, roads need an even harder stone. Thus, geology is another potent force amongst the agents of destruction. Until the twentieth century, quarries were relatively small. A small quarry lay towards the west end of Bo'ness, two small sand pits are recorded on the Wall at Adamslee to the west of Kirkintilloch. In the 1930s the fort at Cadder was lost to gravel quarrying and in the 1960s part of the Wall at Wilderness Plantation. A road-

The ancient estate of Callendar House ensured the survival of the Antonine Wall in the centre of Falkirk.





The east and west coasts of Scotland were linked by a canal in the eighteenth century. The canal followed a similar line to the Antonine Wall.



This stained glass window adorned the former Town Hall of Kirkintilloch throughout most of the nineteenth century.

stone quarry lies south of the Wall at Croy Hill.

Following its abandonment, the Antonine Wall was utilised for roads and tracks. Grahamsdyke Road and Dean Road in Bo'ness, Grahamsdyke Street in Laurieston, Arnohill Lane in Falkirk and other modern roads still perpetuate the line of the Wall. The frontier was also constructed along a line of strategic importance for communications within Central Scotland. As Scotland expanded, better communication was required: the line of the Wall was often chosen. From 1768 to 1790, the Forth–Clyde Canal was cut across the isthmus. Its excavation immediately south of the fort at Auchendavy led to the discovery of several Roman altars. The canal was followed by the railway in the nineteenth century and motorways and other major roads in the twentieth century.

Although the line of the Antonine Wall was known at this time, and its importance understood, there was also an appreciation that it was difficult – and perhaps wrong – to stop the march of progress. Excavation of the remains were normally seen as a substitute for preservation. Yet, at times there were protests, not least when Arthur's O'on was demolished in 1743; Sir John Clerk of Penicuik erected a replica over the entrance to his stables at Penicuik House.



RIGHT: An altar found at Auchendavy during construction of the canal.



The existence of the Antonine Wall is still commemorated in road names.

Public knowledge of and interest in the Romans grew too. The frieze in the Scottish National Portrait Gallery, created in the 1880s, included a depiction of several Romans, including the Emperor Antoninus Pius. A stained glass window of a Roman soldier adorned Kirkintilloch Town Hall throughout most of the twentieth century, while the town's coat-of-arms depicts the gate of the Roman fort. Bars along the line of the Wall commemorated its former existence, and street names perpetuated its memory. Grahamsdyke Road was supplemented by Roman Road, Antonine Road and Antonine Court.

The name of the Antonine Wall

2.b.5 Sometime in the Middle Ages, the Antonine Wall acquired a new name. John of Fordun, writing in the fourteenth century stated that it was called 'Grymysdyke' because it had been destroyed by Gryme, grandfather of King Eugenius, himself a mythical figure.

George Buchanan, traducer of Mary Queen of Scots and tutor to the young James VI, offered another story. Graeme was a leader of the Picts and Scots who broke down the Wall from the south so that his countrymen could invade the Roman province. The name survives today in Grahamsdyke Road and Grahamsdyke Lane in Bo'ness and Grahamsdyke Street in Laurieston. Its origin is probably more prosaic than either of our stories. It has been suggested that it derives from the Gaelic word *grym* meaning strong.

If the name Grim's Dyke has survived down to the present century, the Antonine Wall has had many different names in the meantime. To George Buchanan writing in the sixteenth century it was the *vallum Severi*, the Wall of Severus. The discovery of an inscription of Lollius Urbicus at Balmuildy in 1699 confirmed that the earthworks across the Forth–Clyde isthmus were the remains of the Wall known to have been built by the Emperor Antoninus Pius in Britain. John Horsley correctly ascribed its construction to the Emperor Antoninus Pius in his *Britannia Romana* published in 1732, but called it the Roman Wall in Scotland. William Roy in his *The Military Antiquities of the Romans in Britain*, published in 1793, offered as many as three names. On the title page appears 'The Wall of Antoninus Pius commonly called Grime's Dyke', both names being used inside. However, the heading of Chapter 4 is 'The Roman Wall in Scotland called Grime's Dyke'. Sometimes the two frontiers, the Antonine Wall and Hadrian's Wall, were differentiated as 'the barrier of the upper isthmus' and 'the barrier of the lower isthmus'. The Caledonian Wall was also occasionally used to distinguish the Antonine Wall from Hadrian's Wall, misleadingly termed the Picts Wall from the sixteenth through to the nineteenth century. Robert Stuart in his *Caledonia Romana*, published in 1852, called it the Wall of Antoninus Pius. This was amended to the Wall of Antonine in the Antonine Wall report published in 1899, but the name on the book's cover was *The Antonine Wall*. The Society of Antiquaries of Scotland preferred the name the Antonine *vallum* in the reports on its excavations at Castlecary and Rough Castle and Sir George Macdonald entitled his magisterial survey, first published in 1911, *The Roman Wall in Scotland*, although he generally called it the Antonine Wall in the papers recording his work along its line in the *Proceedings of the Society of Antiquaries of Scotland*. This is the name by which the frontier is now known.

Evidence for the History of the Antonine Wall

Literary documents and inscriptions

2.b.6 Knowledge of both internal and foreign affairs during the reign of Antoninus Pius is poor simply because of the paucity of the literary evidence. His *Life*, written 200 years later, is relatively brief, especially on foreign and frontiers policy and is excessively laudatory. Reading the few pages today, it appears that the emperor was a paragon of virtue: kindly, learned, moderate, thrifty, generous, merciful, dignified, private in his habits yet well-known.... Perhaps he was, but it would be helpful to have corroborative evidence. It is especially unfortunate that this section of Cassius Dio's *History of Rome* is lost. The few references to Antoninus in the letters of the courtier Cornelius Fronto and the *Meditations* of Marcus Aurelius, his nephew and son-in-law, are hardly unbiased sources. The literary references relating to the Antonine Wall and the earlier reconquest of Scotland consist of the statements that Lollius Urbicus conquered Britain and built a new wall, of turf, and that the emperor directed the war from his palace in Rome. Two military diplomas (bronze tablets stating the privileges given to specified soldiers on their retirement), were issued on 1 August 142 and record that by that date Antoninus had been acclaimed *Imperator* for the second time. A coin issue of 142/3 demonstrates that this was for the victory in Britain. Perhaps the campaigning was restricted to 140 and 141.

Inscriptions from the British frontier provide further information about the activities of Lollius Urbicus. Two stones at Corbridge on Dere Street record building activity under the governor, one dating to 139. He is also recorded on two inscriptions at the fort of Balmuildy on the Antonine Wall, and one at High Rochester, also on Dere Street.

The events of the governorship are therefore clear. Urbicus was already in Britain in 139, the summer after the accession of Antoninus, and had started his preparations for the re-conquest of



The Roman Bar in Camelon, Falkirk, is a tangible link to the past.



A road network connected the frontier to the province to the south. This milestone was found at Ingliston on the western outskirts of Edinburgh.

Matthew Paris' map



An inscription at Corbridge on Dere Street records work at the fort preparatory to the invasion of Scotland.

southern Scotland by re-modelling the base at Corbridge, a fort on one of the arterial roads to the north. Victory had been achieved by 142 and before the governor left, probably the same year, a start had been made on the construction of the Antonine Wall and its attendant forts. We are fortunate in possessing nearly 20 building inscriptions from the Antonine Wall which



specifically include the name of Antoninus.

The *Ravenna Cosmography* lists the forts along the Antonine Wall: *Velunia, Volitanio, Pexa, Begesse, Colanica, Medionemeton, Subdoiadon, Litana, Cibra* and *Credigone*.

Only one site has been identified, *Velunia*, which the chance discovery of an inscription has demonstrated is Carriden at the east end of the Wall. We can presume, therefore, that the forts are listed from east to west.

The Antonine Wall

2.b.7 A major source of knowledge about the Antonine Wall is of course the structure itself. The Antonine Wall was marked on Matthew Paris' thirteenth century map of Britain, and its location delineated on Timothy Pont's sixteenth century map of Scotland. It was about the same time that historians started to write about the Wall. Some visited the remains themselves. The most important of these was William Roy. A Scot, born in Carlisle in Lanarkshire, Roy was sent to survey Scotland in the aftermath of the 1745/6 Jacobite Uprising. His interest in the Romans led him to survey the Antonine Wall in 1755 (see pages 62 and 100). This was eventually published, posthumously, in his *The Military Antiquities of the Romans in Britain* (1793). His map remained the best record of the Wall until the first Ordnance Survey maps were published in the 1860s and it is still a most valuable source of information.

Since then, the Antonine Wall has been the subject of several mapping exercises by the Ordnance Survey, the latest in 1980, and today such records are managed by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) which adds new information as it becomes available.

It is not the monument itself which is the only repository of information. Chance discoveries as well as artefacts from excavations are housed in museums in Scotland. Undoubtedly the most significant chance finds are those great items of sculpture, the distance slabs. Most found



their way into the University of Glasgow and are now displayed in the Hunterian Museum. Their very magnificence has been a source of wonder and an inspiration to study the Wall (see pages 60, 91, 92, 93, 95 and 97).

Archaeology

2.b.8 The era of modern excavation started on the Antonine Wall in the 1890s, as in much of Europe. The Glasgow Archaeological Society set out to discover if the Antonine Wall really was of turf and they succeeded, probably beyond their wildest expectations. At the same time, the Society of Antiquaries of Scotland commenced a campaign of excavations on Roman military sites, examining Castlecary in 1902 and Rough Castle in 1903. The Glasgow Society continued in the west with Bar Hill from 1902 to 1905, Balmuildy ten years later and Old Kilpatrick and Cadder between the two World Wars.

Most of these sites were excavated in order to learn more about the Antonine Wall, but others were examined as a result of development pressure arising from the location of the Antonine Wall within the industrial heartland of Scotland. Old Kilpatrick was investigated in advance of the construction of houses while gravel

quarrying was the impetus for work at Cadder.

1911 marked a significant year in the study of the Antonine Wall for it saw the publication of George Macdonald's *The Roman Wall in Scotland*. Here, in a monumental work, he brought together all the evidence for the Wall, the testimony of antiquarians and earlier visitors, the physical evidence of the remains themselves and the results of excavations and other studies of the frontier. It has only been surpassed by his own second edition published in 1934.

To prepare for both editions – and as a result of the thoughts arising from publishing them – Sir George, as he became – carried out excavations all along the Wall aimed at determining its location: this work is still one of the main bases of our mapping of the Antonine Wall. Macdonald also investigated several forts. These included Old Kilpatrick and Rough Castle where he was not content with the conclusions reached by earlier excavators, and Mumrills in advance of the construction of houses, most of which, as it happens, were not built.

Development pressures continued to be a major catalyst for excavation. The fort at Duntocher was examined in 1948–51, but was not built over in view of the importance of the remains, the annexe at

A section of Timothy Pont's map of the Antonine Wall.

Mumrills shortly after, and the fort and annexe at Bearsden in 1973-82. The Wall was also clipped by roads and pipe-trenches. All are excavated archaeologically with resulting information about the structure and building history of the Wall.

New methods of research have proved to be of major benefit to Wall studies. Aerial photography shortly after the Second World War led to the discovery of a new type of structure on the Wall: the fortlet. Although one had been discovered at Watling Lodge in 1894, it was thought to be unique having the specific function of protecting the gate through which the road passed leading north. The new fortlets changed that perception. A suggestion by John Gillam in 1975 that the few known sites were part of a larger plan led to the location of several more.

Aerial survey and photography also led to the discovery of even smaller enclosures on the line of the Wall. "Expansions" – literally small expansions to the rear of the Wall – had long been known and interpreted as beacon-platforms. The new discoveries were entirely different. They are small protected areas attached to

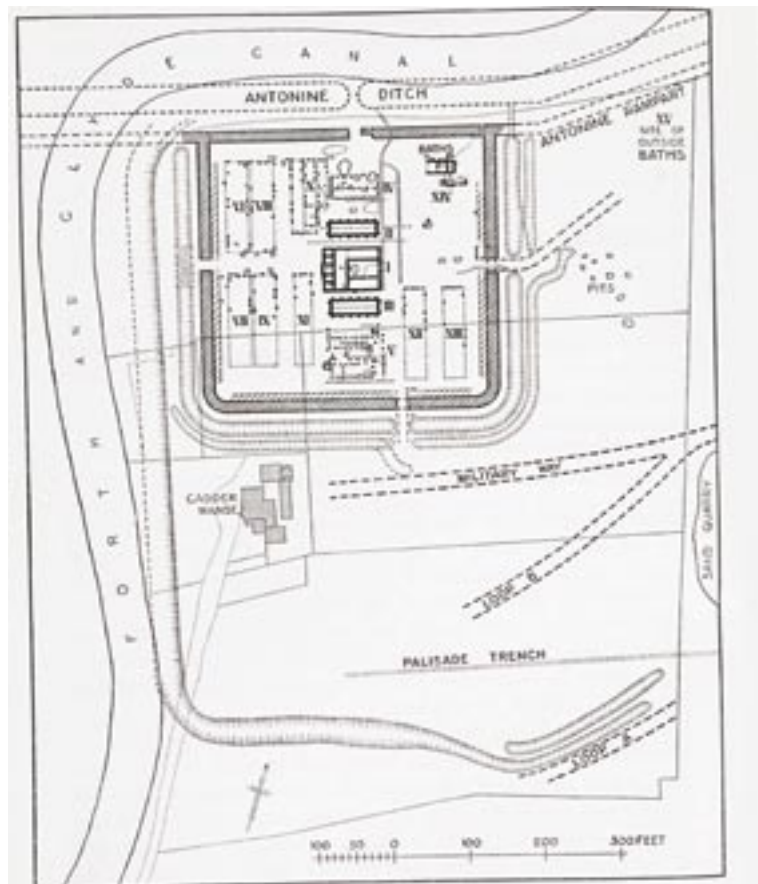
the rear of the Wall. Only one has been excavated to date and it obstinately refused to reveal its function.

The third type of site to have been discovered on the Wall through aerial survey and archaeology is the temporary camp. Many temporary camps are now known along the line of the Antonine Wall, all located as a result of aerial photography over the last 60 years, and none visible today. The fact that we appear to be able to relate the camps to the construction of the Wall, especially when combined with the evidence of the Distance Slabs and the differences in the structure of the Wall itself, is a unique element of the Antonine Wall.

The application of various new scientific tools has also helped us understand the Antonine Wall better. Natural sciences, such as botany, enable us to understand the vegetation history of the area, and the diet of the soldiers as well as adding another dimension to our appreciation of the supply logistics of the frontier army. Geophysical and magnetometer survey helps locate the Wall and its structures.



This inscription found at Rough Castle in 1903 recorded for the first time the Roman name of the headquarters building: *principia*.



Plan of the 1929-31 excavation of the fort at Cadder.



Archaeological research has continued. The promulgation of a new theory about the building of the Wall in 1975 brought archaeologists into the field to test it through application of the spade, and in that they were successful. Perseverance has finally led to the location of the long-lost fort in Falkirk. Sometimes wholly new and unexpected discoveries are made. One of these has been the location of pits on the berm, the space between the rampart and the ditch (see page 42). These indicate that the Wall was more complex than hitherto understood and they help us understand its function better.

The artefacts – sculpture, coins, weapons, brooches, pottery, and so on

– recovered during excavations have long been studied. The earliest reports from the 1890s contain accounts of these items. The pottery from the Antonine Wall has a particular interest as it is dated to such a short period, the relatively brief life of the Wall. However, pottery can provide other insights as well. It can, for example, inform us about supply too and about the cooking methods of the soldiers and it has thus been realised that some vessels indicate that cooking was undertaken in an African style, with important implications for several different aspects of the occupation of the Antonine Wall (see page 58).

A section across the Antonine Wall rampart and ditch at Rough Castle cut during the 1903 excavations.



RIGHT: A statue of Mars found in the annexe at Balmuildy (partly restored).

LEFT: Arrowheads dumped in one of the fort ditches at Bearsden when the fort was abandoned.





III JUSTIFICATION FOR INSCRIPTION

3.a Criteria under which inscription is proposed (and justification for inscription under these criteria)

(ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, or developments in architecture or technology, monumental arts, town planning or landscape design

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: “taken as a whole, the frontiers of the Roman Empire show the development of Roman military architecture from temporary camps through winter quarters for whole armies to the establishment of permanent forts and fortresses. These show through time a development from simple defenses to much more complex arrangements.”

The Antonine Wall is the most complex and developed of all Roman frontiers: it marks the apogee of Roman frontier construction, and, as the most developed Roman frontier, is a unique example of this type of ensemble. It is therefore an exceptional testimony to the monumental arts of one of the world’s greatest states.

The short span of occupation allows significant conclusions to be reached about the nature of Roman frontiers. This is of especial importance as the Antonine Wall can be compared to Hadrian’s Wall as well as to the German *Limes*. The Antonine Wall appears to have been planned as a replica of Hadrian’s Wall, with some minor changes. At least two significant amendments to the Antonine Wall during its construction

resulted in a very different frontier, with a density of structures – and soldiers – not paralleled on any other Roman frontier. The Antonine Wall marks a particular limit in the development of Roman frontiers and was not repeated on any later frontier: certainly not on Hadrian’s Wall re-occupied on the abandonment of the Antonine Wall. The short life of the Antonine Wall allows this particular stage in frontier development, by one of the world’s greatest armies, to be studied more cogently than on longer-occupied frontiers where all the evidence cannot be so sifted out from the hundred or more years of continuous occupation.

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: “the Roman frontier is the largest monument of the Roman Empire, one of the greatest of the world’s pre-industrial empires. The physical remains of the frontier line, of the forts and fortresses along it, as well as of the cities, towns and settlements associated with it, and dependent upon it, demonstrate the complexities of Roman culture and the spread of Roman culture across Europe and the Mediterranean world. Unlike the great monuments from the urban centres around the Mediterranean already inscribed as World Heritage Sites, the frontiers show a more mundane aspect of Roman culture, both military and civilian. As such they are evidence of the spread of Roman culture and its adoption by the Empire’s subject

LEFT: The fort and annexe at Rough Castle looking south. The *lilia* are visible towards the bottom right.

peoples. Inscriptions and other evidence demonstrate the extent to which the frontier led to an interchange of peoples across the Empire. To a large extent, this was the result of the movement of military units (e.g. British units in Romania, or Iraqi boatmen in northern Britain) but there is also strong evidence of civilian movement (e.g. merchants from the Middle East who settled in Britain, Germany and Hungary). The frontiers also acted as the base for the movement of Roman goods (and presumably ideas) to pass well beyond the Empire.”

As the most northerly frontier of the Roman empire, the Antonine Wall reflects the wish of Rome to rule the world, as Virgil and other Augustan poets stated. Yet, at the same time, it has mundane features in that many of the elements which made up the frontier can be found elsewhere. Inscriptions and sculpture from the Antonine Wall both emphasise its links to the rest of the empire and, at the same time, underline its unique qualities. These include the distance slabs found along this frontier.

Scotland lay on the edge of the Roman empire and most of the Roman remains within the country, and certainly all visible remains, are military in origin. They include camps, fortresses, forts, fortlets, towers, and the largest of all, the Antonine Wall. This frontier is the physical manifestation of this phenomenon, the edge of empire.

The erection of the Antonine Wall is also a physical manifestation of a change in Roman imperial foreign policy following the death of the emperor Hadrian in 138. Almost immediately, his successor determined on a new frontier policy, abandoning Hadrian’s Wall, moving northwards into Scotland and building a new Wall, this time of turf (*Historia Augusta, Life of Antoninus Pius*). The distance slabs found on the Antonine Wall underline the significance of this event. They all bear the name of the emperor who ordered the advance of the frontier in Britain and display the events of the campaign: the sacrifice to Roman gods, fighting, the defeat and submission of the

enemy, the Roman victory blessed by the gods. These items of sculpture are unique to the Antonine Wall and are not replicated on any other Roman frontier.

(iv) be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates a significant stage in human history

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: “the physical remains of the frontiers of the Roman Empire demonstrate the power and might and civilization of the Romans. As such, they are evidence of the development of the Roman Empire and its spread across much of Europe and parts of Asia and Africa. They therefore illustrate the spread of classical culture and of Romanisation which shaped much of the subsequent development of Europe.”

The Antonine Wall was constructed at the time when writers were extolling the virtues of Roman frontiers. During the reign of Antoninus, Appian started to write his *History of Rome*. He wrote, “...in general, possessing by good government the most important parts of land and sea, they prefer to preserve their empire rather than extend it indefinitely to poor and profitless barbarian peoples. I have seen embassies from some of these in Rome offering themselves as subjects, and the emperor refusing them, on the grounds that they would be of no use to him. For other peoples, limitless in number, the emperors appoint the kings, not requiring them for the empire.... They surround the empire with a circle of great camps and guard so great an area of land and sea like an estate.” The Antonine Wall was the physical manifestation of that statement.

The Antonine Wall also bears an exceptional testimony to the military traditions of Rome which helped the empire survive so long. It demonstrates the flexibility of the Roman military mind in the complicated history of its construction, indicating how the army responded to problems as they developed.



It is an exceptional example of the methods developed by the Romans to protect their empire and of the methods of frontier control deployed by the Roman empire to enforce the regulations which it imposed on those who wished to enter their empire.

In itself, the Antonine Wall forms a historical landscape and bears witness to the

imposition of a Roman protective system upon the landscape of the Midland Valley of Scotland. In that way, it also represents the triumph of human endeavour over the landscape. Many parts of the Wall are visible today as testimony to this triumph.

The rampart and ditch of the Antonine Wall at Rough Castle looking east.

3.b Proposed Statement of Outstanding Universal Value

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: “The Roman Empire is of undoubted outstanding universal value. Spanning three continents, the Empire developed and transmitted over large parts of Europe a universal culture based on Greek and Roman civilisation. Its influence reached far beyond its actual boundaries in Europe and around the Mediterranean. Its culture framed and guided the cultures of Europe up to and including the present day.

The frontiers of the Roman empire form the single largest monument to this civilisation. They helped define the very extent and nature of the Roman empire. As a whole, they represent the definition of the Roman empire as a world state. They also played a crucial role in defining the development of the successor states to the Roman Empire. The frontiers and their garrisons were also a crucial tool of Romanisation on both sides of the border line.

The frontiers also have high significance as illustrating the complexity and organisational abilities of the Roman Empire. With only the technology and communications of a pre-industrial society, the Empire was able to plan, create and protect a frontier of some 5000 km and

garrisons of tens of thousands of men. It was then able to manage and use this system, on the whole successfully, for periods of many centuries, both as a physical barrier, and also as the basis for diplomatic and military intervention far beyond the actual frontier line itself.

Physically, the frontiers demonstrate the variety and sophistication of the responses of the Roman Empire to the common need to demarcate, and control and defend its boundaries. This had to be done in widely differing circumstances, reflecting the interaction of political, military and topographical features. Mostly, the Empire faced a variety of tribal groups, but on their eastern front they were confronted by the Parthian Empire, a state of equal sophistication and complexity.

In some places the boundary ran along rivers. Elsewhere it edged the desert and elsewhere again it ran through areas with no natural barriers. In each case, the Romans developed a local solution, making use of topographical features and political circumstances to provide a barrier that was an effective control of movement across the frontier as well as a strong military barrier defence. The variety of physical remains have outstanding value in demonstrating the complexity and success of this society in using boundary works to define and protect itself in ways appropriate in each case to the local circumstances.”

The western defences of the fort at Rough Castle seen from across the Rowan Tree Burn.



Statement of Outstanding Universal Value for the Antonine Wall

The Antonine Wall, as a Roman frontier, is a physical and visual testimony to the former extent of one of the world's greatest states, the Roman empire. It formed part of a frontier system which surrounded and protected that empire.

The Antonine Wall has a particular value in being the most highly developed frontier of the Roman empire: it stands at the end of a long period of development over the previous hundred years and therefore facilitates a better understanding of the development of Roman frontiers in Britain and beyond. It is one of only three artificial barriers along the 5000 km European, North African and Middle Eastern frontiers of the Roman empire. These systems are unique to Britain and Germany, though more fragmentary linear barriers are known in Algeria and Romania. Built following an invasion of what is now Scotland during AD 139/142 and occupied for possibly only 20 years, it served as the most northerly frontier of the Roman empire at the high point of its power and influence in the ancient world. It has many unique features which demonstrate the versatility of the Roman army, while its short life is of considerable

value in offering a snap-shot of a Roman frontier in its most advanced state. As the most northerly frontier, it stands as an example of Rome's stated intention to rule the world.

The Antonine Wall has a distinctive value as a unique physical testimony to the nature of the constitution of the Roman empire and the requirement of the emperor for military prestige. The abandonment of Hadrian's Wall and the construction of a new northern frontier at the behest of a new emperor reflects the realities of power politics in Rome during Edward Gibbon's "Golden Age". It also stands as a physical manifestation of the statements of writers flourishing during the reign of Antoninus Pius about the measures which Rome took to protect its inhabitants, even those living in its most distant province.

The Antonine Wall is of significant value in terms of its rarity, scale, preservation, and historical and archaeological value; the engineering and planning skills of its builders; the understanding of Roman frontier policy and management, and its influence on the landscape and history of local peoples during the Roman period and beyond; and also in terms of its contribution to the economic, educational and social values of today's society.



3.c Comparative analysis

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site provides a comparative analysis of Roman frontiers. This detailed exercise is not repeated here, but is included within the appendix. The following statement places the Antonine Wall within the context of other Roman frontiers.

3.c.1 The Antonine Wall is one of only 3 artificial frontiers constructed by the Roman army in Europe. Hadrian's Wall was inscribed as a World Heritage Site in 1987 and the German *Limes* in 2005. Interrupted lines survive in north Africa, the *Fossatum Africae*, and are perhaps connected to transhumance. Fragmentary barriers have also been recognised in the Carpathian Mountains of Romania: they appear to have been intended to help control access points through passes.

3.c.2 The Antonine Wall sits within the broad framework of Roman frontiers, but it also contains many unique or unusual elements. These mainly relate to the structure itself:

✎ The Antonine Wall was built within 20 years of Hadrian's Wall, and, in its general framework, bears some features in common, but in many aspects it is clearly a development of Hadrian's Wall and is different in many ways, reflecting a more complicated frontier complex;

✎ The Antonine Wall is the only frontier to have had a turf rampart erected on a stone base. Hadrian's Wall was of stone in the eastern part and turf in the west, but the turf wall was built directly on the ground – though short stretches of cobble foundations have been found at two locations – and was wider than the Antonine Wall. The Outer *Limes* in Germany was a timber palisade in its primary phase. The purpose of the stone base may have been to add stability to the superstructure, or to aid drainage through the barrier;

✎ The forts are more densely spaced on the Antonine Wall than on any other frontier of the Roman empire;

✎ Unlike on Hadrian's Wall the forts are diverse in their sizes, defences and internal arrangements;

✎ Unusually, many forts have annexes attached to them. Annexes have been recorded at many forts but not at those on linear barriers, but no such structures were constructed on Hadrian's Wall and they do not exist in the same form on the German *Limes*;

✎ Six expansions, probably used for signalling, are known: these structures are unique to the Antonine Wall;

✎ The three small enclosures discovered in one section of the Antonine Wall are unique on Roman frontiers;

✎ The short life of the Antonine Wall, coupled with the location and morphology of the known camps, enables most to be definitively identified as labour camps used by the soldiers building the frontier. As a result, it is possible to offer suggestions on the organisation of labour, which is not possible on other frontiers. Many temporary camps are known along the line of Hadrian's Wall (few are recorded in Germany), but the long history of that frontier renders it difficult to disentangle labour camps from marching camps and practice camps;

✎ The Antonine Wall was the shortest occupied linear frontier in the Roman empire and is thus a unique archaeological resource.

3.c.3 The labour camps discovered on the Antonine Wall are particularly important in relation to the final unique element, the twenty Distance Slabs which are known either whole or in part from the Antonine Wall. These record the lengths of Wall built by each of the three legions of Britain, the Second, Sixth and Twentieth.

They are not, though, simple records, but highly decorated and sculptured stones which depict events during the military campaigning and form one of the most important collections of Roman military sculpture from any frontier of the Roman empire. Together with the evidence of the labour camps, they allow important conclusions to be reached about the construction of the Antonine Wall which are unique to this frontier. They are also an important element in any consideration of the reason for the construction of the Antonine Wall, which is generally believed to relate to the personal position of the new Emperor Antoninus Pius. On one interpretation, they glorify the success of Roman arms on behalf of the emperor, whose name appears on all the inscriptions, over the enemies of Rome and emphasise the support of the gods, and in particular the goddess Victory, for the Romans and their emperor. However, as the known distance slabs have been removed from the monument and placed in museums for their protection, they are not included in the proposed World Heritage Site.

3.d Integrity and/or authenticity

Authenticity

3.d.1 The proposed Antonine Wall World Heritage Site has a high level of authenticity. Its design is unique to a particular period of Roman frontier development, the mid-second century AD. 1900 years have, naturally, taken their toll on a monument which was mostly constructed of earth. Yet, the Antonine Wall survives well. It is visible as a feature in the landscape in some form for over one-third of its total length, while archaeological excavations undertaken over the last 100 years have demonstrated that it survives well beneath both fields and settlements. The proposed Site clearly demonstrates the strategic/tactical and engineering/logistical planning of the Roman empire at the height of its power. Although sitting in a highly varied modern landscape, the

relationship of the Wall to its landscape setting is for the most part intact and therefore authentic.

Design

The design of the Antonine Wall represents the final and most developed stage of all linear frontiers constructed by the Romans. Taking advantage of the Forth-Clyde isthmus in its design, the surveyors and builders utilised the topography to construct a more economical frontier, but just as impressively defensive, 60 km long rather than the 130 km length of Hadrian's Wall. In doing so, the army improved on Hadrian's Wall, built a generation before, to incorporate new features into its design such as the use of fortified annexes which are unique in Roman linear frontier systems. Again uniquely, the construction process can be traced through the location of temporary camps placed at regular intervals usually to the south of the Wall, and the survival of distance slabs which record the lengths of Wall constructed by a specific unit. The design of the frontier is clearly demonstrated by the surviving elements above and below ground.

Material

The materials used in the construction of the Wall and associated sites are local stone, turf, earth and wood. The Wall was not used after this time and, given the short duration of the frontier installations, the materials are highly authentic to the primary use of the monument in the mid to late second century AD. Although the remains have eroded over time and subject to some development, much of the Wall remains undisturbed as archaeological deposits. Currently displayed elements of the frontier have been undertaken on the basis of full documentation through modern excavation. Recent interventions are conservation orientated and kept to a minimum.

Workmanship

The location of the remains at the shortest point in northern Britain, allowing a shorter Wall (60 km as opposed to the

130 km of Hadrian's Wall) and a greater density of military force, displays high level of strategic thinking by the Romans. The scale and complexity of the monument, with its attendant construction camps, impressively displays the logistical and construction skills of the Roman army. The tactical planning of the Romans is seen in the use of landscape to best effect.

Setting

As a military frontier system, the Antonine Wall is heavily influenced by its landscape and thus there is considerable significance in the setting of the monument. Although the monument sits in a highly varied modern urban and rural landscape the setting of monument has been largely retained across the length of the Wall allowing the mindset of the Roman engineers to be envisaged and its scale and setting appreciated.

Integrity

The proposed Antonine Wall World Heritage Site property retains its integrity. It includes all elements necessary to express its outstanding universal value – all elements associated with linear frontiers and the attendant construction camps.

The proposed World Heritage Site includes all elements of Roman linear frontier systems, as understood through contemporary sources and modern academic analysis. These include the rampart, berm, ditch, upcast mound, forts and annexes and fortlets, Military Way and quarry pits, beacon platforms, small enclosures and construction camps, together with civil settlements and field systems.

The proposed World Heritage Site is of adequate size to ensure the complete representation of the features and process which convey the significance of the property: all the archaeological remains of the monument, within present understanding of the site, are contained within the proposed World Heritage Site boundary. The proposed World Heritage Site buffer zones provide protection for the setting of the monument. Accordingly, this proposed World Heritage Site and its buffer

zone is adequately and properly protected through current UK legislation and is conserved to a satisfactory standard.

Although the proposed World Heritage Site sits within a once highly industrialised landscape, the value of the site has been recognised since the seventeenth century. Therefore it has been preserved through many years of antiquarian and archaeological documentation, and has been protected as a heritage resource for the last 100 years.

The current state of survival of the Antonine Wall

3.d.3 The invasion of southern Scotland and the construction of the Antonine Wall are mentioned in ancient literature (*Historia Augusta, Life of Antoninus, Cornelius Fronto, Orations*). The successful conquest of southern Scotland was celebrated by a coin issue in 142/3, some of which have been found on the Antonine Wall. The building of the Wall is recorded on inscriptions, in particular on the distinctive distance slabs of which all or parts of 20 have been found along the frontier. Other inscriptions record the construction of forts; two indicate that fort building started under Quintus Lollius Urbicus, the general responsible for the successful campaigning.

3.d.4 Twenty-two km of the Wall are still visible, though for nearly half that length it is the ditch which survives as a faint depression. In many places, the upcast mound is a more distinctive feature than the rampart. Mapping in the eighteenth and nineteenth centuries recorded the location of the Wall before modern agricultural, industrial and urban developments. Since the 1890s, excavation supplemented by aerial archaeology and survey, including geophysical survey, has confirmed the line of the Wall and provided considerable information on its method of construction: such excavation has also demonstrated the good survival of the Antonine Wall even in urban areas. Only about 2 km of its original 60 km length has been completely destroyed.

3.d.5 Two lengths of Military Way are visible, together, at one site, with the quarry pits beside it from which the gravel was extracted for use in the road. Both these sections are in state care. Its line is known in many other locations through antiquarian records and modern investigations including geophysical prospection.

3.d.6 Seventeen forts are known along the line of the Antonine Wall. One has been destroyed. Three are wholly or largely built over, three partially built over: all these lie within the proposed Site. Annexes are known beside at least eight forts and are included in the proposed WHS.

3.d.7 Nine fortlets are known. Only one has been completely excavated and placed on public display. The others are not visible but their existence has been confirmed through aerial survey and photography and/or excavation.

3.d.8 Six expansions are known and visible. Excavation has led to the tentative identification of a seventh.

3.d.9 Three small enclosures have been recorded. One has been destroyed and a second excavated.

3.b.10 Twenty camps have been located through aerial photography but few have been examined through excavation. All surviving 16 camps are protected and to be included in the proposed World Heritage Site.

3.d.11 Little is known about civil settlements along the line of the Antonine Wall. All sites which have produced some evidence are protected and are included in the proposed WHS.

3.d.12 The Antonine Wall forms an archaeological resource of the highest scientific value. The earliest known map of the Antonine Wall dates to the thirteenth century. Antiquarian accounts form a valuable source of information from the seventeenth century onwards. The

collections of inscriptions and artefacts from the Antonine Wall began in the eighteenth century. In the 1890s the era of scientific excavation began. The nature of the barrier itself was examined while several forts were investigated during this initial period of exploration. This research has continued to the present day. Aerial survey and photography, ground-level survey and geophysical prospection form valuable tools to aid understanding of the Wall without the need for intrusive methods such as excavation.

3.d.13 As a result of over 300 years of survey and over 100 years of excavation, a vast archaeological resource has been created. Surveys, plans, inscriptions, artefacts and environmental evidence as well as the monument itself provide an enormous amount of information about the monument and act too as a bench mark for the study of Roman Scotland and the periods both before and after. In effect, the Antonine Wall forms a dated horizon across Scotland aiding the study of other periods.

3.d.14 Further, the Antonine Wall provides a crucial resource for the study of Roman frontiers, particularly in relation to Hadrian's Wall and the German *Limes*. In Britain, it is possible to investigate the development of Roman frontiers through the analysis of both Hadrian's Wall and the Antonine Wall. These frontiers offer a comparison to the contemporary German frontiers and allow us to study the differences and similarities between the Roman frontiers of different provinces and help us understand more clearly the arrangements the Romans made to protect their empire as well as the relationship between broad principles and distinct local requirements.

3.d.15 In a wider consideration, these three frontiers also can be compared to the measures Rome took to defend her empire where rivers such as the Rhine and Danube formed the frontier. Here arrangements could be different and through the study of all frontiers we can understand more clearly how they worked.



IV STATE OF CONSERVATION AND FACTORS AFFECTING THE PROPERTY

4.a Present state of conservation

4.a.1 The Antonine Wall survives, where visible, primarily as an earthwork monument. Excavation over the last 120 years has demonstrated the good state of preservation of the archaeological remains of the Antonine Wall even where nothing is visible on the surface today. The various elements which make up the Antonine Wall can survive in the most unlikely and unpropitious circumstances. The ditch is obviously the most difficult feature to destroy. For many kilometres, the rampart base, often surmounted by some turf or clay, survives and at some locations is displayed. The massive nature of the upcast mound has often resulted in its survival. Excavation too has indicated the survival of the slighter Military Way in many areas, together, in one area, with its quarry pits.

4.a.2 Forts, fortlets, expansions, small enclosures and other features also survive, sometimes as upstanding earthworks, otherwise below ground. The excavation of forts where there is no visible above ground trace, such as Balmuildy or Bearsden, has furnished proof of buildings, in the case of the bath-house at Bearsden remaining up to eight courses high. The fortlets and small enclosures, only one visible and many revealed originally through aerial survey and photography, have, where excavated, provided considerable evidence about the planning, chronology and history as well as environmental evidence of the Wall.

4.a.3 The Antonine Wall is a most important repository of environmental evidence, both through its materials of

construction and because it provides a dated horizon stretching right across Scotland. Through environmental evidence from the Antonine Wall, which has included cut hawthorn branches, it has been possible to reconstruct the vegetational history of Central Scotland.

4.a.4 Sections 2.a.2 and 2.a.4 – 2.a.22, together with the other illustrations in this nomination document, provide a written and visual statement of the present state of the Antonine Wall. These photographs are drawn from the photographic libraries of the Royal Commission on the Ancient and Historical Monuments of Scotland and Historic Scotland which provide complete coverage of the Antonine Wall, recording its present state and its history over the last 50 years. The base-line textual survey is formed by the records created by the Ordnance Survey over the last 60 years, subsequently supplemented by the surveys of the Royal Commission. The detailed reports of the Historic Scotland Monument Wardens provide valuable information of the state of the Antonine Wall since the inception of the Monument Warden scheme 20 years ago: these records are lodged in Historic Scotland (see section 6 below). These national records are supplemented by other archives held by Falkirk Council and the Hunterian Museum, University of Glasgow.

4.a.5 The aim of the legislation which protects the Wall in rural environments through the act of scheduling under the *Ancient Monuments and Archaeological Areas Act 1979* is to ensure the permanent survival of all archaeology above and below ground and prevent any damaging

LEFT: The Antonine Wall in Seabegs Wood looking west.



Bearsden bath-house

actions. This archaeology includes the structures associated with the monument, artefacts which remain within its various features and the eco-artefacts. In order to ensure the survival of these features, Historic Scotland, acting on behalf of Scottish Ministers, has resisted all major proposals relating to modern development pressures such as housing, industrial and commercial proposals, communications and so on which would damage or destroy the Antonine Wall. The overall aim of the state authorities administering the protective legislation, however, is not just to maintain the monument in its present form, but also to control vegetation and remove trees which might damage the underlying archaeology, and enhance the state of the monument where appropriate. Farmers are encouraged not to plough to a depth which will damage or destroy below ground archaeological deposits.

4.a.6 Conservation within those sections in state care or local authority ownership is within the framework of basic land management good practice. Actions include controlling the vegetation and ensuring that the archaeological remains survive within a sympathetic environment.

4.a.7 One of the major changes of recent years has been the discovery that the survival of the archaeological

remains of the Antonine Wall in urban environments can be excellent, sometimes surpassing the survival of the remains in the countryside. This is because the monument in the countryside has suffered to a degree in many areas from agricultural activities, including ploughing, whereas the development of towns, including buildings with relatively shallow foundations, has ensured the protection of the underlying archaeology. Steps are being taken to ensure the better protection of the archaeological remains in such contexts. One significant step has been the preparation, for the World Heritage Site nomination, of standard planning policies for the protection of the Antonine Wall throughout its entire length and the definition of the Wall, even in urban areas, in order to ensure its protection in a uniform manner.

4.b Factors affecting the property

4.b.(i) Development pressures (e.g., encroachment, adaptation, agriculture, mining)

4.b.(i)I The main factors affecting the Antonine Wall in the past are three: agricultural activities and urban and industrial growth. The former can now be controlled in many circumstances through

discussions between Historic Scotland and the owners and occupiers, supported where appropriate by management agreements which are permitted under the Ancient Monuments and Archaeological Areas Act 1979.

4.b.(i)2 Historic Scotland has long had a policy of opposing all urban developments which would destroy the Antonine Wall. It has protected the Antonine Wall and its setting through the use of successive Ancient Monuments and Planning Acts. Using the powers provided by such national legislation, over the last 50 years, it has defended the line of the Antonine Wall, including at public local enquiries where it has successfully opposed proposals which would have an adverse effect on the monument and its environs. No significant section of the Antonine Wall has succumbed to housing or industrial development for 40 years. Some modern threats are difficult to prevent. These include new roads and pipelines. These, however, are very limited in scale in relation to the size of the monument. Where visible stretches of the Wall remain, it is Historic Scotland's normal procedure to have any pipeline thrust bored underneath the archaeological remains.

4.b.(ii) Environmental pressures (e.g., pollution, climate change, desertification)

4.b.(ii)1 It is unlikely that climate change would have a serious effect on the archaeological remains which form the Antonine Wall. A warmer climate might affect the dampness which helps preserve particular deposits such as pollen, but this is unlikely to happen in the foreseeable future.

4.b.(ii)2 The Antonine Wall sits within the former heartland of industrial Scotland. The iron furnaces which were such a feature of the area until the 1970s have now largely disappeared, and with them the likelihood of local pollution. At the east end of the Wall, however, sits the massive petro-chemical works of Grangemouth.

Modern control mechanisms are in place to ensure the safety of this large-scale industrial complex.

4. b.(iii) Natural disasters and risk preparedness (e.g., earthquakes, floods, fire, etc)

4.b.(iii)1 The Antonine Wall does not sit in an area of earthquake activity. It generally sits in an elevated position, not prone to flooding. As an earthwork structure it is not likely to be seriously damaged by fire.

4. b.(iv) Visitor/tourism pressures

At present, the number of visitors to the proposed Site is relatively low. Those parts of the proposed Site which lie on publicly maintained land are regularly inspected and show no signs of visitor pressure. It is anticipated that World Heritage Site status would lead to an increase in numbers though not of a great proportion. Plans are already in hand for managing larger visitor numbers and providing appropriate facilities such as car parks. In this, advice will be taken from experienced bodies such as Europarcs.

The Wall throughout all its length lies close to urban areas. Many sectors, especially those in public ownership or care, are important in providing areas of recreation and relaxation for local people in these peri-urban zones.

Both these aspects, and other elements relating to the management of the Antonine Wall are considered in the Management Plan submitted with this nomination.

4.b(v) Number of inhabitants within the property and the buffer zone

Estimated population located within:

Area of nominated property: 2,350

Buffer zone: 925

Total: 3,275

Year: 2001

Details of the number of inhabitants in each parcel of land comprising the proposed Site are provided on pages 22 and 23.



V PROTECTION AND MANAGEMENT OF THE PROPERTY

5.a Ownership

5.a.1 Most of the Antonine Wall is in private ownership. All owners of scheduled sections of the Antonine Wall have been informed of the intention to nominate it as a World Heritage Site. All local authorities who administer the planning laws affecting the remaining sections of the Wall have advertised the level of protection they provide and the intention to nominate the Wall as a World Heritage Site. A booklet on the proposals was published in 2004 and over 4,000 copies have been distributed along the Wall and beyond. Several high-profile events involving Scottish Ministers have been held since 2003. In addition, lectures have been given at many locations along the Wall and articles published in the local newspapers about the proposals over the last four years.

5.a.2 Nearly 7.7 km of the Wall, totalling 72 ha, are in state care being managed by Historic Scotland. The first stretches were taken into care in 1953 and the holding now includes the best stretches of the rampart and ditch, the two visible sections of the Military Way, the four forts which have elements visible, three expansions and the site of one fortlet. All these elements are actively managed and conserved by Historic Scotland mainly through its own monument conservation team.

- 🌀 Kinneil House, Bo'ness: line of Wall and ditch: not visible
- 🌀 Bantaskin, Falkirk: ditch and outer mound
- 🌀 Watling Lodge, Falkirk: best surviving length of ditch

- 🌀 Rough Castle fort, Bonnybridge: best surviving fort earthworks together with annexe; expansion; rampart, ditch and outer mound; Military Way and quarry pits
- 🌀 Seabegs Wood, Bonnybridge: rampart, ditch, outer mound and Military Way
- 🌀 Castlecary fort and annexe: some stonework is visible in the east wall of the fort and at the headquarters building
- 🌀 Garnhall: rampart, ditch, outer mound and Military Way: only the ditch is visible
- 🌀 Tollpark: ditch and outer mound
- 🌀 Dullatur: rampart, ditch and Military Way: only the ditch is visible
- 🌀 Croy Hill: rampart, ditch, outer mound, Military Way, fort, fortlet and two expansions and the presumed location of the civil settlement: the main visible features are the ditch and outer mound
- 🌀 Bar Hill, Twechar: fort, rampart, ditch, outer mound, Military Way, Iron Age hill-fort, and the probable location of the civil settlement: the fort, ditch and Iron Age hill-fort are the main visible features
- 🌀 Hillhead, Kirkintilloch: rampart, ditch and outer mound, but none is visible
- 🌀 Bearsden: bath-house, latrine, and part of annexe rampart base: all are visible

5.a.3 Falkirk Council owns 5.4 km/40 ha including the only visible fortlet:

- 🌀 Kinneil House and Country Park, Dean Burn to Upper Kinneil: rampart, ditch

LEFT: The ditch at Twechar looking east

and outer mound, fortlet and Military Way: the fortlet and the faint hollow of the ditch are visible

🌀 Polmont, River Avon to Millhall Burn, rampart, ditch and upcast mound: a section of the ditch is visible in Polmont Woods

🌀 Callendar Park: rampart, ditch, outer mound: the latter two elements are particularly clear

🌀 Kemper Avenue: short length of rampart base: visible

🌀 Watling Lodge: fortlet: not visible

🌀 Tamfourhill Road: rampart, ditch and outer mound: all well preserved

🌀 Elf Hill: rampart, ditch and outer mound: all visible

🌀 Seabegs: rampart and ditch; medieval motte: only the motte is visible

🌀 Kinglass: camp: not visible

🌀 Polmonthill: camp: not visible

🌀 Little Kerse: camp: not visible

5.a.4 North Lanarkshire Council owns 0.6 km/12.5 ha comprising:

🌀 Garnhall: rampart, ditch and Military Way: only the ditch is visible

5.a.5 East Dunbartonshire Council owns 2.2 km/17 ha including:

🌀 Hillhead, Kirkintilloch: rampart and ditch but not visible

🌀 Kirkintilloch: part of the fort; medieval motte

🌀 New Kilpatrick Cemetery: two stretches of the stone base are on display

🌀 Bearsden: part of fort

🌀 Iain Road: length of base, ditch and outer mound are all visible

🌀 Antonine Road: rampart and ditch, but not visible

🌀 Hutcheson Hill: rampart, ditch and outer mound: only the ditch is visible

🌀 Twechar: camp: not visible

5.a.6 Glasgow City Council owns 0.07 km/0.16 ha at Cleddans Burn

5.a.7 West Dunbartonshire Council owns 0.8 km/4.8 ha including:

🌀 Duntocher: fort, annexe and fortlet: the ramparts of the fort are marked through differentiative grass cutting

🌀 Beeches Avenue: line of ditch but not visible

🌀 Carleith: rampart base, rampart and ditch but not visible

The total length of the Antonine Wall in the public ownership or guardianship of either central or local government bodies is 17 km out of a total length for the frontier of 60 km. The remaining 44 km are in private ownership, only one body owning more than 1.5 km length of the Wall.

5.b Protective designation

5.b.1 The UK has had a statutory system of protecting ancient monuments for over 120 years and for the control of development for around 60 years. All the archaeological remains, the line and the setting of the Antonine Wall forming the proposed World Heritage Site and its buffer zone are protected by UK Acts of Parliament, supplemented by National Planning Policy Guidelines, which together form a coherent framework for the protection of the whole of the proposed World Heritage Site and its buffer zone. These laws and guidelines are operated by both central and local government bodies who co-operate through formal mechanisms to ensure that all laws and regulations are correctly administered. Together, they give protection to World Heritage Sites as a whole, over and beyond specific designation of individual properties or areas within them.



The Antonine Wall at Rough Castle looking west. This was one of the first sections of the Antonine Wall to be scheduled. It was subsequently acquired by the National Trust for Scotland and placed in state care.

5.b.2 The principal national statutes providing protective measures are:

- **Ancient Monuments and Archaeological Areas Act 1979**

This Act provides the statutory framework under which a Schedule (i.e. a list) of ancient monuments deemed to be of national importance is created and maintained, as well as forming the basis for protecting these monuments and controlling works to them through the formal system of Scheduled Monument Consent. The Act is administered in Scotland by Historic Scotland acting on behalf of Scottish Ministers.

- **Town and Country Planning (Scotland) Act 1997**

This Act provides the legislative framework for development control throughout Scotland. Through Structure and Local Plans provision is made for the protection of ancient monuments and archaeological sites, including the Antonine Wall.

The detailed operation of these Acts of Parliament are provided in the following paragraphs.

5.c Means of implementing protective measures

The United Kingdom government and the local authorities responsible for the administration of the spatial planning system are in full accord with the policies and requirements of the World Heritage Convention and its Operational Guidelines and are applying them fully.

5.c.1 The whole of the Antonine Wall where unencumbered by modern development or not destroyed is protected under the *Ancient Monuments and Archaeological Areas Act 1979*. About two-thirds of the original length of the Wall is protected in this way. The relevant sections of the *Act* are as follows:

1. (1) Scottish Ministers shall compile and maintain for the purposes of the Act....a schedule of monument.
(3)Scottish Ministers may ... include therein any monument which appears to [them] to be of national importance.
2. (1) If any person executes or causes or

permits to be executed any works to which this section applies he shall be guilty of an offence unless the works are authorised under this Part of the Act.

(2) This section applies to any of the following works, that is to say-

- (a) any works resulting in the demolition or destruction of or any damage to a scheduled monument;
- (b) any works for the purpose of removing or repairing a scheduled monument or any part of it or of making any alterations or additions thereto; and
- (c) any flooding or tipping operations on land in, on or under which there is a scheduled monument.

(3)works to which this section applies are authorised under this Part of the Act if-

- (a) Scottish Ministers have granted written consent (scheduled monument consent) for the execution of the works; and
 - (b) the works are executed in accordance with the terms of the consent and of any conditions attached to the consent.
- (6) ... if a person executing or causing or permitting to be executed any works to which a scheduled monument consent relates fails to comply with any condition attached to the consent he shall be guilty of an offence, unless he proves that he took all reasonable precautions and exercised all due diligence to avoid or prevent damage to the monument.

The provisions of the Act are administered in Scotland by Historic Scotland, an executive agency within the Scottish Executive.

5.c.2 Historic Scotland and its predecessors have sought to ensure the survival of the Antonine Wall through scheduling the monument under the provisions of the Ancient Monuments Acts over the past 80 years. The first sections of the Antonine Wall were scheduled in the 1920s. Following the preparation of an internal report in 1957, a scheduling programme was undertaken to embrace all these parts of the frontier which

were considered worthy of protection.

The Antonine Wall was re-scheduled in the 1970s and again in the 1990s. These successive programmes of work have been undertaken to ensure that the Antonine Wall is as fully protected as possible through the use of the *Ancient Monuments and Archaeological Areas Act 1979*. These actions have also been undertaken to reflect changing views on the nature of the protective measures. Before 1957, 12 km of the Wall were either scheduled or in state care. Following 1957, this was increased to 30 km. The total length protected now stands at 40 km. The scheduling of the Antonine Wall continues to be revised as new information comes to light.

5.c.3 *The Ancient Monuments and Archaeological Areas Act 1979* also provides for the control of works affecting scheduled monuments Section (2 (3) above). Historic Scotland would normally refuse scheduled monument consent for any actions which were inimical to the Antonine Wall. This has not always been easy owing to the location of the Antonine Wall in relation to the towns and villages of central Scotland. Nevertheless, compromises have often been reached which ensured the survival of the monument. At Duntocher and at Bearsden in the 1950s and 1960s the line of the Wall was left undeveloped within new housing estates. The archaeological remains were carefully avoided when the high rise flats were erected at Callendar Park, Falkirk, in the same decade. If necessary, Historic Scotland would maintain its opposition to damaging developments up to and including at public local enquiries at which the case is argued in a public forum. For example, the construction of a housing estate at Hillhead, Kirkintilloch, over the Antonine Wall, which was here badly preserved although of special archaeological interest, was opposed and in 1966 the Secretary of State for Scotland refused consent for the development. From the early 1970s up to the present day, a route for the new M80 which would result in damage to the Antonine Wall has been successfully opposed. These successful

defences of the surviving archaeology of the Antonine Wall have built up a range of precedents and these underpin the policies and procedures which protect the monument.

5.c.4 The provisions of the *Ancient Monuments and Archaeological Areas Act 1979* have not only been subsequently interpreted both under case-law and precedent but also through various National Planning Policy Guidelines and Policy Advice Notes. The relevant documents are Planning Advice Note 42, and National Planning Policy Guidelines 5 and 18.

5.c.5 The significance of World Heritage Sites is acknowledged in **National Planning Policy Guideline 18 Planning and the Historic Environment (The Scottish Office Development Department 1999)**. This states:

“Paragraph 15. The World Heritage Convention, adopted by UNESCO in 1972 and ratified by the United Kingdom, provides for the identification, conservation and preservation of cultural and natural sites of outstanding universal value for inclusion in a world heritage list. Historic Scotland provides the Secretary of State with advice, on which cultural sites should be included from Scotland on the UK’s tentative list, which is the first step in the nomination procedure. ... Responsibility for the nomination and subsequent protection and management of sites lies with national governments. No additional statutory controls result from designation but a combination of a clear policy framework and comprehensive management plan should be established to assist in maintaining and enhancing the quality of these areas. The impact of proposed development upon a World Heritage Site will be a key material consideration in determining planning applications.”

5.c.6 *The Ancient Monuments and Archaeological Areas Act 1979* created a number of criminal offences relating to ancient monuments. **Planning Advice**

Note 42 Archaeology – the Planning Process and Scheduled Monument Procedures (The Scottish Office Development Department 1994)

states that

“well-publicised, successful prosecutions of those who carry out unauthorised work to scheduled monuments can provide a valuable deterrent to the wilful damage or destruction of monuments and it is Historic Scotland’s policy to encourage proceedings where it is considered that a good case can be sustained. Historic Scotland keeps a record of reported incidents, and carries out a preliminary investigation, often with police assistance. If there does appear to be a case for prosecution, Historic Scotland will encourage the police to present a case for prosecution to the Procurator Fiscal.” The necessity for such legal actions has not arisen to date in relationship to the Antonine Wall.

5.c.7 National Planning Policy Guideline 5 Archaeology and Planning (The Scottish Office Development Department 1994) and Planning Advice Note 42 Archaeology – the Planning Process and Scheduled Monument Procedures (The Scottish Office Development Department 1994) sets out the Government’s planning policy on how archaeological remains and discoveries should be handled under the development plan and development control systems, including the weight to be given to them in planning decisions and the use of planning conditions. The guidelines state:

“3. ...the Government seeks to encourage the preservation of our heritage of sites and landscapes of archaeological and historic interest, so that they may be enjoyed today and passed on in good order to future generations.

4. The primary policy objectives are that [archaeological remains] should be preserved wherever feasible and that, where this proves not to be possible, procedures should be in place to ensure proper recording and destruction, and subsequent analysis and publication.

12. It is the Government's aim to accommodate development without eroding environmental assets, and this includes Scotland's archaeological heritage.

14. Planning authorities should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes.

16. It is also important that the integrity of the setting of archaeological sites should be safeguarded.

17. Scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Many significant archaeological sites... will not merit scheduling under the criteria for national importance but may nevertheless be of importance in a regional or local context. Such sites should be defined and justified through development plan policies with priority also given to their preservation within an appropriate setting...

18. The preservation in situ of important archaeological remains is always to be preferred. ...

20. A primary function of development plans is to reconcile the requirements for development land with the conservation of our natural and built heritage. These plans provide the policy framework for authorities to safeguard archaeological sites and monuments in their areas.

21. Structure plans ... should ... include relevant general protection policies for nationally important remains and their settings; for unscheduled sites of regional and local importance and their settings, and also for landscapes of historic importance.

22. Local plans should include policies for the protection, preservation and, where appropriate, enhancement of all nationally important sites of archaeological interest and their settings; and also for other unscheduled remains and their settings identified as particularly worthy of preservation.

25. The preservation of ancient monuments and their setting is a material consideration in determining planning applications and appears, whether a monument is scheduled or not."

5.c.8 *The Town and Country Planning*

(Scotland) Act 1997 is the primary legislation for spatial planning. It provides for the zoning of the landscape into different activities and provides mechanisms for development control. Within the framework of this Act, the five local authorities along the line of the Antonine Wall – East Dunbartonshire, Falkirk, Glasgow, North Lanarkshire and West Dunbartonshire – protect nearly 20 km of the proposed World Heritage Site, primarily those sections which lie within urban environments, together with the buffer zones, while providing additional protection for those sections which are scheduled under the *Ancient Monuments and Archaeological Areas Act 1979*. All five local authorities have policies with a presumption against any development which would have an adverse impact on the proposed World Heritage Site. The relevant sections of these policies are as follows.

East Dunbartonshire Council

East Dunbartonshire Local Plan

Historic Environment

4.2.7 The strongest protection is afforded to Scheduled Ancient Monuments and important Listed Buildings. Their character and appearance will be expected to be preserved or restored. The entire length of the Antonine Wall and Forth and Clyde Canal as it passes through the Plan area are Scheduled Ancient Monuments, along with other individual sites throughout the Plan area.

4.2.8 As well as the line of the Antonine Wall, the setting is also very important in understanding the topology of the surrounding landscape and reasons why that particular line was chosen by the Romans. It is important therefore that the wider setting of the Wall is given protection. The Royal Commission on the Ancient and Historical Monuments of Scotland and the Strathclyde Sites and Monuments Record identify numerous archaeological sites of regional or local importance. The Council will take into account the relative value and physical condition of all archaeological sites when considering future development proposals.

4.2.9 Where development is proposed, an archaeological investigation may be required, incorporating the analysis of any remains found and the publication of findings together with the deposition of the artefacts in an appropriate museum and the records in the National Monuments Record of Scotland. *National Planning Policy Guideline 5 (NPPG 5) Archaeology and Planning* provides further advice.

HE 2 Management of Archaeological Heritage

The Council will promote where appropriate the provision of new and/or improved management arrangements, access and interpretation facilities at archaeological sites. This will in particular be along the line of the Antonine Wall and



The Hutcheson Hill distance slab records the construction of a length of Wall by the Twentieth Legion. It is also a clear statement of Rome's attitude to the invasion and conquest of southern Scotland. The goddess Victory places a laurel wreath in the beak of the legion's eagle watched by two bound, defeated enemies.

at appropriate locations along the Forth and Clyde Canal. Consultation with Historic Scotland and British Waterways regarding the latter will be undertaken in respect of these proposals.

HE 3 Archaeological Heritage Protection

The Council will protect all Scheduled Ancient Monuments and other significant archaeological sites of regional or local importance from development which is considered to have an adverse impact. Regard will also need to be given by developers to archaeological resources present in the Burgh Survey Areas of Kirkintilloch and Milngavie.

Assessment of development applications will also take into account the character and amenity of the setting of these archaeological resources, and in particular that of the Antonine Wall.

Development proposals on or close to an archaeological site, including the Burgh cores may, where appropriate, require to be accompanied by an archaeological evaluation, including excavation, recording, analysis and publication of remains. Access to the development site must be allowed for a Council Archaeological advisor to undertake a watching brief of any evaluation or excavation where requested.



The Bridgeness distance slab found in 1868 at the east end of the Antonine Wall. It records the construction of 4,652 paces by the Second Legion. The left-hand panel shows a Roman soldier riding down a group of barbarians, while the right-hand panel depicts a priest, probably the legate of the legion Aulus Claudius Charax, making a sacrifice to the gods.

Falkirk Council

The Falkirk Council area is covered by six Local Plans which contain policies relating to the Antonine Wall. The most recent, Polmont and District Local Plan, confirms the Council's current view and support for the protection of the Antonine Wall.

Polmont and District Local Plan

POL 7.12 Sites of Archaeological Interest

In order to protect and conserve significant archaeological/historic features:

- (i) there will be a general presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological/historic importance and their settings;
- (ii) archaeological sites which are threatened by development, where preservation has proved impossible, will be excavated and recorded.

POL 7.13 Antonine Wall

Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.

These policies are repeated and referenced in the other Local Plans through which the Wall passes: Bo'ness (1995), Bonnybridge and Banknock (1989), Falkirk (2000), Grangemouth (1989) and the Rural Local Plan and Village Statements (1994).

The new Falkirk Local Plan, which is being prepared, contains the following revised policies.

EQ16 Sites of Archaeological Interest

The Council will seek to protect and conserve, in situ, archaeological and historic features of significance and their settings. Accordingly:

- (1) Development which would destroy or adversely affect Scheduled Ancient Monuments and their settings will not be permitted except in exceptional circumstances;
- (2) There will be a general presumption against development which would have an adverse effect on other sites of archaeological or historic interest;
- (3) On sites where development is permitted and preservation of archaeological features in situ is not feasible, excavation and recording will be required. The Council supports Historic Scotland's policy to seek developer funding for any necessary excavation, recording and publication works; and
- (4) The Council endorses the provision of the British Archaeologists and Developers Liaison Group Code of Practice.

EQ17 Antonine Wall

Along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.



The Summerston distance slab. To the left is a fighting scene, watched by the Roman goddess Victory, while the eagle of the legion stands proudly to the right above the legion's symbol, the Capricorn and a bound enemy.

Glasgow City Council

City Plan - Part 2 - Development Policies - Section 8 - Built Heritage

HER 4 Ancient Monuments

Context and Justification

Ancient monuments are protected under the *Ancient Monuments and Archaeological Areas Act 1979* and are scheduled by the Scottish Ministers. The preservation of ancient monuments and their setting is a material consideration in determining planning applications, whether a monument is scheduled or not. *National Planning Policy Guideline 5: Archaeology and Planning (NPPG 5)* provides further advice.

Policy

There will be a presumption in favour of retaining, protecting, preserving and enhancing ancient monuments and their setting. Developments that have an adverse impact on scheduled ancient monuments and their setting will be strongly resisted.

Definition

Environmental Policy Designation

Environmental policy designations cover the built and natural heritage of Glasgow. These areas are important because of their environmental quality, biological diversity and/or their historic, architectural or archaeological significance and contribute positively to the quality of the environment, image and diversity of the City.

City Plan - Part 2 - Development Policies - Section 8 - Built Heritage

HER 5 Sites of Archaeological Importance

Context and Justification

Sites of archaeological significance are subject to the provisions of *National Planning Policy Guideline 5: Archaeology and Planning (NPPG 5)*, *Planning Advice Note 42: Archaeology - the Planning Process and Scheduled Monument Procedures (PAN 42)* and the Joint Structure Plan.

The preservation of sites of archaeological significance and their setting is a material consideration in determining planning applications, whether a monument is scheduled or not.

Policy

1. There will be a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in the City.
2. When development is proposed that would affect a site of archaeological significance, the following will apply:
 - (a) the prospective developer will notify the West of Scotland Archaeology Service and the Council at the earliest possible stage in the conception of the proposal; and
 - (b) an assessment of the importance of the site will be provided by the prospective developer as part of the application for planning permission or (preferably) as part of the pre-submission discussions.
3. When development that will affect a site of archaeological significance is to be carried out, the following will apply:
 - (a) developers will be expected to make provision for the protection and preservation of archaeological deposits in situ within their developments, where possible by designing foundations that minimise the impact of the development on the remains; and
 - (b) where the Planning Authority deems that the protection and preservation of archaeological deposits in situ is not warranted for whatever reason, it shall satisfy itself that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains.

North Lanarkshire Council

Cumbernauld Local Plan (1993)

EN 4 Scheduled Ancient Monuments & Archaeological Sites

There will be a presumption against development which could adversely affect or threaten a scheduled ancient monument or its setting. Where permission is granted affecting the setting of scheduled monuments, it will normally be restricted by conditions or be subject to a legal agreement providing for the protection and preservation in situ of the archaeological remains.

EN 5 Scheduled Ancient Monuments & Archaeological Sites

1.1 There will be a presumption against development, which would adversely affect an unscheduled archaeological site, which is considered to be of sufficient interest to be protected from disturbance. On sites where development is permitted, consent will normally be subject to a legal agreement and /or conditions to ensure that archaeological remains are preserved in situ. Where this cannot be justified the Council will seek to ensure through the use of planning conditions or legal agreements that the developer has made provision for the excavation and recording of remains prior to and during development.

EN 6 Scheduled Ancient Monuments & Archaeological Sites

1.2 There will be a presumption against development within the Antonine Wall Amenity Zone, which could adversely affect the setting of the Antonine Wall.



A tombstone of a soldier flanked by his sons, found at Croy Hill.

Kilsyth Local Plan (1999)

BE 8 Scheduled Ancient Monuments & Archaeological Sites

The Council will oppose any development which could adversely affect or threaten a Scheduled Ancient Monument or its setting, in particular in the vicinity of the line of the Antonine Wall. Historic Scotland will be consulted on all proposals affecting the Antonine Wall, having particular regard to the area identified in the Proposals Map. Where permission is granted affecting the setting of scheduled monuments, it will normally be restricted by conditions or be subject to a legal agreement providing for the protection and preservation in situ of the archaeological remains.

BE 9 Scheduled Ancient Monuments & Archaeological Sites

Other sites of unscheduled archaeological value which are considered to be of sufficient interest to be protected from disturbance will be safeguarded wherever possible. On sites where development is permitted, consent will normally be subject to a legal agreement and/or conditions to ensure that archaeological remains are preserved in situ. Where this can not be justified, the Council will seek to ensure through the use of planning agreements, that the developer has made provision at the developer's expense for the excavation and recording of remains prior to and during development.



On this distance slab found at Old Kilpatrick the Roman goddess Victory relaxes in front of her temple, holding a palm leaf in one hand, a laurel wreath in the other and resting on a globe.

West Dunbartonshire Council

Clydebank Local Plan

E 7 Scheduled Ancient Monuments and other Archaeological Sites

The Council will resist any development proposal that would have an adverse impact on or affect the setting of a Scheduled Ancient Monument, or upon other locally or nationally important archaeological sites. Development which would affect features of archaeological importance, will be considered against the following:

- the Council is satisfied that the benefits of the development outweigh the archaeological interest;
- the approval of development where the preservation of the archaeological interest is not possible or feasible will be conditional upon provision being made for the recording of the features prior to and during development; and
- where the presence of archaeology becomes apparent once development has commenced, adequate opportunity should be afforded by the developer for an archaeological investigation.

Reasoned Justification

9.25 The archaeological resources of the Plan area are finite, and the Council recognises the importance of them together with their setting, and therefore will endeavour to ensure that they are preserved and protected from inappropriate development. NPPG 5 sets out the policy context with regard to archaeological remains and the requirements of development plans.

9.26 Scheduled Ancient Monuments are those sites or structures considered to be of national importance. Once scheduled, a monument comes under the protection of the Scottish Ministers, and any works affecting a Scheduled Ancient Monument requires their consent. Furthermore it is an offence to damage or destroy it. It is also necessary for the Council to undertake appropriate consultation with Historic Scotland where the setting of such sites is affected by a development proposal. Often archaeological sites display little surface impact, however the Council has identified the Scheduled Ancient Monuments within the Plan area and these are listed in the Technical Supplement.

9.27 Only parts of the Antonine Wall within the Plan area are “scheduled”, however, the entire Wall within the Plan area is identified as an archaeological resource. Where developments that may affect the setting of the identified route of the Wall are proposed the advice of West of Scotland Archaeological Service will be sought and Historic Scotland will be consulted.

E 8 Landscape Character

Development within the Green Belt, wider countryside and green corridors through the urban area, will have particular regard to the landscape character and distinctiveness of the Plan area. Proposals should positively contribute to conservation or regeneration of these landscapes. Proposals which are detrimental to the landscape character will not generally be supported unless they are supported by other Local Plan policies. Where such circumstances exist, measures should be proposed to minimise adverse impacts.

Reasoned Justification

9.28 Clydebank is heavily influenced and physically contained by elements of the Kilpatrick Hills. A landscape character assessment has been undertaken for the entire Glasgow and Clyde Valley area (Glasgow and the Clyde Valley Landscape Assessment 1999), which has identified three landscape character areas. Green Corridors through the urban area include the River Clyde, Duntocher Burn and the Forth and Clyde Canal. Drumlin foothills cover the northeast of the Plan area, with rugged moorland hills in the remaining greenbelt and wider countryside. The Council consider it important to offer general protection to the character of the landscape around Clydebank and the wider countryside and will support proposals to enhance the landscape setting of Clydebank.

A new Plan for this part of the Antonine Wall is being prepared, the West Dunbartonshire Local Plan, and this is currently out for consultation. The above policies remain within the new Plan, but will be supplemented by the following new policy:

BE 6 Antonine Wall Amenity Zones

Development within the Antonine Wall Amenity Zones which has an adverse impact on the Scheduled Ancient Monument or its setting as identified on the Proposals Map will be considered contrary to the Plan.

Reasoned Justification

9.32 Amenity zones have been identified by Historic Scotland to offer protection to the setting of the Antonine Wall. The Antonine Wall has been proposed for World Heritage Status as part of the Roman Frontiers and will be considered for such status during the life span of this Plan. Careful consideration is required of any development within these zones to ensure that there will be no adverse effects which would undermine the importance of the Antonine Wall and potentially compromise the World Heritage proposals. The majority of the area included in the Amenity zones is covered by Green Belt and open space policies through which there is a general presumption against development. The Local Plan recognises the importance of protecting this landscape both for the conservation of the Scheduled Monument/proposed World Heritage Site at an international level and also the contribution the landscape makes to the local environment.



On this distance slab found at Braidfield, Dumfries, in 1812, two figures of Victory support the panel recording the building of 3,240 feet by the Sixth Legion.

Glasgow and the Clyde Valley Joint Structure Plan 2000

The international significance of the Antonine Wall is also acknowledged in a Regional planning framework:

Strategic Policy 7 Strategic Environmental Resources

In addition to the Green Belt, the Sustainable Development of the Glasgow and Clyde Valley Metropolitan Area requires that particular regard be had to safeguarding and managing the following

International, National and Strategic Environmental Resources identified below and shown on Key Diagram Inset D; there shall be a presumption against any proposals which could have a significant adverse effect upon these resources.

The Metropolitan Strategy also requires the protection and enhancement of the environmental resources listed in Schedule 7, in accordance with the guidance set out in the National Planning Policy Guideline on Natural Heritage (NPPG 14)

Amongst the internationally important sites is listed the Antonine Wall.

Bar Hill overlooks the Kelvin Valley and its farmland. The Roman fort lies on the summit of the hill.



5.c.9 All Councils support the proposal to nominate the Antonine Wall as part of the *Frontiers of the Roman Empire World Heritage Site* and the existing policies of these Councils, as set out in their Structure and Local Plans, protect the Antonine Wall, its line and its setting through both their general and practical provisions. In order to move to a uniform framework as befitting World Heritage Site status all five authorities have agreed uniform planning policies in relation to the Antonine Wall and are in the process of implementing these policies. These policies are, for each Council:

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

Antonine Wall Policy 1

There will be a presumption against development which would have an adverse impact on the *Frontiers of the Roman Empire (Antonine Wall) World Heritage Site* as defined on the Proposals Map.

Antonine Wall Policy 2

There will be a presumption against development within the *Frontiers of the Roman Empire (Antonine Wall) World Heritage Site* buffer zones which would have an adverse impact on the Site and its setting, unless:

- mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact;
- and there is no conflict with other Local Plan policies.

Antonine Wall Policy 3

The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line or within the setting of the Antonine Wall, as defined on the Proposals Map.

Reasoned Justification

These policies have the intention of protecting the archaeological remains, the line and the setting of the Antonine Wall, an ancient monument of international importance and proposed as a World Heritage Site under the UNESCO *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972). The Council is committed to working with the other four local authorities along the line of the Antonine Wall and with the Scottish Executive, in particular Historic Scotland, in order to achieve the appropriate level of protection for the Antonine Wall.

5.c.10 The effect of these various existing

The Kelvin Valley and the Campsie Fells looking west.



Acts of Parliament, national planning guidelines and local authority policies is to provide comprehensive protection for the archaeological remains of the Antonine Wall which together form the proposed World Heritage Site. Forty km of the Antonine Wall is scheduled under the *Ancient Monuments and Archaeological Areas Act 1979*, which is the strongest protection possible. Its purpose is the long term survival of the monument and the prevention of damage to it. Historic Scotland has stated its determination to protect all scheduled monuments, including defending their preservation at public local enquiries and prosecuting those who cause damage to them. Eighteen km of the Wall lie within urban areas and are explicitly protected from developments which would have an adverse impact on the proposed World Heritage Site. All areas protected through these laws are detailed on plans provided both by central and local government.

The proposed Buffer Zone

The purpose of the buffer zone is to protect the landscape setting of the proposed World Heritage Site. It is recognised that the definition of a buffer zone around a World Heritage Site is particularly important where there is a significant threat of inappropriate development encroaching upon the Site, and affecting the character of the setting within the wider landscape. A buffer zone

may also be used more proactively to define where landscape management schemes might be introduced, to improve the setting of the World Heritage Site and to facilitate appreciation and understanding by the public.

5.c.11 The previous amenity areas

The necessity of protecting the setting of the Antonine Wall has long been acknowledged. Historic Scotland's predecessor, the Ministry of Public Building and Works, first initiated a study of amenity areas for the Antonine Wall nearly 50 years ago. The purpose of these zones was not just to protect the amenity of the Antonine Wall, but to preserve, so far as is possible, this unique linear monument within swathes of undeveloped countryside so that it could be better understood. If the ground were to be developed up to the limits of the protected archaeology, it would become impossible to view the monument as a whole or to gain any understanding of the topographical appreciation made by the Roman surveyors. Indeed, the very purpose of the frontier can only properly be understood by appreciating its location within its wider landscape setting. This has been a central plank of the protection policies for the Antonine Wall since 1957. In the 1960s, the necessity for amenity areas, as they were then called, were discussed with the local authorities along the line of the Antonine Wall and they were



published in D. N. Skinner, *The Countryside of the Antonine Wall* (Perth 1973). These amenity areas were incorporated into the designation of the countryside surrounding the Antonine Wall: the amenity areas coincided with land designated as countryside or green belt.

5.c.12 Historic Scotland has successfully used this element of protection for the Antonine Wall to oppose developments which would have had an adverse impact on the setting of the Antonine Wall on several occasions over the last 40 years. These include a proposed factory to the east of the fort at Auchendavy in the 1970s, housing developments at Duntocher in the same decade and a toxic waste tip at Inveravon in the 1990s, now subject to an appeal.

5.c.13 The definition of the Buffer Zone

As part of the process of defining the Buffer Zones which should protect the proposed World Heritage Site, Historic Scotland employed Land Use Consultants to advise on their location and extent. The following section is based upon their report.

There is no single established methodology for the definition of buffer zones for World Heritage Sites, particularly as the setting, circumstances and extent of sites is very variable. The Antonine Wall is a linear site, and in a lowland, largely settled, setting. The buffer zone has been identified as “the physical extent of the landscape that is visually and perceptibly linked to the perception of the World Heritage Site and that can still be practically protected or managed”. Definition of the buffer zone has therefore been based on visibility to and from the proposed Site, and analysis of the land use setting, including urbanised areas. This has been carried out using available data relating to the proposed World Heritage Site and its surroundings, GIS inter-visibility analysis with the surrounding landscape, and site survey work. The proposed World Heritage Site, taken as the baseline for the study, has been defined elsewhere in this nomination document as the Antonine Wall and associated Roman forts and camps.

The visual relationship of the landscape with the proposed World Heritage Site varies according to the land use, topography and also with distance. For

The Kelvin Valley and the Campsie Fells looking westwards from Castlehill. The trig point is a fascinating link between William Roy, who mapped the Antonine Wall in 1755, and whose other great gift to posterity was the founding of the Ordnance Survey.



the purposes of identifying a buffer zone, three types of visual relationship between the Wall and surrounding areas have been identified.

- Firstly, the area of almost continuous inter-visibility, identified as being generally up to 2 to 3 km from the monument but of differing extents to the north and south depending upon the local topography;
- secondly, a zone of discontinuous inter-visibility reflecting the fragmenting of views caused by intervening topography – exemplified by the drumlin landscapes around Bearsden; and
- thirdly, longer distance views to and from key hill areas which are visible from large sections of the Wall or from which extensive sections of the Wall are, in theory at least, visible, for example the Campsie Fells.

The first category has been used as a basis for defining the buffer zone immediately adjacent to the proposed World Heritage Site; the second category has influenced the boundaries of the buffer zones in specific areas; while the third of these categories has also been considered, as these locations aid the understanding of the

context of the frontier as an extensive linear feature across the landscape, and allow for greater interpretation of the line for the Antonine Wall chosen by the Romans.

Statement of Methodology

5.c.14 The first step for the identification of the buffer zone was to identify the maximum visibility of the elements of the WHS (Wall line, forts and camps), within a distance of approximately 2.5 km. This distance was taken as a maximum distance beyond which the monument is unlikely to be perceptible, given the state of preservation of its various elements. This work was undertaken using GIS-based inter-visibility analysis, and was later refined through fieldwork.

The next stage was to establish a series of principles to be used to guide decisions about which land uses should be included or excluded from the buffer zone. The most significant of these are discussed below.

- **Urban areas** Sections of the proposed World Heritage Site run through urban areas. Buffer zone areas have not been defined around urban sections of the monument, except where sizeable open





The ditch in Polmont Woods.

spaces exist, for example urban parks in its immediate vicinity.

- **Small settlements** There are a number of isolated small settlements which lie close to the proposed World Heritage Site. To ensure that the landscape beyond and around these settlements, which have a visual relationship with the Wall, is protected, the settlements have been included. However, where these settlements lie at the edge of the zone of visibility identified, their outer edges have been taken as boundary features.
- **Mineral and landfill sites** The line of the Antonine Wall is underlain by a variety of minerals, including sand, gravel and coal. Large parts of its setting have been excavated for quarrying. A number of these sites are now disused, and some are used for landfill. The inclusion or exclusion of these areas has been based on the visual relationship each area has to the proposed Site (for example extensive or limited visibility, and whether the site lies to the north or south of the Antonine Wall), and the potential for remediation works to restore or enhance the setting of the monument.
- **Industrial sites** A number of substantial industrial sites lie close to the Antonine Wall. Where these lie within or adjacent to urban boundaries, they have been excluded on the grounds that the land

use is unlikely to change from industrial, business or residential land use in the future. However, isolated industrial sites outside defined urban areas offer scope for potential landscape improvement in the future and are therefore, where appropriate, included within the buffer zone. A number of more distant industrial areas lie at the boundary of the buffer zone.

- **Farmsteads** Farmsteads have been included within the buffer zone as they do not significantly restrict visibility. Where they lie on the boundary, however, they have been excluded.
- **Woodland** The Antonine Wall passes through several wooded areas, and other woodlands exist on either side. These areas, such as Kinneil Wood and Bar Hill Wood, significantly reduce the visibility of the monument from the surrounding landscape. However, woodland has generally been included with the buffer zone on the grounds that future changes of land use could affect the setting of the proposed World Heritage Site.
- **Roads railways and canals** The Antonine Wall passes through a landscape with a network of railways, canals and roads, which vary from tracks and minor roads to motorways. Where appropriate, these have been used as boundary features.
- **Urban buffer zones** Where sections of the route of the Antonine Wall have



been lost, and the route is conjectured, an urban buffer zone has been identified to protect the likely route of the Wall. Unlike other sections of the buffer zone, this is not, therefore, based on inter-visibility, but is designed to correspond to the believed route of the Wall.

Once these principles had been applied, a draft buffer zone was drawn up, following permanent and defensible boundaries in the landscape, such as roads, railways and established field boundaries. This is necessary to ensure that the boundaries of the buffer zone are easy to define on the ground and will endure, but also means that some areas with no visibility of the Antonine Wall were included. Where defensible man-made boundaries were not available, other readily recognisable features such as streams and rivers were used.

Understanding of the landscape in which the Antonine Wall sits is aided by two landscape projects; the landscape characterisation assessment undertaken by Scottish Natural Heritage and the Historic Landuse Assessment undertaken by Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. Both are crucially important to understanding the land forms and development of the countryside and therefore inform any future development.

A review of Local Plan maps and

policies was used to take into account existing proposals for development and boundaries for policies such as green belt, nature conservation sites and open space. The boundaries of the buffer zone were then refined where appropriate to follow other existing boundaries that would offer additional policy support, and to exclude areas marked for urban expansion. The final boundaries were then confirmed through fieldwork along the length of the Wall.

In addition to the buffer zone, a number of more distant areas were identified as being important for the perception of the wider setting and route of the frontier, and prominent landmarks when viewed from the Wall itself. These viewpoints, identified through inter-visibility analysis and fieldwork, represent the third category of visual relationship discussed above, with long distance views to and from the proposed Site.

Discussion of sections of the Wall and Buffer Zone

The landscape along the proposed World Heritage Site changes along its length. The relationship of the Wall, forts and camps with the surrounding topography affects the extent and characteristics of the buffer zone. Four different landscape setting types have been identified. These are discussed in the table on the next page.

The Forth and Clyde canal.

The Buffer Zone along the Antonine Wall WHS

Section of WHS	Topography	Settlement and land use pattern	The buffer zone identified	Longer distance views identified
Forth to Falkirk	Higher land to the south, low lying land to the north representing the floodplain of the River Forth. The Antonine Wall runs along the top of steep scarp slope.	The WHS runs through Bo'ness, Laurieston and Falkirk. Between, the WHS runs through agricultural landscapes and the designed landscapes at Kinneil and Callendar Park, and is crossed by the M9. The Wall route is seen as a slight ridge and ditch in open fields, but is largely under roads or tracks. Forts and camps generally have a small presence in the landscape, except where they are marked by mature trees (at Mumrills) or where open spaces are preserved (Kinglass and Muirhouse).	Limited areas of buffer zone have been identified around forts, camps and urban open spaces in and around Bo'ness and at Callendar Park. Between Bo'ness and Laurieston, the buffer zone is limited by the A904 to the north, beyond which lies the large industrial site at Grangemouth. To the south, the undulating topography limits the buffer zone to a ridge running past Upper Kinneil and Avondale, until the settlements of Polmont and Redding form strong urban boundaries. The M9 intersects the buffer zone and has not been included.	Longer distance views are possible across the Firth of Forth, but the dominance of the Grangemouth works means that the Antonine Wall route does not stand out in views from the Kincardine area.
Falkirk to Bishopbriggs	Broad open valley landscapes of the Carron and Kelvin Valleys, interrupted by Croy and Bar Hills. The Wall generally runs along the southern slopes of the valley.	The WHS runs through Bonnybridge and Kirkintilloch, and there are a number of settlements adjacent or near to the Wall route. The Wall is marked by roads, tracks or a ditch and mound, particularly well preserved at Rough Castle, Seabegs Wood, and on Croy and Bar Hills. The forts and camps along this section vary in their perceptible presence in the landscape. Land uses include pastoral farmland, open moorland, woodland and quarries. These quarries, particularly that at Croy, have created significant changes to the landscape, including exposed rock faces.	Between Falkirk and Kilsyth, the buffer zone extends to the A803 to the north, except where it is interrupted by Bonnybridge and Banknock. Beyond Kilsyth, the northern boundary runs along a dismantled railway to Kirkintilloch. West of Kirkintilloch, the buffer zone extends to Torrance and along the A807. To the south of the WHS, the buffer zone follows the B816, railways, and built up areas (Wardpark, Dullatur, Croy and Twechar) to Kirkintilloch. West of Kirkintilloch, the buffer zone extends to the hill ridge by Meiklehill Farm and the built up edge of Bishopbriggs.	In this section, the route of the Antonine Wall runs along the south side of the valley, often following prominent roads, or marked by mature trees. Over Croy and Bar Hills, it has a greater prominence in distant views than other sections. Important viewing locations exist on Blairskaithe Muir and the Kilsyth Hills, where the perception of the route running through the landscape is possible.
Bishopbriggs to Duntocher	A complex, undulating landscape of drumlin hills, formed by glacial deposition during the last ice age. The route of the Wall passes over hills and across valleys, often changing direction between hills.	Bearsden covers part of this section, but to the east and west the landcover is largely pastoral, with three golf courses and quarry/ landfill sites near Balmuily. The Wall route is seen as a slight ridge and ditch. Balmuily fort has no visible remains perceptible from the surrounding landscape, but the fort on Castle Hill is picked out with a stand of mature trees, so that its location and relationship with the surrounding landscape is legible.	Between Balmuily and Bearsden, the buffer zone extends north to the A807 or the hills behind it, west to the railway, and south to the River Kelvin and to the landfill site at Wester Balmuily. Between Bearsden and Duntocher, the buffer zone extends to the edge of settlements to the east (Bearsden), south (Drumchapel), west (Duntocher) and north to Hardgate, along the A810, or further to the edge of the golf course on Craighead Knowe.	The complex undulating nature of the landscape means that no clear route through the drumlins is possible that would stand out in longer distance views. However, the fort at Castle Hill is visible from longer distances, for example from Cochno Hill and Muirhouse.
Duntocher to the Clyde	The steep south-facing slopes that this section of the WHS passes along create a unique landscape setting for the Antonine Wall.	Pastoral farmland with rough grazing and moorland on the upper slopes. The Antonine Wall, seen as a slight ridge and ditch, decreases in elevation and runs parallel and adjacent to the A82, before turning south into Old Kilpatrick.	The extent of buffer zone northwards is unchecked by settlement and extends up the Kilpatrick Braes as far as visibility allows. To the south, the A82 forms a strong barrier, beyond which the Antonine Wall is only perceptible along a narrow strip of green belt land.	As the route of the Wall does not follow a topographic feature, but descends to the river, longer distance views, although possible from the south side of the Clyde do not contain a sense of the Wall as a linear feature through the landscape. No longer distance viewpoints are identified for this section of the WHS.

Following the methodology described above, the buffer zone has been defined as a series of zones along the Wall, up to approximately 1-1.5 km from the Wall to the north and south. These areas are fragmented by existing settlements, roads, and areas marked for urban expansion. Fourteen zones have been described, including small parks or open spaces within settlements, to extensive strips of land between settlements. In order to maintain a general constancy of width, and to create a robust planning boundary that can be more strongly defended, the buffer zones have been defined as tight areas around the archaeological remains, and boundary features include roads, railways and the Forth and Clyde Canal.

The main landform features that have influenced the buffer zone definition are the escarpment slope that runs between Bo'ness and Falkirk, the Carron and Kelvin valleys, the drumlin landscape around Bearsden, and the south facing slopes of the Kilpatrick Hills. The main landform feature not encompassed by the buffer zone is the range of hills to the north of the Wall, the Campsie Fells. At over 7 km away, these hills are too far from the Wall to be covered by the focused planning protection measures proposed for the buffer zone.

As a result, fourteen areas of buffer zone have been defined to protect the setting and amenity of the Antonine Wall within the highly developed central belt of Scotland. The definition of each area of buffer zone is based upon the relationship of the archaeological remains to the landform, existing and proposed settlements and built developments and to the existing protection policies along the Antonine Wall. In all cases, these buffer zones conform to existing countryside and greenbelt designations and are therefore already protected against inimical developments. These policies are all listed in the nomination document and enshrined in the new, over-arching Policy 2 for the protection of the proposed World Heritage Site and its buffer zones. Furthermore, the buffer zones conform closely to the amenity areas for the

protection of the environs of the Antonine Wall first published over 30 years ago. The newly defined buffer zones take forwards and strengthen the existing protective framework for the setting of the Antonine Wall in the light of new legislation.

It is not practical to define buffer zones for the urban areas through which the Antonine Wall passes. Nevertheless, the environs of the Antonine Wall, that it is to say, its setting, in these sectors receive some protection through the planning policies of the five local authorities along the line of the Wall which seek to prevent any developments which would have an adverse impact on the monument. Further, as noted above, the existing conservation areas and listed historic buildings along the line of the Antonine Wall provide an additional level of protection for the area of the monument in urban areas.

5.d Existing plans related to municipality and region in which the proposed property is located (e.g., regional or local plan, conservation plan, tourism development plan)

Existing Structure and Local Plans (see 5.c.8 and 9) contain policies for the protection of the Antonine Wall. It is the intention to develop conservation and tourism development plans for the Antonine Wall.

5.e Property management plan or other management system

A full Management Plan for the proposed Site has been prepared and accompanies this nomination document. The production of the Management Plan was overseen by the Steering Group which supervised the production of this nomination document: wider consultation was also undertaken. The Plan follows the recommended guide-lines and stipulates 32 actions for the improved management of the property

as well as aims for the next 5 years and a vision for the next 30 years. An Antonine Wall Management Plan Working Party has been established by the Minister for Tourism, Culture and Sport in Scotland to implement the Plan. As this Plan, in effect, forms volume 3 of this nomination, the details of the Management Plan are not repeated here.

5.e.1 Those parts of the Antonine Wall which are in state care are managed by Historic Scotland on behalf of Scottish Ministers. This work is carried out by a dedicated monument conservation team based at Falkirk. They control the vegetation, maintain the fences, and undertake any necessary repairs. Falkirk, East Dunbartonshire and West Dunbartonshire Councils maintain the sections of the Antonine Wall which they own through a land management regime under the direction of their Parks Departments.

5.e.2 Historic Scotland has erected interpretation panels at all its sites. It has also erected simpler notice boards at other sectors in the care of local authorities. Falkirk Museum has erected notice boards at its own sites. In addition, Falkirk Museum has published a guide-book to the Antonine Wall, while Historic Scotland has supported the publication of the main

guide-book to the Antonine Wall by Anne S. Robertson, edited by Lawrence Keppie, and features the Wall in several of its own publications.

5.e.3 Most of the Antonine Wall in the countryside lies in farmland. The scheduled sectors are monitored by Historic Scotland's Monument Wardens as part of their rolling programme of visiting all scheduled monuments, and all parts of the Antonine Wall are visited by Inspectors of Ancient Monuments. All proposals which might affect the scheduled parts of the Antonine Wall are the subject of Scheduled Monument Consent, administered by Historic Scotland. Historic Scotland officials participate in many schemes to improve the management of the Antonine Wall. These include removing vegetation, in particular trees and scrub, which grow on the monument and whose roots could damage the underlying archaeology, as well as discouraging ploughing which might disturb the archaeological remains.

5.e.4 Historic Scotland officials work closely with local authorities and with the West of Scotland Archaeology Service which provides advice and information to three of the local authorities along the line of the Wall to improve the protection, management and interpretation of the Antonine Wall.



Historic Scotland employs a team to maintain those sections of the Antonine Wall which are in state care.

5.e.5 In order to improve the provision of information which will aid decisions to be taken on all proposals which might affect the Antonine Wall, the mapping of the monument has been upgraded. The 1980 Ordnance Survey map of the Antonine Wall has been digitised by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). In a separate exercise, undertaken by RCAHMS in conjunction with Historic Scotland, all post 1980 interventions along the line of the Antonine Wall have been digitised, together with all pre 1980 interventions where sufficient information is available to allow the action to be mapped. The map, which will be made available on line, will lead the enquirer through to the RCAHMS data base which will furnish information about each intervention. Appendix 1 provides further information.

5.e.6 The purpose of this operation is to improve the level of information available to all involved in the protection, management, conservation, presentation and interpretation of the Antonine Wall and facilitate the decision-making process.

5.e.7 The Frontiers of the Roman Empire project worth 1.35 m euros and operating under the aegis of the European Union's Culture 2000 programme has four main tasks:

- 🌀 the establishment of a web site for the frontiers of the Roman empire in Europe and the linking of national and local data bases
- 🌀 the creation of an exhibition on Roman frontiers
- 🌀 the improved documentation of Roman frontiers in Europe
- 🌀 the preparation of guide-lines for the protection, management, presentation and interpretation of Roman frontiers.

5.e.8 The later two tasks will be of material benefit to the better management of the Antonine Wall; the first two tasks

will lead to the provision of more and better information about Roman frontiers which should lead, though better public knowledge, to the improved protection of the Antonine Wall.

5.e.9 The Antonine Wall Management Plan Group, representing all relevant parties with an interest in the proposed Site, will oversee the implementation of the Management Plan.

5.f Sources and levels of finance

Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport, representing the Scottish Executive on 20 June 2006 signed a concordat with representatives of the five local authorities whereby all six bodies pledged themselves to undertake the necessary actions to protect and manage the Antonine Wall (see pages 20 and 21). All six bodies have already placed resources at the disposal of the project in a variety of ways, through the provision of staff to prepare the nomination document, to undertake specific actions to improve the protection of the Antonine Wall, to conserve the monument and to improve access to those sections in public care or ownership. All have committed further funds to continue this work.

The main focus of the activities of these six bodies is:

- 🌀 the implementation of the statutory protective measures for the Antonine Wall
- 🌀 the funding of additional advice in relation to planning
- 🌀 the care and maintenance of those sections of the Antonine Wall which lie in the ownership or guardianship: these sections add up to a total of about 17 km in public care
- 🌀 the interpretation of these sections of the Antonine Wall through on site notices, guide-books and the web
- 🌀 in addition, all have agreed to finance the preparation of Supplementary Planning Guidance for the Wall.

Over the last three years, the Royal Commission on the Ancient and Historical Monuments of Scotland has undertaken a complex programme to upgrade all its archive relating to the Antonine Wall. It has digitized the last survey of the frontier undertaken in 1980 and added information relating to all known interventions on the monument: this information will be available on the internet in 2007. In addition, the Royal Commission has agreed to maintain this body of information and host the Frontiers of the Roman Empire web-site.

The level of commitment of resources to the improved protection, conservation, management, presentation and interpretation of the monument at national and local level is impressive. It is already very clear that the steps taken in relation to the proposed nomination of the Antonine Wall as a World Heritage Site has released funds and other types of support as part of a long-running programme of activity on the Antonine Wall. Both Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland have confirmed that they will maintain their enhanced level of financial support for the projects relating to the Antonine Wall.

The Antonine Wall is specifically noted as a target site in the Historic Scotland Business Plan. Scottish Ministers recognize that successful nomination will mean that the Scottish Executive, through Historic Scotland, will need to continue its commitment to making a dedicated investment in the Antonine Wall, as it has with other World Heritage Sites in Scotland, and that a designated coordinator post will be established. Historic Scotland recognizes that such investment will need to embrace not only funding for work undertaken directly by itself, but also by local authorities and, as appropriate, private owners. Ministers will expect Historic Scotland to work closely with other partners to maximize the potential for complementary and shared investment in the Site.

5.g Sources of expertise and training in conservation and management techniques

Historic Scotland is the source of a wide variety of expertise in the conservation and management of the proposed Site. Its architects, inspectors (archaeologists) and technical staff have many years of experience in the management of earthwork monuments, in particular the Antonine Wall and in the conservation of stone buildings, such as those which have been excavated and opened to public display on the Wall. Its inspectors have been responsible for the interpretation of the proposed Site for over half a century and have contributed to publications on the protection and management of such monuments. They offer advice to local authorities along the Antonine Wall on the protection, management and interpretation of the Roman remains.

In addition, Falkirk Council employs its own archaeologist within its museum service; who also provides advice on development proposals. The West of Scotland Archaeological Service is the primary source of advice on the Antonine Wall in the area of Glasgow City, North Lanarkshire and West Dunbartonshire Councils.



Some of the recently published books and guidebooks about the Antonine Wall.

5.h Visitor facilities and statistics

5.h.1 Signs at significant road junctions direct visitors to the various sectors of the monument in public ownership or care and also provide information for walkers about foot paths. Interpretative panels are provided at all sites in state care while simpler notice boards have been erected at all sectors in the ownership of local authorities. A leaflet about the museums along the Wall has been published, a booklet about the frontier within the area of Falkirk Council, while a guide-book to the Antonine Wall is published by the Glasgow Archaeological Society. A booklet on the Antonine Wall and the implications of World Heritage Site status was published in 2004 and a more detailed account published in 2006.

5.h.2 There are no custodians or rangers permanently based on the Antonine Wall so it is not possible to do more than provide anecdotal information on the number of visitors to the proposed Site. Car parking is available at some sites, for example, Rough Castle, but elsewhere visitors must park in lay-bys or on the public highway.

5.h.3 An Antonine Wall Management Plan Working Group has been established in order to improve visitor facilities on the proposed Site.

5.i Policies and programmes related to the presentation and promotion of the property

The primary body undertaking the presentation of the Antonine Wall is Historic Scotland. This body is an executive agency of the Scottish Executive and manages those stretches of the Antonine Wall which are in state care on behalf of Scottish Ministers. It cares for the following 13 sections:

Kinneil House, Bo'ness: nothing visible above ground



Signs help direct visitors through the towns along the Wall.

Bantaskine, Falkirk: ditch and outer mound

Watling Lodge, Falkirk: the best surviving stretch of ditch

Rough Castle, Bonnybridge: fort and annexe, *lilia*, expansion, rampart, ditch and outer mound, Military Way and quarry pits

Seabegs Wood, Bonnybridge: rampart, ditch and outer mound, Military Way

Castlecary: fort, annexe and ditch

Garnhall: ditch; rampart, outer mound and Military Way also in care but not visible

Tollpark: north side of ditch and outer mound

Dullatur: ditch; rampart and Military Way also in care but not visible

Croy Hill: ditch and outer mound, two expansions; fort, fortlet, rampart and Military Way also in care but not visible

Bar Hill: fort, ditch and outer mound. Iron Age hill fort; rampart and Military Way also in care but not visible

Hillhead, Kirkintilloch: rampart, ditch and outer mound but not visible

Bearsden: bath-house, latrine and rampart base

Sign posts direct visitors to these sections of the Antonine Wall. Each section of the Wall which is in state care has an interpretation panel explaining the significance of the Antonine Wall and this particular site.



One of the many simple notice boards along the line of the Antonine Wall which provide basic information about the monument.



One of the interpretative panels at Seabegs Wood.

At Bar Hill fort the headquarters building and the bath-house have been excavated, consolidated and laid open for public display. At Bearsden the bath-house and latrine have been similarly treated. These are the only stone buildings presented along the whole of the line of the Antonine Wall. The only other two stone buildings on public display in Scotland are at Cramond to the east of the Antonine Wall where one building has been consolidated and presented and other buildings have been laid out in cobblestone, and Bothwellhaugh bath-house to the south of Croy where the building was up-lifted and rebuilt above the water level when the lake in Strathclyde Country Park was created.

In addition, the fortlet at Kinneil House, Bo'ness has been excavated,

consolidated and is presented to the public, with an interpretation panel. The rampart base is visible at: Kemper Avenue, Falkirk; New Kilpatrick Cemetery, Bearsden; and Golden Hill, Duntocher. Those stretches in the ownership of Falkirk Council at Polmonthill, Millhill Wood, Callendar Park and Tamfourhill Road are all cared for by the Parks Department and have interpretation panels. All other parts in the ownership of local authorities along the line of the Antonine Wall are marked by blue metal plates which provide basic information about the monument. Guidebooks to the Antonine Wall have been published by the Glasgow Archaeological Society, Falkirk Museum and Historic Scotland.

The general tenor of the presentation is low key. Basic information is provided



The interpretative panel to the bath-house and latrine at Bearsden.

at all sites in the care of central or local government. The Antonine Wall is the subject of several guide-books and appears in more general literature about sites to visit in Scotland. There is no visitor centre on the line of the Wall, and no intention to create one as the fragile nature of an earthwork monument such as the Antonine Wall is better interpreted at some remove. Objects from the Wall, including the distance slabs, are displayed in the Museum of Scotland, Edinburgh, Kinneil Museum in Bo'ness, the Auld Kirk Museum in Kirkintilloch, and the Hunterian Museum in Glasgow. Glasgow University has announced its intention to create an Antonine Wall Interpretative Centre, providing the Hunterian Museum with a new gallery and offices in order to achieve this. Falkirk Museums have announced a review of the display of its artefactual material from the Antonine Wall. Museums such as this are better placed to interpret the whole Wall than visitor centres in too close proximity to the archaeological remains.

The Antonine Wall was built of turf and today is grass covered and relatively fragile. Any plan to increase visitor numbers will have to take this into account. The Antonine Wall is not as visually striking as the iconic central sector of Hadrian's Wall and this could disappoint some visitors. Thus, good on-site interpretation is especially important in helping present this monument to the public. Access is not always easy; car parks are few.



An artist's impression of the latrine at Bearsden



The bath-house at Bar Hill looking west.

Mr Frank McAveety, the then Minister for Tourism, Culture and Sport, launches the booklet on the Antonine Wall in the Hunterian Museum with the help of children from the Cumbernauld Primary School.



Studying the Romans in Scotland is part of the national 5-14 curriculum in force in all Scottish schools. Those schools and their partners in museums in the vicinity of the Wall take full advantage of the fact that they have a significant monument to aid that study. Programmes which have been developed for the Antonine Wall by schools in the area are now being used by schools further afield.

The work of promoting interest in the Antonine Wall goes beyond issues of

physical access to the monument itself, and is supported by such schools' programmes and by other organisations along the Wall. The wider understanding of the monument which is thus created is of considerable value in ensuring the better protection of the Antonine Wall; it also helps to channel visitors to particular facilities and relieve physical pressure on the monument.

The wider issues of the protection and management of the Antonine Wall will be among the issues which will be dealt with

Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport, with local school children at the launch of the education initiative at the Antonine Primary School, Bonnybridge in 2005.



in the two new museum displays which are planned, by Falkirk Museum and the Hunterian Museum in Glasgow.

There are several archaeological and historical societies along the line of the Antonine Wall, at Bo'ness, Falkirk and Glasgow. The frontier forms a considerable component of their lecture and tour programmes of these societies, and of the Society of Antiquaries of Scotland based in Edinburgh. As part of the preparation work for this nomination the co-ordinator has spoken to eight such bodies along the line of the Wall. All have pledged their support for the nomination.

In addition, copies of the booklet prepared by Historic Scotland on the nomination have been sent to all owners and occupiers with the proposed World Heritage Site. Many articles have appeared in newspapers along the line of the Antonine Wall and elsewhere in Scotland. The support across the country has been uniform.

Museums displaying material from the Antonine Wall

Museum of Scotland, Chambers Street, Edinburgh

Hunterian Museum, University Avenue, Glasgow

Kelvingrove Museum, Glasgow

Auld Kirk Museum, Kirkintilloch

Kinneil Museum, Bo'ness



5.j Staffing levels (professional, technical and maintenance)

Historic Scotland's sections of the proposed Site are managed by an architect, an inspector (archaeologist) and a superintendent of works. The conservation and maintenance work is undertaken by a squad of 5 staff. Those sections in the care of local authorities are looked after by their respective Parks Departments, advised by their own archaeologist in Falkirk Council. The Royal Commission on the Ancient and Historical Monuments of Scotland maintains the national archaeological data base for the Antonine Wall and through that is the major provider of archaeological information relating to cultural resource management issues. The West of Scotland Archaeological Service, which provides an archaeological service for Glasgow City, North Lanarkshire and West Dunbartonshire Councils, and Falkirk Council maintain their own records on the Antonine Wall. The Hunterian Museum in the University of Glasgow holds an archive on the Romans in Scotland, with special reference to the Antonine Wall.

One of the many interviews with the media which have taken place during the preparation of this nomination document.



VI MONITORING

6.a Key indicators for measuring state of conservation

6.a.1 The Monument Wardens employed by Historic Scotland visit all sections of the Antonine Wall which are scheduled under the *Ancient Monuments and Archaeological Areas Act 1979* on a five-year cycle. The Monument Wardens record the state of the monument on each visit in the form of a textual description, drawings and photographs. The Wardens are part of Historic Scotland's Inspectorate, a team of professional staff that undertake a range of duties with regard to the identification and protection of historic environment assets in Scotland. Any problems arising from these reports are dealt with by the relevant Inspector of Ancient Monuments. In addition, these Inspectors employed by Historic Scotland scrutinise all applications for activities in the scheduled lengths of the Antonine Wall. Historic Scotland officials respond, giving approval or otherwise depending on the effect of the proposals on the monument.



6.a.2 A group formed of architects, inspectors and works superintendents employed by Historic Scotland visits all the 10 km of the Antonine Wall in Historic Scotland care each year and prepare an annual work programme to undertake the appropriate management activities to ensure the proper conservation of the monuments. Within the year, the 10 km are monitored on a regular basis by the Historic Scotland Monuments Conservation Unit. Reports are prepared on a monthly basis and submitted to Historic Scotland's headquarters in

An inspector of ancient monuments monitors the state of a scheduled section of the Antonine Wall at Bo'ness.

LEFT: The Antonine Wall crossing Bar Hill and Croy Hill.

The headquarters building of the fort at Bar Hill are inspected by the members of an international workshop on the Antonine Wall in 2003.



Edinburgh where the team of architects and inspectors decide on the appropriate action.

6.a.3 The monitoring of activities in all other stretches of the Antonine Wall is the responsibility of the officials of the five local authorities along the line of the Antonine Wall, operating within the framework of the *Town and Country Planning (Scotland) Act 1997*. They scrutinise planning proposals and ensure that the planning policies for the protection of the Antonine Wall are adhered to. Advice is provided by professional archaeologists.

6.a.4 The management and conservation of the Antonine Wall will, in future, be monitored by the Antonine Wall Management Plan Group which has been established for this purpose.

6.b Administrative arrangements for monitoring property

The Monument Wardens who monitor the Antonine Wall work for Historic Scotland. They submit their reports to:

The Scheduling Team
Historic Scotland
Longmore House
Salisbury Place
Edinburgh EH9 1SH

HS.inspectorate@scotland.gsi.gov.uk
Telephone: 0131 668 8766

6.c Results of previous reporting exercises

These are available in two forms. The reports of the Monument Wardens are held within the Inspectorate division of Historic Scotland while the monthly reports of the Monument Conservation Unit are held within the Properties in Care division of Historic Scotland.

Surveying at Seabegs Wood by RCAHMS.



VII DOCUMENTATION

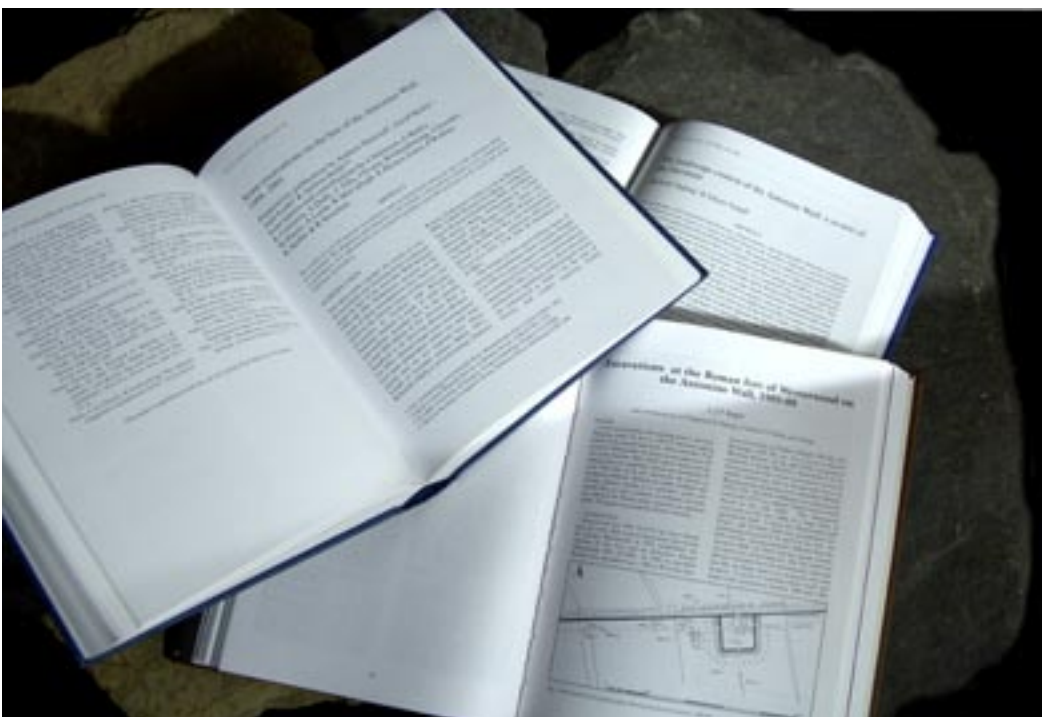
7.a Photographs, slides, image inventory and authorization table and other audiovisual materials

Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland maintain large archives of photographs of the Antonine Wall taken over the last 100 years. Thirty slides of the Antonine Wall are included with this document, together with the DVD of the Antonine Wall and Hadrian's Wall prepared by Boundary Productions: they are listed overleaf. The DVD is part of a series on the frontiers of the Roman empire, which will include a special DVD of all frontiers which will place the Antonine Wall in its wider context and will be ready during the summer of 2007.

7.b Texts relating to protective designation, copies of property management plans or documented management systems and extracts of other plans relevant to the property

Texts of the laws relating to the protection of the proposed extension to the World Heritage Site, the relevant National Planning Policy Guidelines, and the local authority Structure and Local Plans are provided on a CD and are listed below.

The two public information booklets on *The Antonine Wall, Proposed as a World Heritage Site* (Breeze 2004) and the *Frontiers of the Roman Empire* (Breeze, Jilek and Thiel 2005) are provided, together with *The Antonine Wall* (Breeze 2006) and *The Antonine Wall* (Robertson 2001).



The reports of excavations on the Antonine Wall, published in the *Proceedings of the Society of Antiquaries of Scotland* and the *Scottish Archaeological Journal*.

IMAGE INVENTORY AND PHOTOGRAPH AND AUDIOVISUAL AUTHORIZATION FORM

Id.no.	Format	Caption	Date	Photographer	Copyright owner	Contact
1	slide	Rough Castle	8/2006	R. Adam	RCAHMS	see p. 123
2	slide	Watling Lodge ditch	6/2006	D. Henrie	Historic Scotland	see p. 123
3	slide	Rough Castle rampart & ditch	6/2006	D. Henrie	Historic Scotland	see p. 123
4	slide	Polmont Woods ditch	6/2006	D. Henrie	Historic Scotland	see p. 123
5	slide	Callendar Park aerial	12/2006	R. Adam	RCAHMS	see p. 123
6	slide	Callendar Park ditch	5/2006	D. Henrie	Historic Scotland	see p. 123
7	slide	Seabegs Wood	6/2006	D. Henrie	Historic Scotland	see p. 123
8	slide	Tollpark	8/2006	D. Henrie	Historic Scotland	see p. 123
9	slide	Bar Hill ditch	8/2006	D. Henrie	Historic Scotland	see p. 123
10	slide	Iain Road, Bearsden	5/2006	D. Henrie	Historic Scotland	see p. 123
11	slide	Iain Road, Bearsden from the air	10/2006	R. Adam	RCAHMS	see p. 123
12	slide	Wall base, Bearsden	6/2006	D. Henrie	Historic Scotland	see p. 123
13	slide	Wall base, Falkirk	8/2006	D. Henrie	Historic Scotland	see p. 123
14	slide	Seabegs Wood Military Way	8/2006	D. Henrie	Historic Scotland	see p. 123
15	slide	Rough Castle fort from the air	8/2006	R. Adam	RCAHMS	see p. 123
16	slide	Rough Castle, <i>lilia</i>	7/1986	D. Henrie	Historic Scotland	see p. 123
17	slide	Mumrills fort	6/2006	D. Henrie	Historic Scotland	see p. 123
18	slide	Balmuildy fort	8/2006	D. Henrie	Historic Scotland	see p. 123
19	slide	Castlehill from the air	10/2006	R. Adam	RCAHMS	see p. 123
20	slide	Duntocher fort from the air	10/2006	R. Adam	RCAHMS	see p. 123
21	slide	Bar Hill HQ	8/2006	D. Henrie	Historic Scotland	see p. 123
22	slide	Bar Hill bath-house	8/2006	D. Henrie	Historic Scotland	see p. 123
23	slide	Bearsden bath-house	8/1994	D. Henrie	Historic Scotland	see p. 123
24	slide	Kinneil fortlet	6/2006	D. Henrie	Historic Scotland	see p. 123
25	slide	Tamfourhill camp	7/1977	J. Mackie	RCAHMS	see p. 123
26	slide	Kirkintilloch motte	3/2006	D. Henrie	Historic Scotland	see p. 123
27	slide	Bo'ness	2/1997	R. Adam	RCAHMS	see p. 123
28	slide	Bantaskin, Falkirk	10/2006	R. Adam	RCAHMS	see p. 123
29	slide	Croy Hill	10/2006	R. Adam	RCAHMS	see p. 123
30	slide	Kelvin Valley	8/2006	D. Henrie	Historic Scotland	see p. 123
31	DVD	Roman Frontiers	2004	E. Dobat	Boundary Productions www.boundary.de	

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7.c Form and date of most recent records or inventory of property

There are two main repositories of information about the Antonine Wall. Records of surveys and excavations are housed in the national archaeological record, the Royal Commission on the Ancient and Historical Monuments of Scotland. In conjunction with the preparation of the nomination document and the Management Plan, the Royal Commission on the Ancient and Historical Monuments of Scotland have been preparing a new digitised map of the Antonine Wall. This provides an accurate depiction of the Antonine Wall in map form based on the 1980 survey of the frontier supplemented by later surveys and excavations, information on the state of survival of the monument, and access to the basic reports on interventions to the monument. This map is available on-line and is a powerful tool in the protection and management of the proposed Site.

The second main collection of records is the Hunterian Museum in the University of Glasgow. This houses a special archive containing publications and records relating to the Antonine Wall.

All finds from excavations along the line of the Antonine Wall are donated to local museums. Traditionally, the National Museums of Scotland have collected the material from the east half of the Wall while the Hunterian Museum has acquired artefacts from the west end. Other museums holding material from the Antonine Wall are: Falkirk Museums, the Auld Kirk Museum in Kirkintilloch and Kelvingrove Museum in Glasgow.



7.d Address where inventory, records and archives are held

Royal Commission on the Ancient and Historical Monuments of Scotland
John Sinclair House
16 Bernard Terrace
Edinburgh EH8 9NX

The Photographic Library
Historic Scotland
Longmore House
Salisbury Place
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Hunterian Museum
University of Glasgow
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7.e Bibliography

There is an extensive bibliography for the Antonine Wall. This is available on the internet through the two websites of the Royal Commission on the Ancient and Historical Monuments of Scotland, CANMORE and CANMAP. The guide-book to the Antonine Wall (Roberston 2001) provides a detailed bibliography, in particular for individual sites. Below are listed the main books and the more recent articles.

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LEFT: Trajan's Column in Rome provides valuable contemporary evidence for the building of turf structures such as the Antonine Wall.

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National Planning Policy Guideline 18 Planning and the Historic Environment (The Scottish Office Development Department 1999)

Local Authority Structure and Local Plans

Clydebank Local Plan (2004)

Cumbernauld Local Plan (1993)

East Dunbartonshire Local Plan (2004)

Glasgow City Plan (2003)

Glasgow and the Clyde Joint Structure Plan (2000)

Kilsyth Local Plan (1999)

Polmont and District Local Plan (2001)

Natural Heritage

Three reports on landscape character assessment published by Scottish Natural Heritage cover the area occupied by the Antonine Wall:

116, *Glasgow and the Clyde Valley landscape assessment* (1999)

123, *Central Region landscape character assessment* (1999)

124, *Stirling and Grangemouth landscape character assessment* (1999)



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LEFT: The bath-house
at Bearsden.
The changing room lies
in the foreground with
the cold room beyond.
To the left is the hot dry
room and to the right
the cold bath, with the
hot steam range at the
far end. Top left is part of
an earlier bath building
and top right the latrine.



IX SIGNATURES ON BEHALF OF THE STATE PARTY

Full name: Tessa Jowell

Title: Secretary of State for Culture, Media and Sport

Date: 8 January 2007

LEFT: The fortlet at
Kinneil.

Acknowledgements

The preparation of the Nomination Document was overseen by a Steering Group consisting of:

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The maps of the proposed World Heritage Site to accompany the Nomination Document were prepared by the Royal Commission on the Ancient and Historical Monuments of Scotland under the oversight of a Steering Group consisting of:

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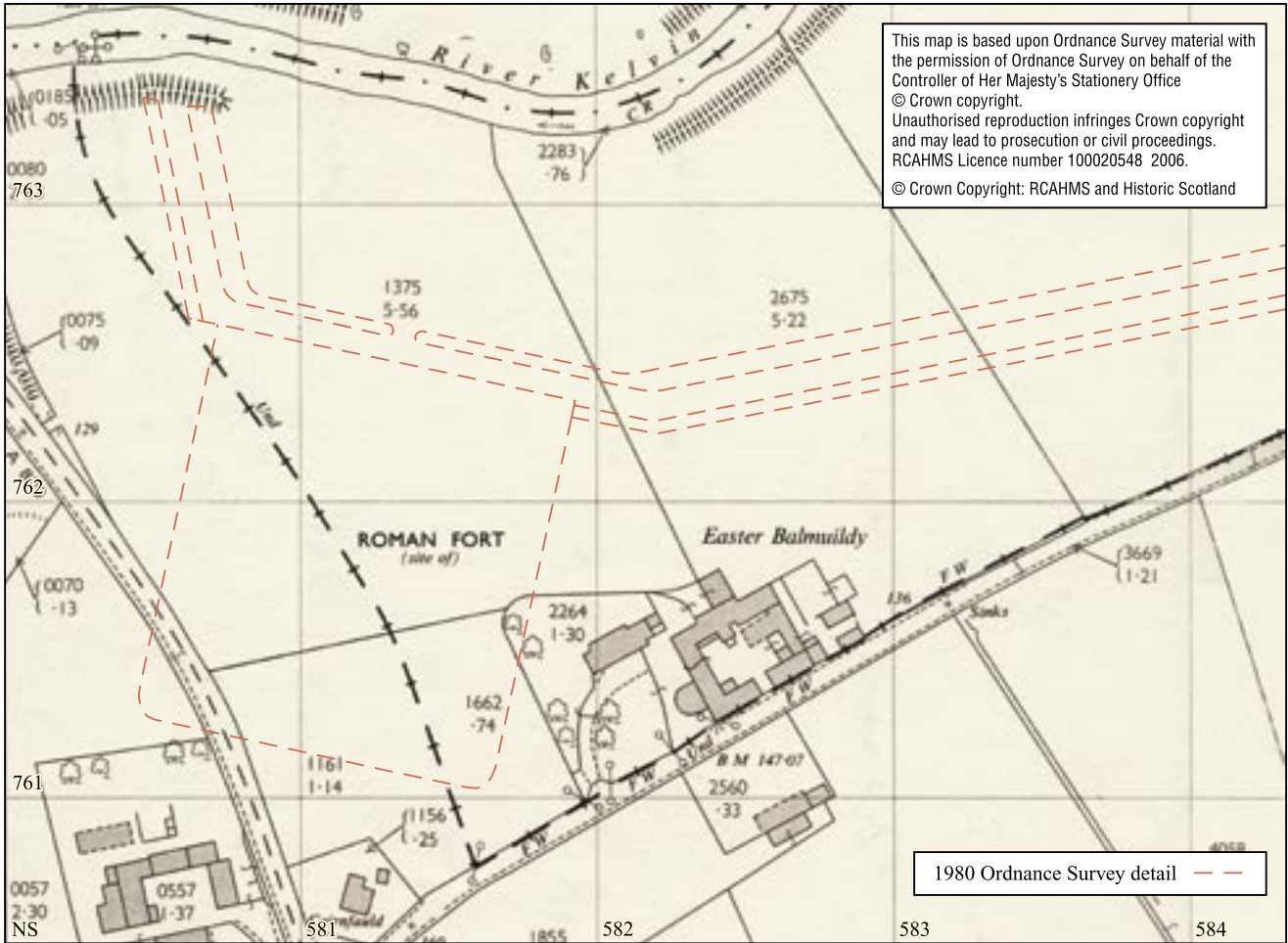
The work of producing all the maps in both the volume of maps and the Nomination Document was undertaken by Ms Georgina Brown.

The Nomination Document and the Management Plan were written by Professor David Breeze, who would like to thank the following for assistance and advice: Professor Bill Hanson, Professor Lawrence Keppie, Ms Beatrice Dower and her colleagues in Land Use Consultants for the report on the buffer zones, Mr Jim Devine and colleagues in the Hunterian Museum, University of Glasgow, Dr Richard Tipping of the University of Stirling, Dr Carol Swanson and her colleagues in the West of Scotland Archaeology Service, Mr Geoff Bailey of Falkirk Museum, Dr Richard Jones of Glasgow University, Mr Peter Marsden in the UK Department for Culture, Media and Sport, Dr Christopher Young of English Heritage, Dr Andreas Thiel of the Deutsches Limeskommission, Dr Sonja Jilek and Mgr Klaus Behrbohm of the Culture 2000 Frontiers of the Roman Empire project, and colleagues in Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland, in particular Dr George Findlater, Mr David Henrie and Mr Richard Strachan of Historic Scotland and Dr Rebecca Jones of RCAHMS.

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APPENDICES



APPENDIX I

Event mapping along the Antonine Wall

Rebecca Jones

The most recent full survey of the Antonine Wall was undertaken by the former Archaeology Branch of the Ordnance Survey (OS) in 1980. This baseline survey assessed all the available archaeological evidence at that point to produce a revised suite of maps at scales of 1:1,250 and 1:2,500, now deposited in the RCAHMS archive. Two earlier folios of maps, the Ordnance Survey Working Sheets of 1954–7 and the course supplied by Sir George Macdonald 1931, are also held by RCAHMS.

In the mid 1990s the mapped detail from the 1980 OS survey was digitised by RCAHMS to create a layer in the Geographic Information System (GIS). This digitisation process applied intelligent attributes to the component features of the Wall, the rampart, ditch, outer mound (counterscarp bank), forts, fortlets and other features. It is this line that forms the basis of the World Heritage Site nomination.

The digitisation of the map was followed, between 2004–6, by the digitisation of all archaeological interventions or events along the line of the Antonine Wall from 1980 to the present, thereby updating the existing baseline survey and bringing the documentation up to date. In addition, all events prior to 1980, for which there was sufficient information in the form of locational data and detail, were also mapped.

The project incorporated evidence from a variety of sources including geophysical survey and excavation. This drew together information from published sources as well as unpublished reports and collections of material deposited in the archives of RCAHMS. Site location plans were digitised and geo-referenced to local mapped detail. Attribute (metadata) tables were created, both at a high level, containing data such as the type, date and director of the intervention, as well as more detailed data recording the individual features found. The project digitised information from excavations, watching briefs and geophysical surveys,

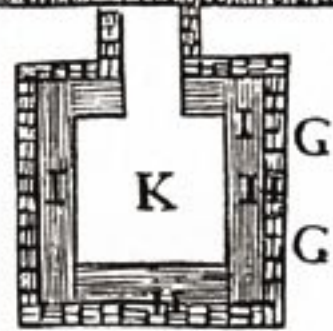
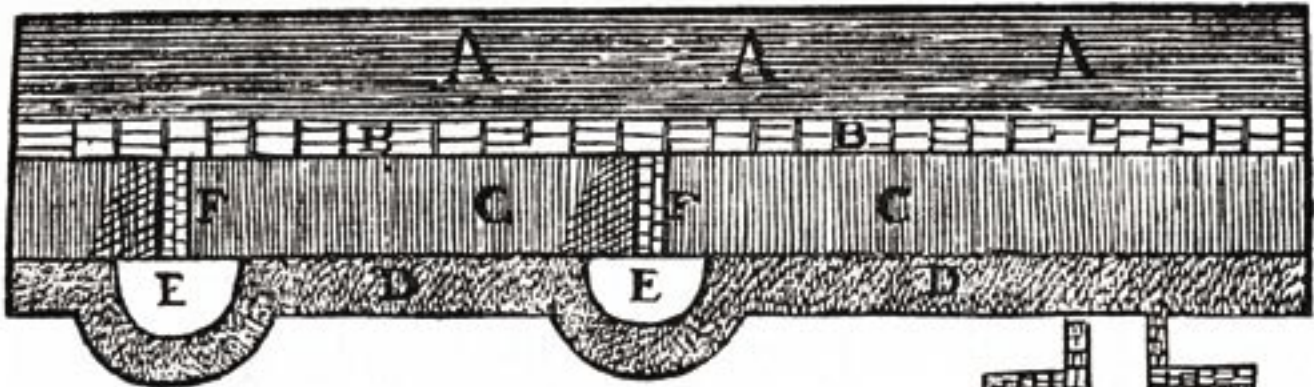
recording individual trenches and features, identified by type. By capturing the data in this way, the user is able to cross-search different events to identify similar features across, for example, separate excavation projects.

In addition to this data collection, all available air photographs depicting areas where the Wall is visible as a cropmark were scanned and geo-referenced. The archaeology was transcribed and additional GIS layers created. Further selected field survey data to enhance this resource was also collected in 2006, using a differential Global Positioning System (GPS), to enhance the basic information about upstanding segments of the Wall.

The aerial transcriptions, geophysical survey information, excavation extents and excavation detail created through this project are all available as layers in the GIS. Once in this digital environment, the data can be viewed against a variety of backgrounds and cross interrogated with other datasets. This includes raster datasets such as earlier maps of the monument, and ‘intelligent’ vector data such as the World Heritage Site line and buffer zones, Historic Scotland’s Scheduled Ancient Monuments, Historic Land-use Assessment information, the Macaulay Land-use data, Ordnance Survey height and contour data, nature conservation designations, local authority land-use zones and other data gathered for land-management purposes. This therefore provides a powerful tool for the management, protection, conservation in interpretation of the monument, and the event-mapping layer will be made available to the local council archaeologists and planners. The RCAHMS database, Canmore, is available online (www.rcahms.gov.uk) and each event created for the project has the RCAHMS unique identification number embedded in the attribute table to enable the user to drill directly into the online information in the national database.

LEFT
Top:
The Ordnance Survey 1:2,500 paper map of the area around the Roman fort at Balmuildy, published in 1967, with additional detail from the 1980 Survey.

Bottom:
An extract from the digital map for Balmuildy incorporating the raster Geophysical Survey (Glasgow University 2005), the vector digitised and rectified excavation plan (Miller’s excavations 1912–14), and the RCAHMS vector digitisation of the OS 1980 Survey.



- A A A.* A ditch of twelve foot wide before the Wall, towards the Enemies Country.
- B B.* A wall of squared and cut stone, two foot broad; probably higher than the wall to cover the Defendants, and to keep the Earth of the wall from falling into the Ditch.
- C C.* The Wall it self, of ten foot thickness; but how high, not known.
- D D.* A paved way close at the foot of the wall, five foot broad.
- E E.* Watch-towers within a call one of another, where Centinels kept watch day and night.
- F F.* The wall of square stone going through the breadth of the Wall, just against the Towers.
- G G.* A Court of guard, to lodge a sufficient number of soldiers against all sudden Alarms.
- I I.* The body of the Rampire, with an outer-wall of cut stone, higher than the Rampire, to cover Soldiers.
- K.* The Void within for the Soldiers Lodgings.

Timothy Pont's " Draught."

APPENDIX II

Early Visitors to the Antonine Wall

The Antonine Wall has been visited, recorded and mapped for 500 years. Some of the statements and maps of these early visitors are well known, others less so. Much has never been published. Professor Lawrence Keppie is embarked on a project, funded by the British Academy, in order to research and publish all such early records. Already new information has come to light, about the bath-house at Duntocher, for example. This was found in 1755 and a summary report published. The original records were located by Professor Keppie and a full account published based on this material.

One of the earliest known visitors to the Antonine Wall was Timothy Pont. In the late sixteenth century, he not only traced the line of the Wall on his map of Scotland (see page 67), but he also left a detailed record of his observations. His plan may be strange to our eyes, being prepared by a draughtsman on the basis of his description, but we can see that he recognised forts and towers. In his short written account he notes the existence of forts, and even records the location of some.

In 1636 Sir William Brereton also visited the Antonine Wall, travelling from Edinburgh to Glasgow, staying in local inns or the houses and castles of the gentry. He stated that there was a fort at every mile and a smaller structure in between. While it is not possible to know what Sir William saw, he certainly recorded a close density of structures, which has since been confirmed through aerial and terrestrial survey. Sixty years later an unknown traveller visited the Wall and also left an important record, which has just been published for the first time.

The eighteenth century is dominated by three scholars, of different complexions and reputations. Alexander Gordon published *Itinerarium Septentrionale* in 1726.

It contained a measured survey of the Antonine Wall. His skill as a field surveyor may be questioned, but his survey was of great value. Just six years later John Horsley published *Britannia Romana*. A better field worker than Gordon, he visited the Antonine Wall sometime after the publication of *Itinerarium Septentrionale* and offered further comment in his own publication. It was, however, William Roy, who, as we have seen, produced the best map of the Wall and in many ways is the starting point for any historical cartographical treatment of the Wall. Fortunately, too, his map is accompanied by a textual description of the remains of the Wall as he saw them in 1755. His measurements for the fort at Bearsden (New Kirkpatrick to Roy) have been proved correct to the foot through modern excavation.

While these three are well known, an important visitor some years later was Rev. John Skinner of Camerton in Somerset. His record of life in his parish is well known, as is his walk along Hadrian's Wall, but his tour along the Antonine Wall in 1825 has only just been published. In his journal, he not only recorded the physical remains but recorded these remains and the countryside of the Wall with its modern buildings in a series of sketches which he later coloured. It is a most valuable record.

It is clear that there are nuggets still surviving in archives, both public and private, which should help cast light on the history of the Antonine Wall and in particular the elements of the frontier which are now lost. They complement maps, surveys and excavation reports and, furthermore, their hints of long-lost structures can be tested now through non-intrusive survey such as geophysical prospection.



APPENDIX III

Frontiers of the Roman Empire World Heritage Site

Hadrian's Wall (UK) was inscribed as a World Heritage Site (WHS) in 1987. In 2005 the German *Limes* was also inscribed as a World Heritage Site as an extension to the Hadrian's Wall WHS. At the same time, the name of the Hadrian's Wall WHS was changed to Frontiers of the Roman Empire (Hadrian's Wall/UK), with the German *Limes* as the first phased, serial extension of this new trans-national World Heritage Site. Other countries have declared their intention to nominate their sections of the European frontiers of the Roman empire as part of this phased, serial trans-national World Heritage Site. These countries are Austria, Croatia, Hungary and Slovakia. In order to obtain a better appreciation of the scale of the potential future extent of this WHS, UNESCO sought the preparation of an over-arching view of the European frontiers of the Roman empire. As a result, the following Summary Nomination Statement was prepared by Professor David Breeze of Historic Scotland and Dr Christopher Young of English Heritage. It was adopted by the World Heritage Committee of UNESCO at its 2005 meeting at Dunbar, South Africa.

The new World Heritage Site will be managed by an inter-governmental body appointed by those states whose sections of the frontier are included in the WHS - at present these are Germany and UK - with observers from those other states which have stated their intention to nominate their section of the frontier. This inter-governmental body will be advised by the scientific committee known as the Bratislava Group which was established in 2003 and formed of the archaeological co-ordinators of those countries whose sections of the frontier are already in the FRE WHS or have stated their intention to nominate their section.

Summary Nomination Statement for Frontiers of the Roman Empire WHS

I.a.I. Identification of the Property

I.1 The Roman Empire extended at its height into three continents. During the waxing and waning of Roman power over a period of more than a millennium, a number of different frontier lines were established. At its greatest extent, in the second century AD, the imperial frontier stretched for over 5000 km, starting on the western coast of northern Britain, which it divided into two parts. The frontier in Europe then ran along the rivers Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier, from the Black Sea to the Red Sea and running through mountains, great river valleys and the desert, faced Rome's greatest enemy, Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco.

I.2 Remains of Roman frontier installations survive and can be seen in the United Kingdom, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria and Romania and possibly others within Europe. East and south of the Mediterranean, there are remains in Turkey, Syria, Jordan, Israel, Iraq, Egypt, Libya, Algeria, Tunisia and Morocco.

I.3 The inscription of the Hadrian's Wall World Heritage Site has resulted in

LEFT: The Antonine Wall looking east to Watling Lodge.

the definition of what a Frontiers of the Roman Empire World Heritage Site might contain:

- a linear barrier in its entirety;
- sites along a natural boundary, such as a sea or river;
- the network of military installations, other ancillary features and their linking roads, on, behind and beyond the frontiers.

All these may encompass both visible and buried archaeology. Together, all form an extensive historic landscape.

1.4 Detailed location information will be given for each section of the frontier as it is nominated for inscription.

1.5 The Site is known overall as the Frontiers of the Roman Empire World Heritage Site. Individual elements of the Site would be listed by their local names as being part of the Frontiers of the Roman Empire World Heritage Site – Hadrian’s Wall (part of the Frontiers of the Roman Empire World Heritage Site).

2. Justification for inscription

2.a Statement of Significance

2.a.1 The Roman Empire is of undoubted outstanding universal value. Spanning three continents, the Empire developed and transmitted over large parts of Europe a universal culture based on Greek and Roman civilisation. Its influence reached far beyond its actual boundaries in Europe and around the Mediterranean. Its culture framed and guided the cultures of Europe up to and including the present day.

2.a.2 The frontiers of the Roman empire form the single largest monument to this civilisation. They helped define the very extent and nature of the Roman empire. As a whole, they represent the

definition of the Roman empire as a world state. They also played a crucial role in defining the development of the successor states to the Roman Empire. The frontiers and their garrisons were also a crucial tool of Romanisation on both sides of the border line.

2.a.3 The frontiers also have high significance as illustrating the complexity and organisational abilities of the Roman Empire. With only the technology and communications of a pre-industrial society, the Empire was able to plan, create and protect a frontier of some 5000 km and garrisons of tens of thousands of men. It was then able to manage and use this system, on the whole successfully, for periods of many centuries, both as a physical barrier, and also as the basis for diplomatic and military intervention far beyond the actual frontier line itself.

2.a.4 Physically, the frontiers demonstrate the variety and sophistication of the responses of the Roman Empire to the common need to demarcate, and control and defend its boundaries. This had to be done in widely differing circumstances, reflecting the interaction of political, military and topographical features. Mostly, the Empire faced a variety of tribal groups, but on their eastern front they were confronted by the Parthian Empire, a state of equal sophistication and complexity.

2.a.5 In some places the boundary ran along rivers. Elsewhere it edged the desert and elsewhere again it ran through areas with no natural barriers. In each case, the Romans developed a local solution, making use of topographical features and political circumstances to provide a barrier that was an effective control of movement across the frontier as well as a strong military barrier defence. The variety of physical remains have outstanding value in demonstrating the complexity and success of this society in using boundary works to define and protect itself in ways appropriate in each cases to the local circumstances.

2.b Comparative Analysis

2.b.1 Protection of boundaries was a problem common to all pre-industrial empires. Only two (Rome and China) seem to have used the solution of a linear barrier. The only direct comparator to the frontiers of the Roman Empire is therefore the Great Wall of China, inscribed as a World Heritage Site in 1987. The Great Wall is 6,000 km in length, thus forming the largest single military structure in the world.

2.b.2 The frontiers of the Roman Empire, though shorter overall than the Great Wall of China, had to respond to more varied conditions, both political and physical. It therefore uses a wider variety of defensive systems, demonstrating the complexity and organisational ability of the Roman state to these varying conditions. It is possibly a more complex response than that developed by the Chinese.

2.c Authenticity and Integrity

It will be necessary for each individual nomination of a section of the Frontiers of the Roman Empire World Heritage Site to demonstrate the authenticity and integrity of that section.

2.d Criteria under which inscription is proposed

2.d.1 As a whole, the Frontiers of the Roman Empire World Heritage Site meets three criteria for inscription as a cultural World Heritage Site. These are:

(ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design

2.d.2 Taken as a whole, the frontiers of the Roman Empire show the development of Roman military architecture from temporary camps through winter quarters for whole armies to the establishment of permanent forts and fortresses. These show through time a development from

simple defences to much more complex arrangements.

2.d.3 Linked to this is the development of the infrastructure of roads and waterways along with systems of linear barriers and watch towers. The frontier also promoted the development of urbanisation particularly in central and western Europe from which it had previously been largely absent.

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared

2.d.4 The Roman frontier is the largest monument of the Roman Empire, one of the greatest of the world's pre-industrial empires. The physical remains of the frontier line, of the forts and fortresses along it, as well as of the cities, towns and settlements associated with it, and dependent upon it, demonstrate the complexities of Roman culture and the spread of Roman culture across Europe and the Mediterranean world.

2.d.5 Unlike the great monuments from the urban centres around the Mediterranean already inscribed as World Heritage Sites, the frontiers show a more mundane aspect of Roman culture, both military and civilian. As such they are evidence of the spread of Roman culture and its adoption by the Empire's subject peoples.

2.d.6 Inscriptions and other evidence demonstrate the extent to which the frontier led to an interchange of peoples across the Empire. To a large extent, this was the result of the movement of military units (e.g. British units in Romania, or Iraqi boatmen in northern Britain) but there is also strong evidence of civilian movement (e.g. merchants from the Middle East who settled in Britain, Germany and Hungary). The frontiers also acted as the base for the movement of Roman goods (and presumably ideas) to pass well beyond the Empire.

(iv) be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates a significant stage in human history

2.d.7 The physical remains of the frontiers of the Roman Empire demonstrate the power and might and civilization of the Romans. As such they are evidence of the development of the Roman Empire and its spread across much of Europe and parts of Asia and Africa. They therefore illustrate the spread of classical culture and of Romanisation which shaped much of the subsequent development of Europe.

3. Description

3.a Description of Property

3.a.1 The Frontiers of the Roman Empire World Heritage Site will embrace the frontier in its entirety, acknowledging that sometimes it was just a linear barrier or even just a line on a map but elsewhere may extend to a broad military zone, which is a network both physical in form but also intangible in nature. This network encompasses a support structure both behind and in front of the barrier, and the effect of the Roman military presence on the people on, behind and in front of the frontier, extending far beyond the formal boundaries of the Roman empire. Thus, the frontier both divides and connects the ancient and modern peoples of Europe and the Mediterranean world.

3.a.2 A mere catalogue does not do justice to the wide range of military and associated civilian remains visible on the frontiers of the Roman Empire. While there are certain generic types – legionary fortresses, forts, fortlets, towers – these are geographically distinct. A tower may be a tower, but it is not the same structure in Britain, Austria or Hungary. Forts follow basic plans, but retain distinctive qualities unique to that part of the empire in which they were constructed. The remains of

the great cities which sprang up outside the fortresses of the middle Danube cannot be found in the United Kingdom do not occur on the frontiers in Britain. The terrain of the frontier – river, marsh, mountain – as well as the climate also dictated the sort of military installations constructed.

3.a.3 In some places, the frontier followed river lines strengthened by fortresses and forts. Elsewhere in desert areas, networks of roads and forts sufficed. In more settled areas without natural defences, more permanent artificial barriers were needed. These could be simple timber or earthworks as in Upper Germany, the *Limes* and, in Scotland, the Antonine Wall or more elaborate structures such as Hadrian's Wall in England.

3.a.4 Probably the frontier had different purposes in different parts of the Empire. In some places, it was probably intended principally for simple policing of the border line. Elsewhere, it may have had a more robust military function.

3.a.5 Its role may have changed over time, too. Physical changes over time can also be noted: the great Constantinian and Valentinianic building programmes of the fourth century may be seen in the Rhineland (Germany), Austria and Hungary, but rarely elsewhere. Even later modifications survive on the lower Danube, on the Eastern frontier and in north Africa. Time and space have combined to create a unique range of structures which together form a greater whole and an enormously complex corpus of material for preservation and study.

3.a.6 Remains of Roman frontier installations can be seen in the United Kingdom, The Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Bulgaria and Romania within Europe. Along the Eastern frontier, there are remains in Turkey, Syria, Iraq, Jordan and Israel. In north Africa military works survive in Egypt, Libya,

Algeria, Tunisia and Morocco. The state of preservation and knowledge varies greatly from country to country. Much has been destroyed or built over, and is now only accessible through excavation. Even sites that are ploughed flat and are only visible through the media of aerial photography or geophysical research, form extremely significant reserve areas for archaeological research. Yet much stands proud, revealed by excavation or, remarkably, still in use, as the gates and towers of Austria illustrate. They all offer evocative reminders of the former power and greatness of this formidable empire.

3.a.7 Hadrian's Wall in the United Kingdom is the best preserved frontier. This is largely because it was built in stone. Visible on the ground, in addition to long stretches of the linear barrier itself, are forts such as Housesteads and Chesters, linked by a road, the Military Way, milecastles and turrets (about 6 and 12 visible respectively) and civil settlements, for example Vindolanda; uniquely on this frontier there is an extra earthwork, the Vallum running along the rear of the linear barrier. Beyond the eastern end of the Wall lay a supply base at South Shields, while to the west, on the Cumbrian Coast, is visible the fort at Maryport and an adjacent fortlet. The Antonine Wall in Scotland, constructed of turf, survives remarkably well in many areas. The earthworks of the fort at Rough Castle and bath-houses at Bar Hill and Bearsden are visible, as are six 'expansions', which were probably beacon platforms. The type of fortlet/milecastle found on these two frontiers is unique to Britain.

3.a.8 In Germany, several long stretches of the linear barrier are visible and it is often very clear from the air. As a peculiarity its course is often mathematically straight, completely ignoring the topography of the land. Many forts are visible along the frontier line including: The Saalburg, Osterburken, Rainau-Buch, Welzheim, Weissenburg and Eining. Generally the forts and fortlets in Germany are rather larger than in Britain.

Entrances through the linear barrier such as Dalkingen are visible apart from the fort-sites. Towers in various differing states of survival and/or restored at various times, occur (e.g. Bad Hoeningen, Zugmantel, Mahdholz).

3.a.9 Forts are also visible in other European countries along the frontier including: Zwammerdam in The Netherlands; Mautern, Traismauer, Tulln and Zeiselmauer, in Austria; Tokod, Visegrád, Ulcisia Castra, Contra Aquincum and Intercissa, in Hungary; Capidava, Dinogetia, Carsium and Porolissum in Romania. Towers are also visible in Austria (e.g. Bacharnsdorf) and Hungary (e.g. Leányfalu).

3.a.10 Some remains of the large legionary fortresses may be seen, e.g. Vindonissa in Switzerland, Regensburg in Germany, and Aquincum in Hungary while earthworks of others survive at, for example, Inchtuthil in the United Kingdom and Lauriacum in Austria.

3.a.11 The remains include ancillary features such as bath-houses and amphitheatres built by the army. Civilian settlements also lay outside most forts, such as Vindolanda beside Hadrian's Wall; some grew to great cities such as Carnuntum in Austria and Aquincum in Hungary. Here may be seen houses, shops, markets and temples in once-thriving communities.

3.a.12 In the East and in north Africa, climate and different social traditions often produced forts of different types to those in Europe. On the eastern frontier, troops were frequently quartered in towns such as Dura Europos in Syria and Hatra in Iraq, but elsewhere occur 'normal' forts. Legionary fortresses are visible at Satala in Turkey, and El-Lejjun and Udruh in Jordan. Forts include Ain Sinu in Iraq, Sa'neh, Khan el-Hallabat and Deir-Semali in Syria, Qasr el-Azraq, Da'ajaniya and Qasr Bshir in Jordan and Upper Zohar in Israel. Towers often lay beside the roads along the frontier, the *Via Novae Traiana* and the *Strata Diocletiana*,

which form an important element in the system and in the remains today.

3.a.13 In north Africa many forts lie in what is today desert. Some, such as Bu Njem and Gheriat el-Garbia (Libya), now lie deep into the Sahara. In Tunisia and Algeria many of the forts which protected the rich coastal cities are still visible, with notable remains at the legionary fortress at Lambaesis; its predecessor, Timgad, was transformed into a Roman colony which is remarkably well preserved. In Algeria and Morocco, too, large stretches survive of the *Fossatum Africae*, the barrier erected by the Romans to divide the sown from the nomad and control transhumance. The wall incorporated both gates and towers, still visible today. In Egypt forts such as Mons Claudianus were specially constructed to house the troops controlling quarrying.

3.a.14 It must be emphasised that all these visible structural remains are complemented by museums in all countries. Many of these are of international reputation and display material of the highest quality. It is appreciated that museums are not eligible for World Heritage Site status.

3.b History and Development

3.b.1 Rome's frontiers are indeed a reflection of the empire's former might. But earlier Romans would not have seen it that way. The ethos of the Roman Republic and the reign of the first Emperor Augustus (27 BC-14 AD) were expansionist. The momentum of the long reign of Augustus ended in two great rebellions towards the close of his life and thereafter the frontiers of the empire gradually consolidated on the borders he established. Regiments stationed in groups with invasion in mind were gradually re-disposed along the frontier. Forts were supplemented by smaller installations such as fortlets and towers. Under Hadrian (117-138), physical barriers were erected in both Germany and Britain, while the *Fossatum Africae* in Algeria probably dates, at least in part, to the same reign.

3.b.2 The borders of the empire established by Augustus did not remain static. Britain was invaded by his nephew Claudius; Domitian made an advance into Germany; Trajan conquered Dacia in modern Romania and attempted to advance the eastern frontier to the Euphrates and Tigris. Later emperors made other changes. Two important frontiers date to the reign of the Emperor Antoninus Pius, the Antonine Wall in Scotland and the Outer Limes in Germany. In the late Roman period, frontier defences were updated and modernised. In some areas, inner lines were provided while from the third century coastal defences were developed against sea raiders.

3.b.3 As a result there are thousands of military installations spread along the frontiers of the empire. These include camps, fortlets, double and single legionary fortresses, supply bases, forts, fortlets and towers, built and occupied over a period of 400 years from the reign of Augustus to the final years of the fourth century (and, in the East, beyond). They were constructed in a variety of materials – timber, turf, stone, mudbrick – and survive differentially. Some sites are iconic monuments, such as Hadrian's Wall in Britain, the Saalburg and Eining in Germany, Porolissum in Romania, Qasr Bshir in Jordan and Lambaesis in Algeria. Sometimes the civil settlements associated with the military remains have acquired similar fame: Carnuntum in Austria and Aquincum in Hungary. These are but the tip of an iceberg which contains a vast number of visible military remains.

3.b.4 Since the end of the Roman occupation many great fortresses have become the bases of medieval and modern cities such as Strasbourg in France, Regensburg in Germany, Vienna in Austria, Budapest in Hungary and Belgrade in Serbia. Other parts of the frontier survive as ruins while much more remains as buried archaeology, visible not at all or only as earthworks.

3.c Form and date of most recent records of site

3.c.1 The modern era of excavation began in many countries in the 1890s and has produced a huge body of archaeological material. Many frontiers have been recorded in detail, in particular by the Römisch Germanische Kommission in Germany and the Limes Kommission in Austria, while the Eastern frontier was studied by Antoine Poidebard and the *Fossatum Africae* by Jean Baradez. Reconstructions of parts of the frontier similarly began early and the fort at The Saalburg, raised at the instigation of Kaiser Wilhelm II, is now a period piece in its own right. Over the last 20 or 30 years, fort gates and towers have been favoured items too for reconstruction.

4. Management

4.1 Responsibility for the management of individual parts of the World Heritage Site must rest with the individual State Parties and be carried out by each in accordance with their legislative and management systems. Equally, it is essential that individual parts of the World Heritage Site are managed within an overall framework of cooperation to achieve common standards of identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground, in an inter-disciplinary manner and within a sustainable framework.

4.2 The World Heritage Centre have advised that any future nominations of further parts of the Site must be endorsed and approved by those States Parties who already manage parts of the Site. States Parties wishing to nominate parts of the Frontiers of the Roman Empire World Heritage Site must therefore undertake to work to develop this common framework with existing States Parties of the Site.

4.3 The United Kingdom government and the German authorities have undertaken to work with each other to develop this common framework based on the management principles set out below. As further States Parties propose parts of the frontier for inclusion in the World Heritage Site, the United Kingdom government and the German authorities will discuss with them possibilities of a more formal structure for international cooperation.

4.4 The United Kingdom government and the German authorities will be supported in the development of the Frontiers of the Roman Empire World Heritage Site by the Bratislava Group.

4.5 This international group was created in 2003. So-called after the city in which it first met, it is made up of experts of the history and archaeology of the Roman Frontiers and of those involved in its management. It currently has members from the United Kingdom, Germany, Austria, Slovakia, Hungary and Croatia, but could be expanded to include experts from ICOMOS and the World Heritage Centre as well as from further countries which intend to nominate future sections of the World Heritage Site.

4.6 The Bratislava Group aims to share knowledge and experience of Roman frontiers and their identification, protection, conservation, management and presentation, leading to the distillation of a common viewpoint, and through technical and professional advice provide the scientific framework for the whole World Heritage Site. The Bratislava Group should form the core of an international scientific advisory group on the Frontiers of the Roman Empire World Heritage Site. Its role should be to support States Parties in the creation of the Frontiers of the Roman Empire World Heritage Site by:

- advising States Parties on the significance of the Roman Frontier and on the development of best-

practice guides for its management and improving its understanding;

- developing support structures such as an overall research strategy, an international Roman Frontier database and websites.

Management Principles

4.7 The United Kingdom government and the German authorities propose the following management principles which they will apply to their parts of the Frontiers of the Roman Empire World Heritage Site and which should be applied to future parts of the Site also:

4.7.1 The aim of participating States Parties is, by stages through international co-operation, to create a World Heritage Site encompassing all the frontiers of the Roman Empire, based on its proper identification, recording, protection, conservation, management, presentation and understanding as evidence of the remains of one of the world's greatest civilisations and as a symbol of a common heritage.

4.7.2 This will be achieved through:

- the establishment of a common approach to the identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground, in an inter-disciplinary manner and within a sustainable framework;
- the enhancement of respect for the surviving remains of the frontier and the transmission of these remains to future generations;
- acknowledgement of the Roman Frontier and its associations as a common feature for bringing people together;
- improved public knowledge, utilising modern information systems.

4.7.3 States Parties will be supported in this by the work of the Bratislava Group, augmented as necessary, as an international scientific advisory group.

4.7.4 Any future nominations for extensions of the Frontiers of the Roman Empire World Heritage Site must be endorsed by existing State Parties with the Frontiers of the Roman Empire World Heritage Site who must confirm that they believe that the new nomination has outstanding universal value and that the management proposals for the proposed extension adhere to these management principles. Such nominations would need to demonstrate:

- outstanding universal value of the whole Site;
- the values of the part being nominated;
- authenticity;
- appropriate legal protection and management arrangements for the Site including a Management Plan or other appropriate management system.

4.7.5 Internationally, goals over the next five years are:

- definition of areas of outstanding universal value which could be included in the WHS;
- agreement on an overall statement of outstanding universal value for the whole WHS;
- a common vision for the whole WHS;
- long term aims for the whole WHS;
- support and advice to those preparing nominations for additions to the WHS;
- the creation of a web site;
- the linking of national data bases;
- the development of a trans-European exhibition to raise awareness;

- the development of common standards for identification, recording, conservation, management and display;
- the development of research frameworks for the WHS.

4.7.6 Nationally, the management systems for each part of the Site would need to address, within the overall framework set out above, identification and definition of the area's significance, as well as its conservation, access to it, the interests and involvement of all appropriate organisations and communities from national to local level, and its sustainable economic use.

4.7.7 Within each State Party's existing legislative and management systems there should be developed for the nominated extension an appropriate management system, normally expressed through a Management Plan for the identification, protection, conservation and sustainable use of the Site within the context of these management principles. Points (in addition to those outlined in 4.7.4 above) that would normally need to be covered within this include:

- commitment to involvement of local communities (cf Operational Guidelines);
- commitment to achieving appropriate balance between conservation, access, the interests of local communities and sustainable economic use of the Site;
- commitment to co-ordination of activities and participation in the co-ordination mechanism;
- an effective implementation and monitoring system for the Management Plan.

FRONTIERS OF THE ROMAN EMPIRE
WORLD HERITAGE SITE
PROPOSED EXTENSION

THE
ANTONINE
WALL

VOLUME II

MAPS

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- I The position of the Antonine Wall in the Roman Empire
- II The location of the Antonine Wall and Hadrian's Wall in north Britain
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- IV Index map to the 1:25,000 maps
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- V Index map to the 1:5,000 maps
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EDITORIAL NOTES

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The depiction of the Wall is based on the most recent comprehensive field study of the monument undertaken by the former Ordnance Survey archaeological branch in 1980. This has been supplemented and enhanced through information collated during more recent field survey, excavation and aerial photographic transcription by RCAHMS.

A standardised depiction for the Wall has been adopted on all the maps. On the 1:25,000 and 1:5,000 maps (IV and V), the component features of the Wall (the rampart, ditch and upcast mound) have been depicted to standard overall widths based on the Ordnance Survey mapping though even at this scale it has not been possible to illustrate all the nuances in width. The widths of these features on the maps should therefore be regarded as symbolic.

The proposed World Heritage Site has been defined in the following way. Along the line of the Wall the southern boundary of the proposed World Heritage Site has been placed 5 m to the south of the rampart and then projected 50 m to the north of this line creating a 50 m corridor. This corridor includes the three main linear features together with other elements that are likely to lie immediately beyond the known archaeology. This corridor is widened where necessary to include forts, fortlets, the Military Way and other elements of the frontier which are attached to the linear barrier. Camps, usually placed at some distance from the Wall, are defined separately.

Where the Wall and its associated structures such as forts and camps are protected through scheduling, the proposed World Heritage Site line has been placed around the perimeter of the scheduled area, except where the scheduling relates to a monument of a different period. Where the scheduled area and the proposed World Heritage Site line coincide, the proposed World Heritage Site line has been offset to enable both to be visually depicted on the maps.

The buffer zones are depicted on the 1:25,000 maps (IV) but not the detailed 1:5,000 maps (V). Destroyed areas of Wall are not included within the proposed World Heritage Site but are protected by the buffer zones. For illustrative purposes, where the Wall has been destroyed, this part of the buffer zone is depicted on the 1:5,000 maps (V) as a dashed line the same width as the proposed World Heritage Site.

The 1:5,000 maps (V) and the 1:25,000 maps (IV) include details of all known archaeological features associated with the Antonine Wall. The maps are numbered sequentially from East to West in line with archaeological convention for the Wall. Features such as forts are depicted with a coloured line defining their perimeter. The proposed World Heritage Site line lies 5 m from this perimeter but may appear further on the maps due to mapping conventions.



Frontiers of the Roman Empire: mid 2nd c. A.D.
 Grenzen des Römischen Reichs: Mitte 2. Jh. n.Chr.
 Frontières de l'Empire Romain: milieu IIe s. ap. J.-C.



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Kartengrundlage und wissenschaftliche Bearbeitung
 Andrea Faber und Heinz-Jürgen Köhler



The Antonine Wall and Hadrian's Wall

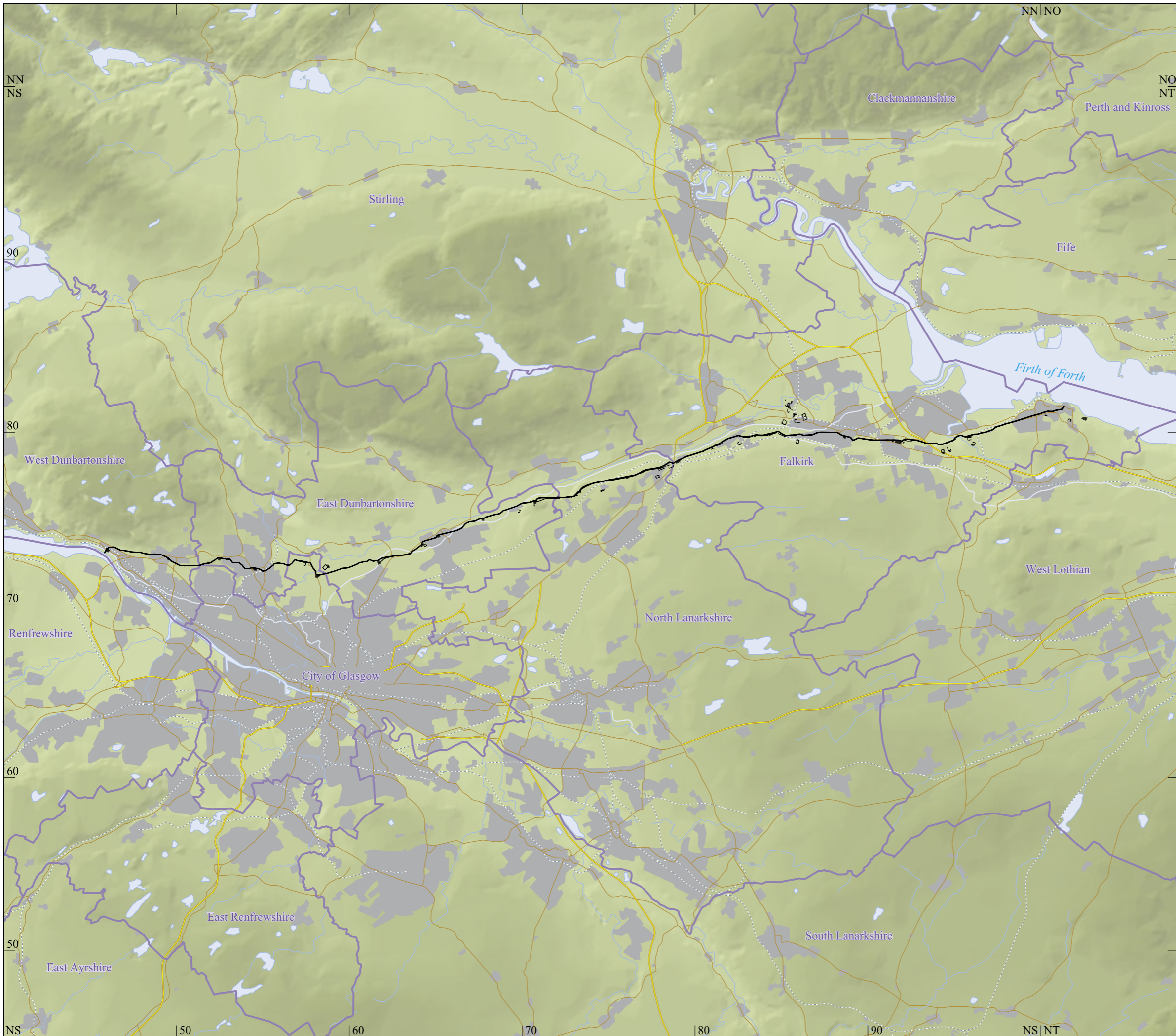
- Line of Roman Wall
- Road
- Motorway
- Border
- River
- Loch/Lake
- Canal
- Urban area
- Upland area
- Lowland area

N












40 km

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The Antonine Wall and Council areas

-  Antonine Wall/ Fort/ Fortlet/ Military way
-  Falkirk Council boundary
-  Road
-  Motorway
-  Railway
-  Water feature
-  Loch
-  Canal
-  Urban area
-  Upland area
-  Lowland area

N

10 km

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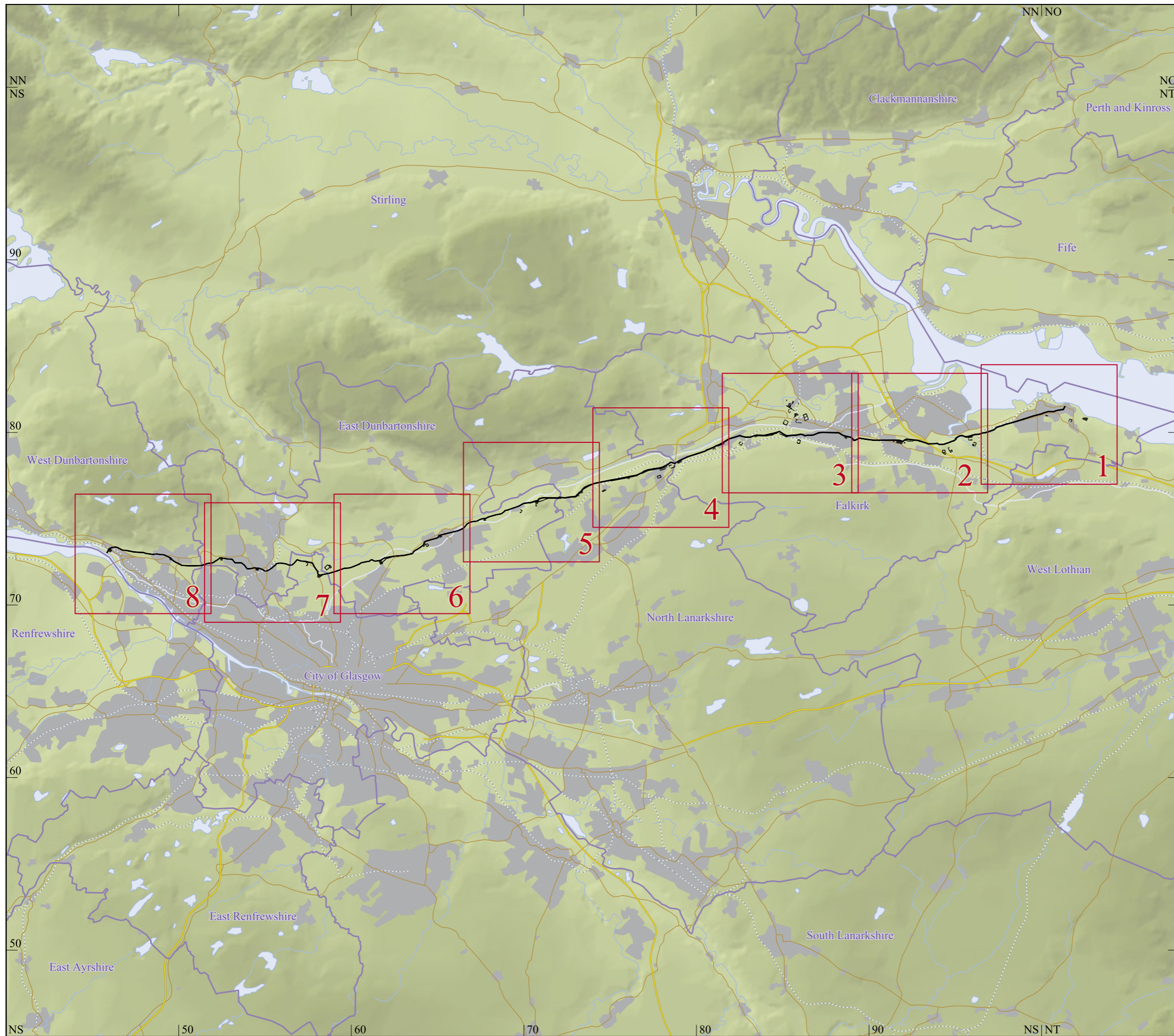
The Antonine Wall, Council areas, scheduled areas and buffer zones

- Antonine Wall/ Fort/ Fortlet/ Military way
- Scheduled area
- Buffer zone
- Council boundary
- Road
- Motorway
- Railway
- Water feature
- Loch
- Canal
- Urban area
- Upland area
- Lowland area

N

10 km

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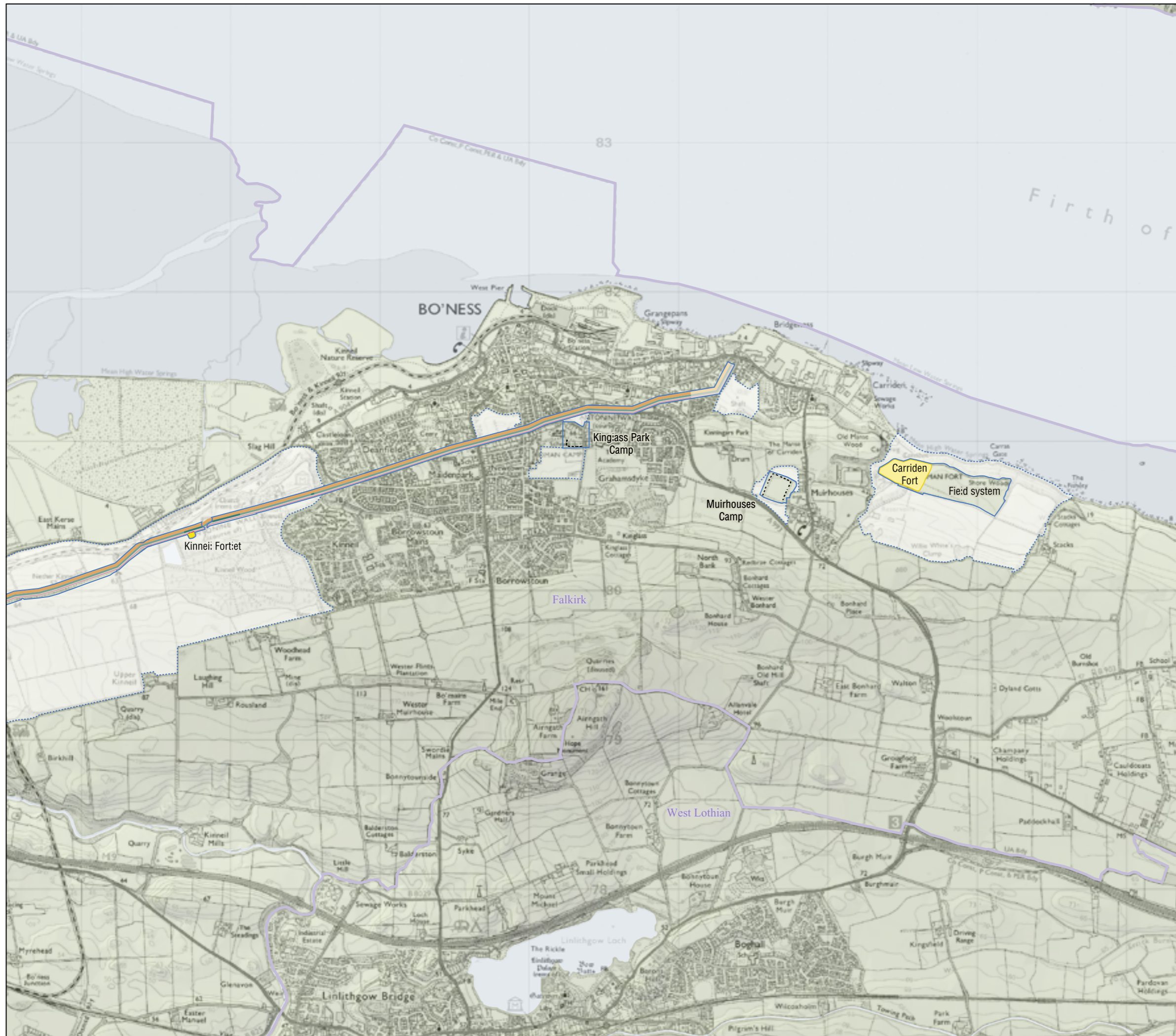
Index to the 1:25000 maps

- Antonine Wall/ Fort/ Fortlet/ Military way
- Council boundary
- Road
- Motorway
- Railway
- Water feature
- Loch
- Canal
- Urban area
- Upland area
- Lowland area

N

10 km

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1:25000 Series 1 - Map 1

- World Heritage Site
- Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed

Ditch		visible
		line of
		line of: unconfirmed

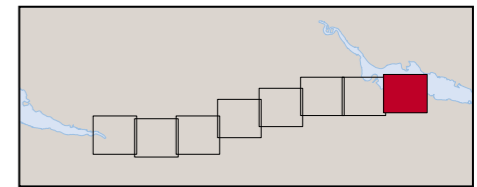
Rampart		visible
		line of
		line of: unconfirmed

Fort/ Fortlet		visible
		area of
		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

Falkirk Council name and boundary

N
0 1km



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1:25000 Series 1 - Map 2

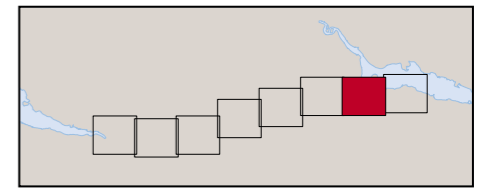
- World Heritage Site
- Buffer zone

Upcast mound	<ul style="list-style-type: none"> visible line of line of: unconfirmed
Ditch	<ul style="list-style-type: none"> visible line of line of: unconfirmed
Rampart	<ul style="list-style-type: none"> visible line of line of: unconfirmed
Fort/ Fortlet	<ul style="list-style-type: none"> visible area of area of: unconfirmed

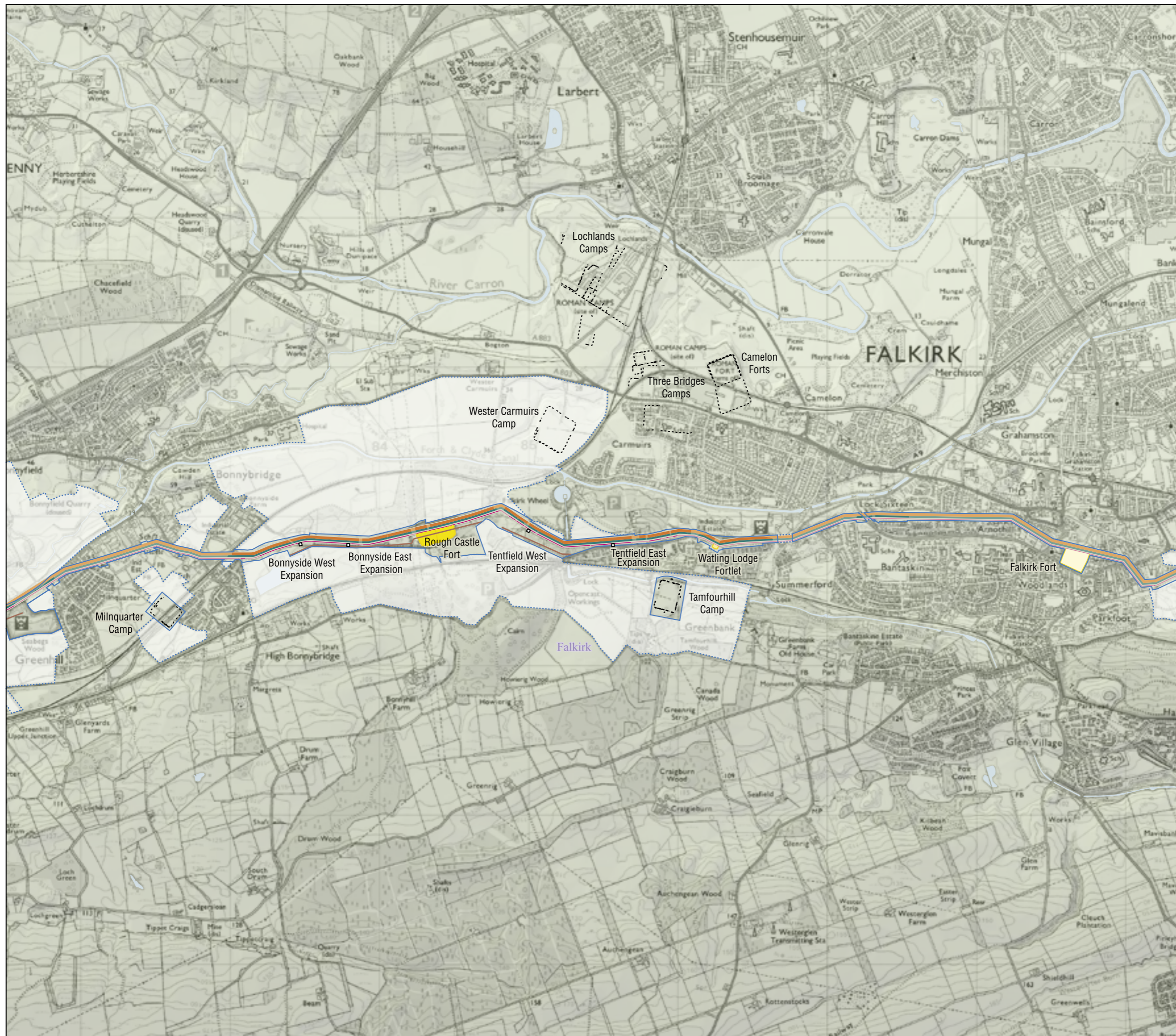
- Military way
- - - Cropmark of Roman camp
- Expansion or Enclosure

Falkirk Council name and boundary

N
0 1km



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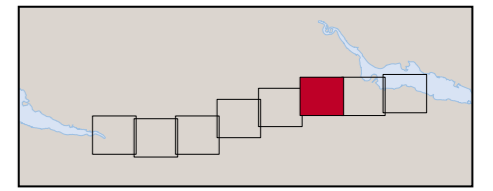
1:25000 Series 1 - Map 3

- World Heritage Site
- Buffer zone

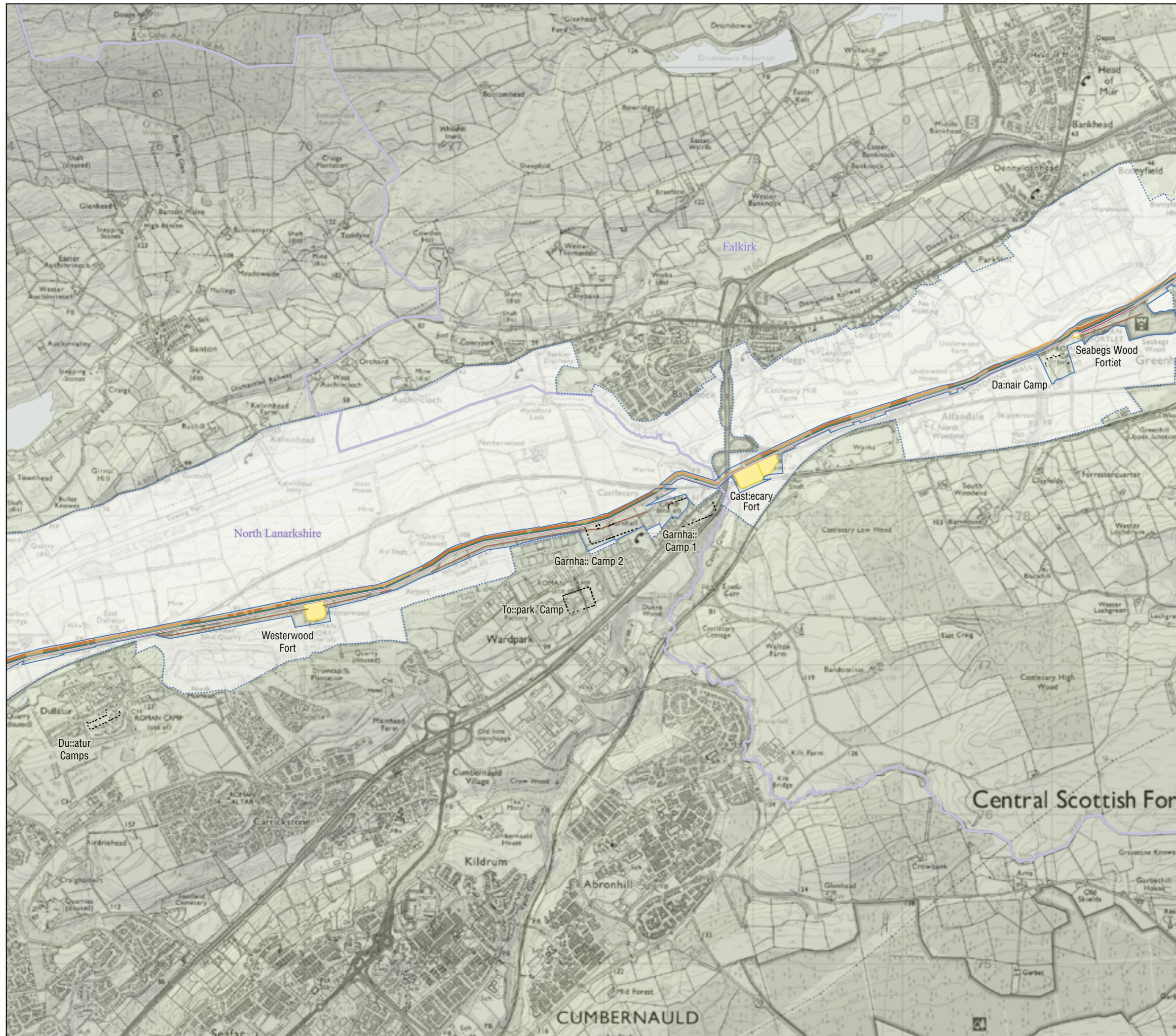
Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed
	Military way	
	Cropmark of Roman camp	
	Expansion or Enclosure	
	Falkirk Council name and boundary	

N

0 1km



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1:25000 Series 1 - Map 4

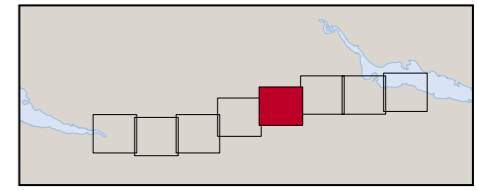
- World Heritage Site
- Buffer zone

Upcast mound	<ul style="list-style-type: none"> visible line of line of: unconfirmed
Ditch	<ul style="list-style-type: none"> visible line of line of: unconfirmed
Rampart	<ul style="list-style-type: none"> visible line of line of: unconfirmed
Fort/ Fortlet	<ul style="list-style-type: none"> visible area of area of: unconfirmed

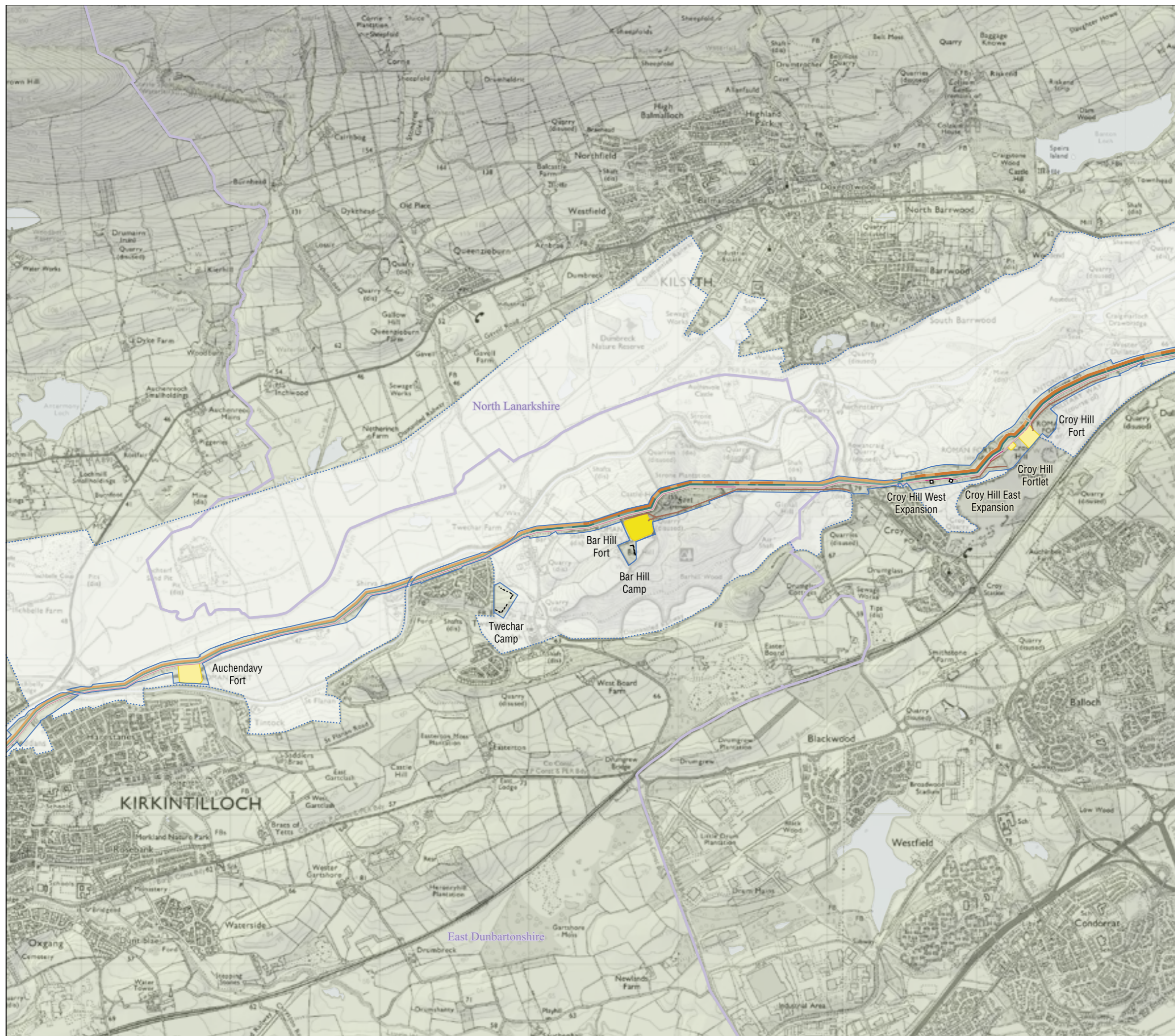
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

Falkirk Council name and boundary

N
0 1km



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1:25000 Series 1 - Map 5

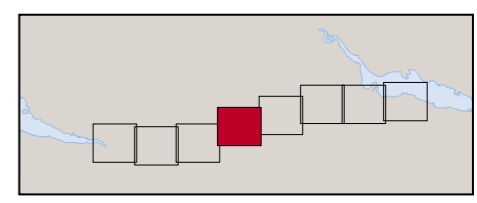
- World Heritage Site
- Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

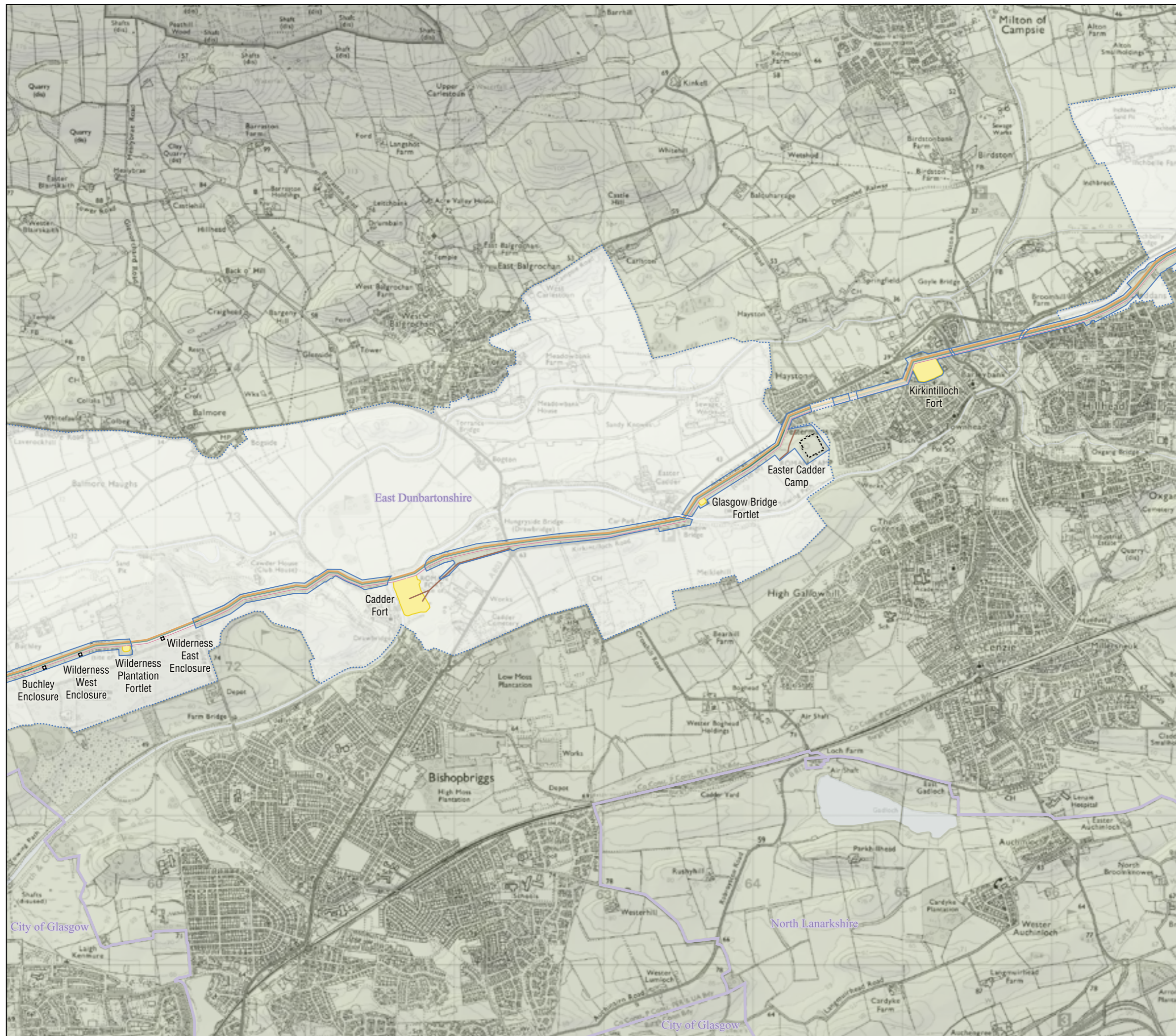
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

Falkirk Council name and boundary

N
0 1km



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1:25000 Series 1 - Map 6

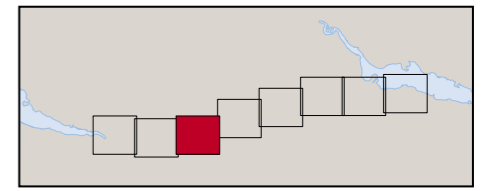
- World Heritage Site
- Buffer zone

Upcast mound	 visible
	 line of
	 line of: unconfirmed
Ditch	 visible
	 line of
	 line of: unconfirmed
Rampart	 visible
	 line of
	 line of: unconfirmed
Fort/ Fortlet	 visible
	 area of
	 area of: unconfirmed

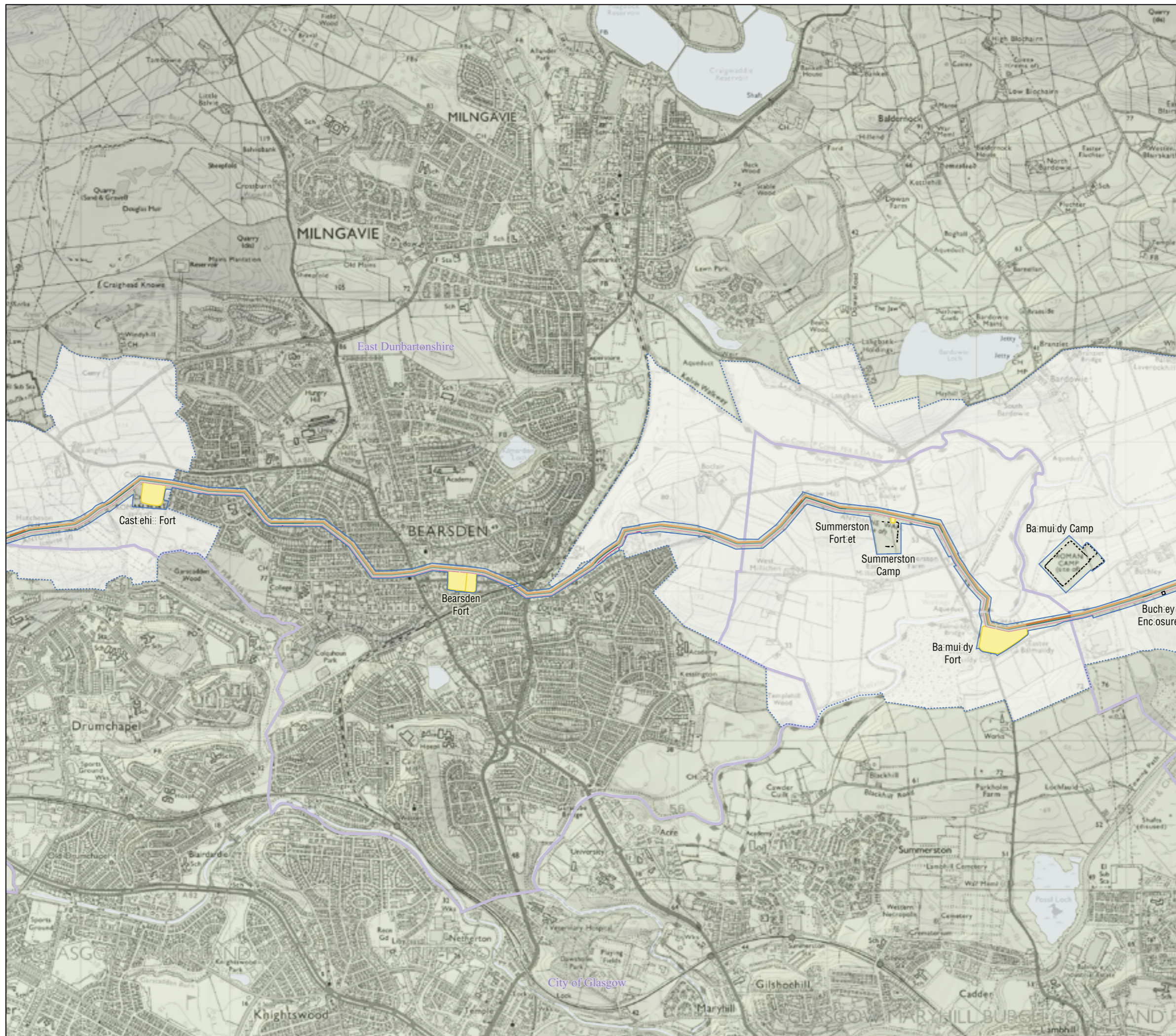
- Military way
- - - Cropmark of Roman camp
- Expansion or Enclosure

— Falkirk Council name and boundary

N
0 1km



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1:25000 Series 1 - Map 7

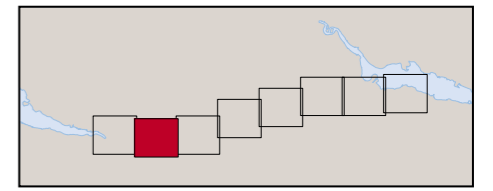
- World Heritage Site
- Buffer zone

Upcast mound	 visible
	 line of
	 line of: unconfirmed
Ditch	 visible
	 line of
	 line of: unconfirmed
Rampart	 visible
	 line of
	 line of: unconfirmed
Fort/ Fortlet	 visible
	 area of
	 area of: unconfirmed

- Military way
- - - Cropmark of Roman camp
- Expansion or Enclosure

— Falkirk Council name and boundary

N
0 1km



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1:25000 Series 1 - Map 8

- World Heritage Site
- Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed

Ditch		visible
		line of
		line of: unconfirmed

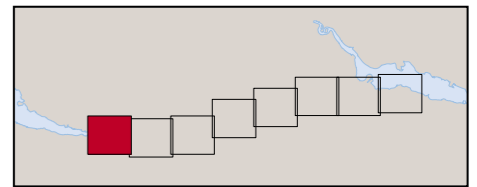
Rampart		visible
		line of
		line of: unconfirmed

Fort/ Fortlet		visible
		area of
		area of: unconfirmed

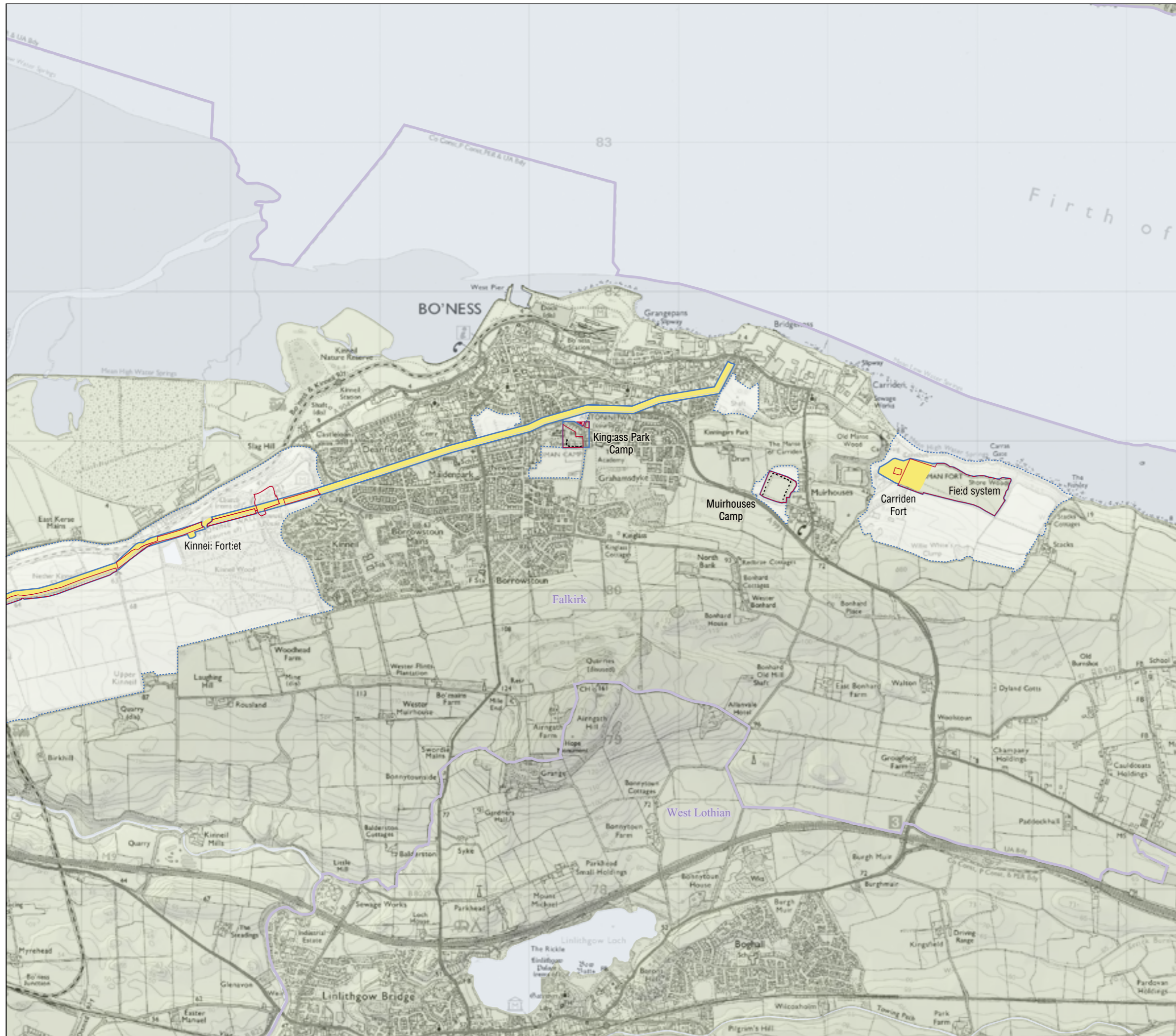
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

Falkirk Council name and boundary

N
0 1km



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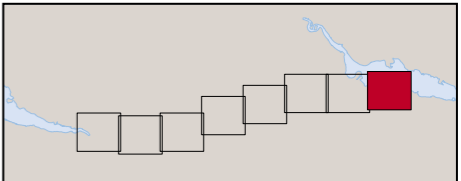


1:25000 Series 2 - Map 1

- World Heritage Site
- Scheduled area
- Buffer zone
- Antonine Wall/ Fort/ Fortlet/ Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Falkirk Council name and boundary

N

0 1km



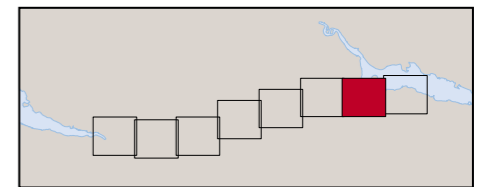
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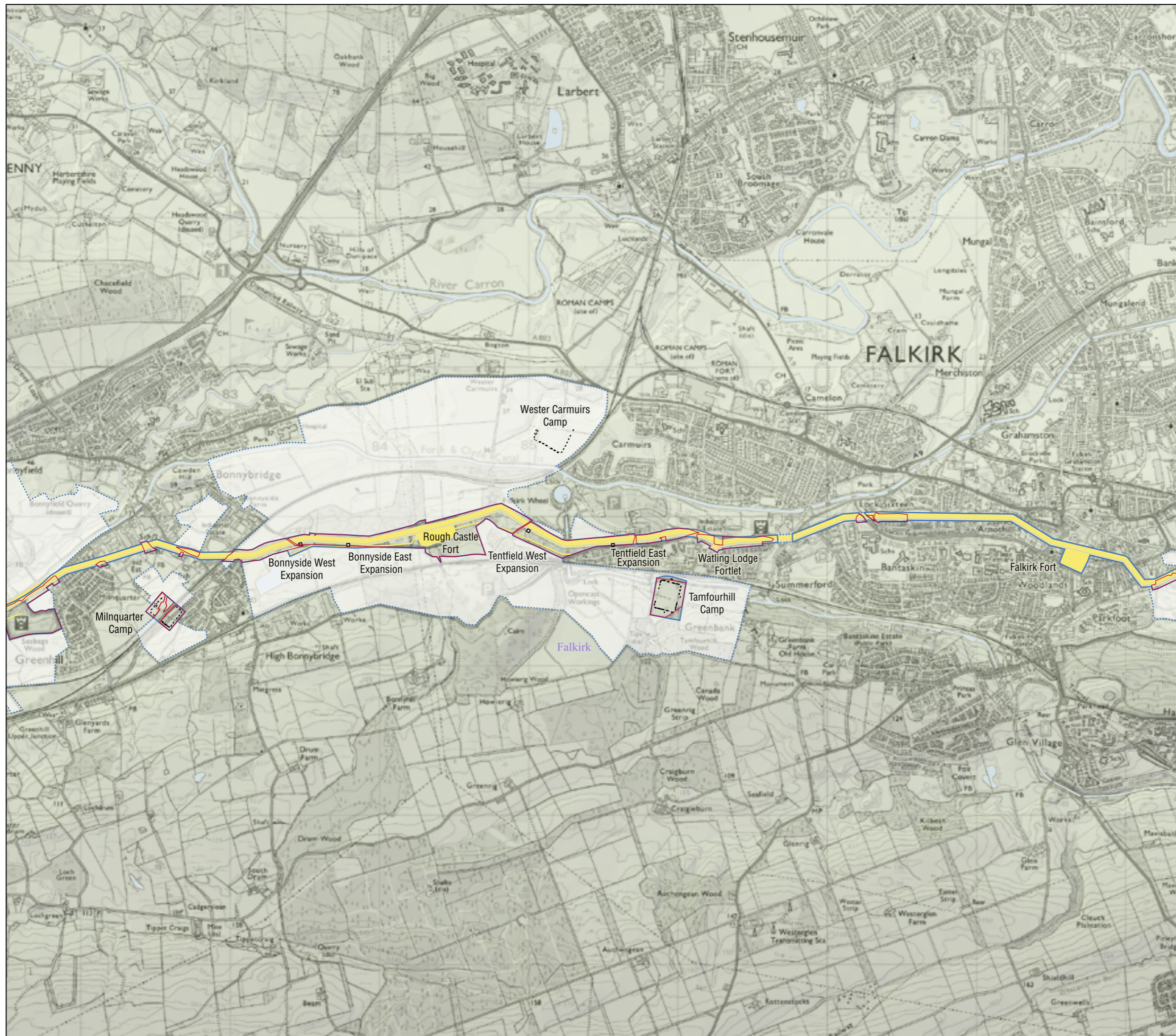
1:25000 Series 2 - Map 2

- World Heritage Site
- Scheduled area
- Buffer zone
- Antonine Wall/ Fort/ Fortlet/ Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Falkirk Council name and boundary

N
0 1km



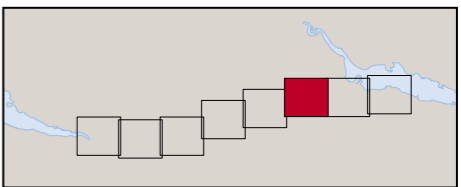
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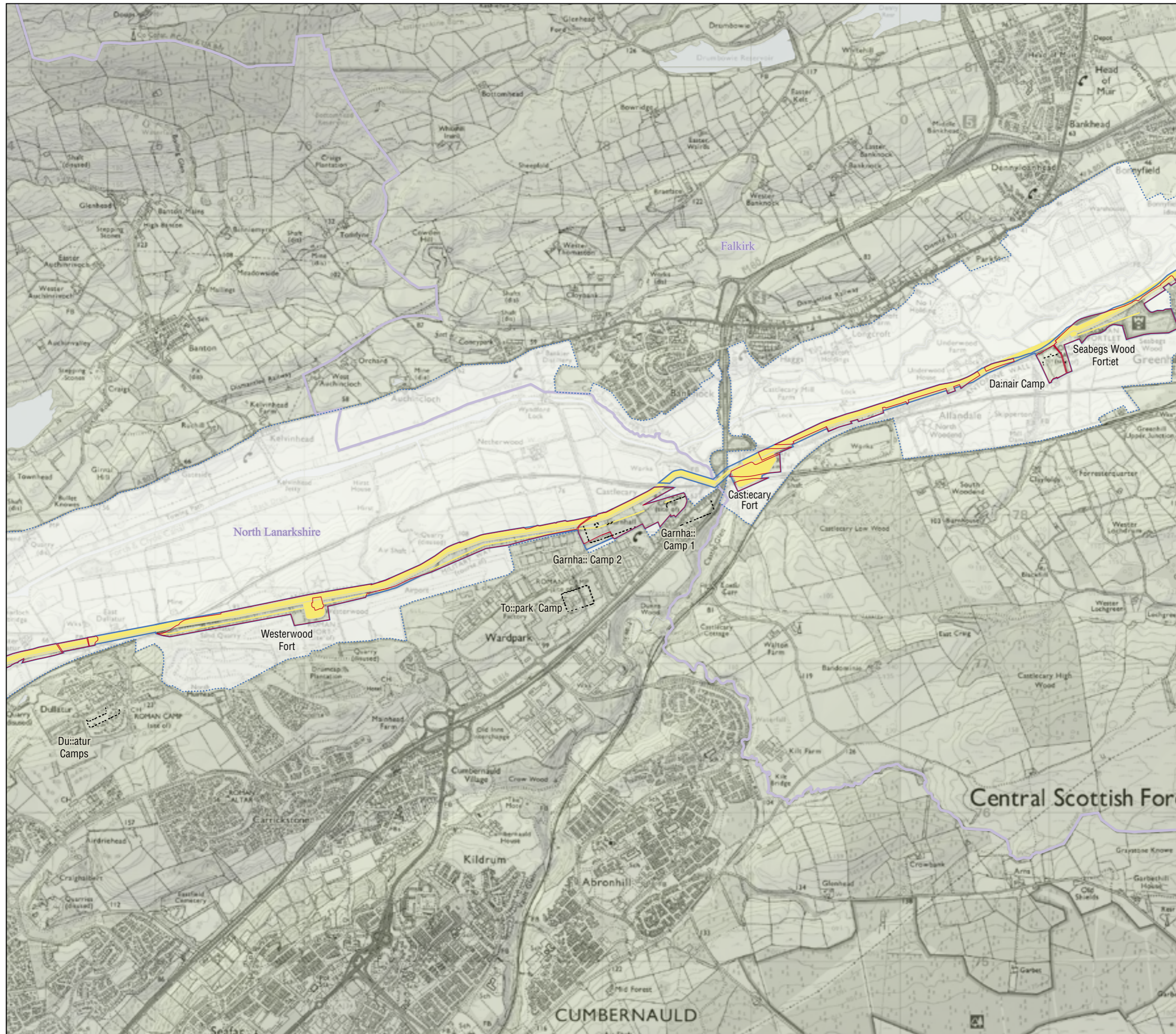
1:25000 Series 2 - Map 3

- World Heritage Site
- Scheduled area
- Buffer zone
- Antonine Wall/ Fort/ Fortlet/ Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Falkirk Council name and boundary

N
0 1km



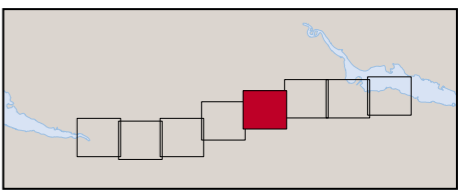
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1:25000 Series 2 - Map 4

- World Heritage Site Scheduled area
- Buffer zone
- Antonine Wall/ Fort/ Fortlet/ Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Falkirk Council name and boundary







N
0 1km



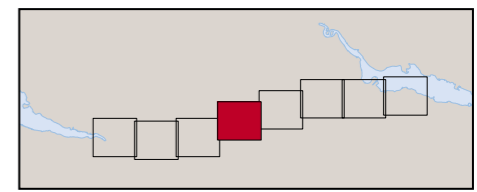
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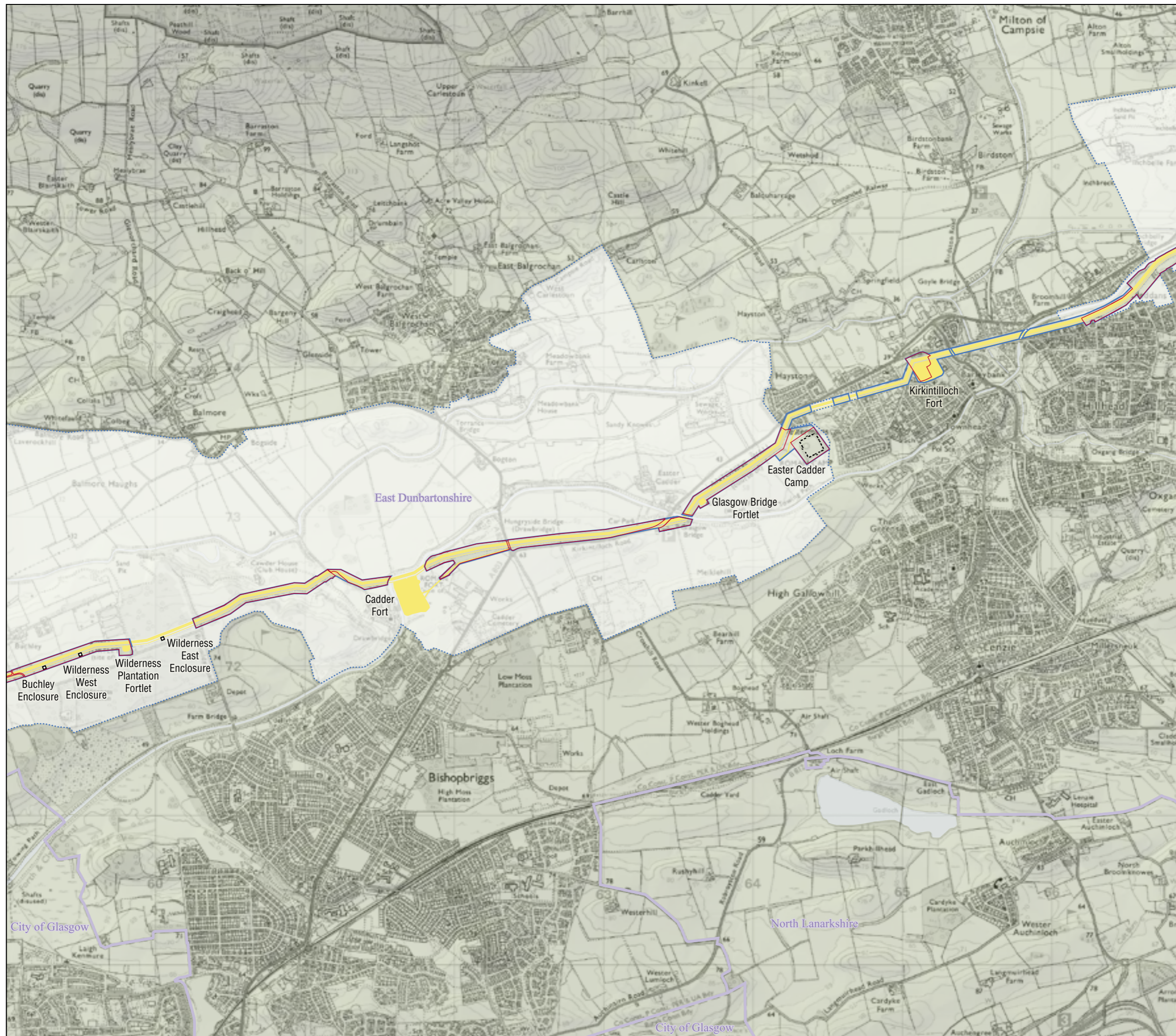
1:25000 Series 2 - Map 5

-  World Heritage Site Scheduled area
-  Buffer zone
-  Antonine Wall/ Fort/ Fortlet/ Military way
-  Cropmark of Roman camp
-  Expansion or Enclosure
-  Falkirk Council name and boundary

N
0 1km



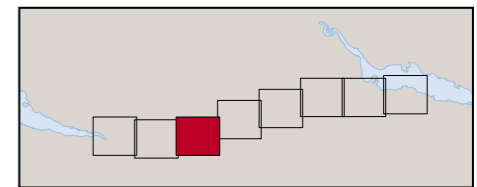
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1:25000 Series 2 - Map 6

- World Heritage Site
- Scheduled area
- Buffer zone
- Antonine Wall/ Fort/ Fortlet/ Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Falkirk Council name and boundary








N
0 1km



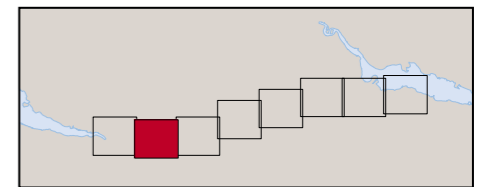
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1:25000 Series 2 - Map 7

-  World Heritage Site
-  Scheduled area
-  Buffer zone
-  Antonine Wall/ Fort/ Fortlet/ Military way
-  Cropmark of Roman camp
-  Expansion or Enclosure
-  Falkirk Council name and boundary








N
0 1km



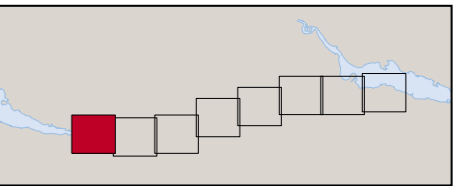
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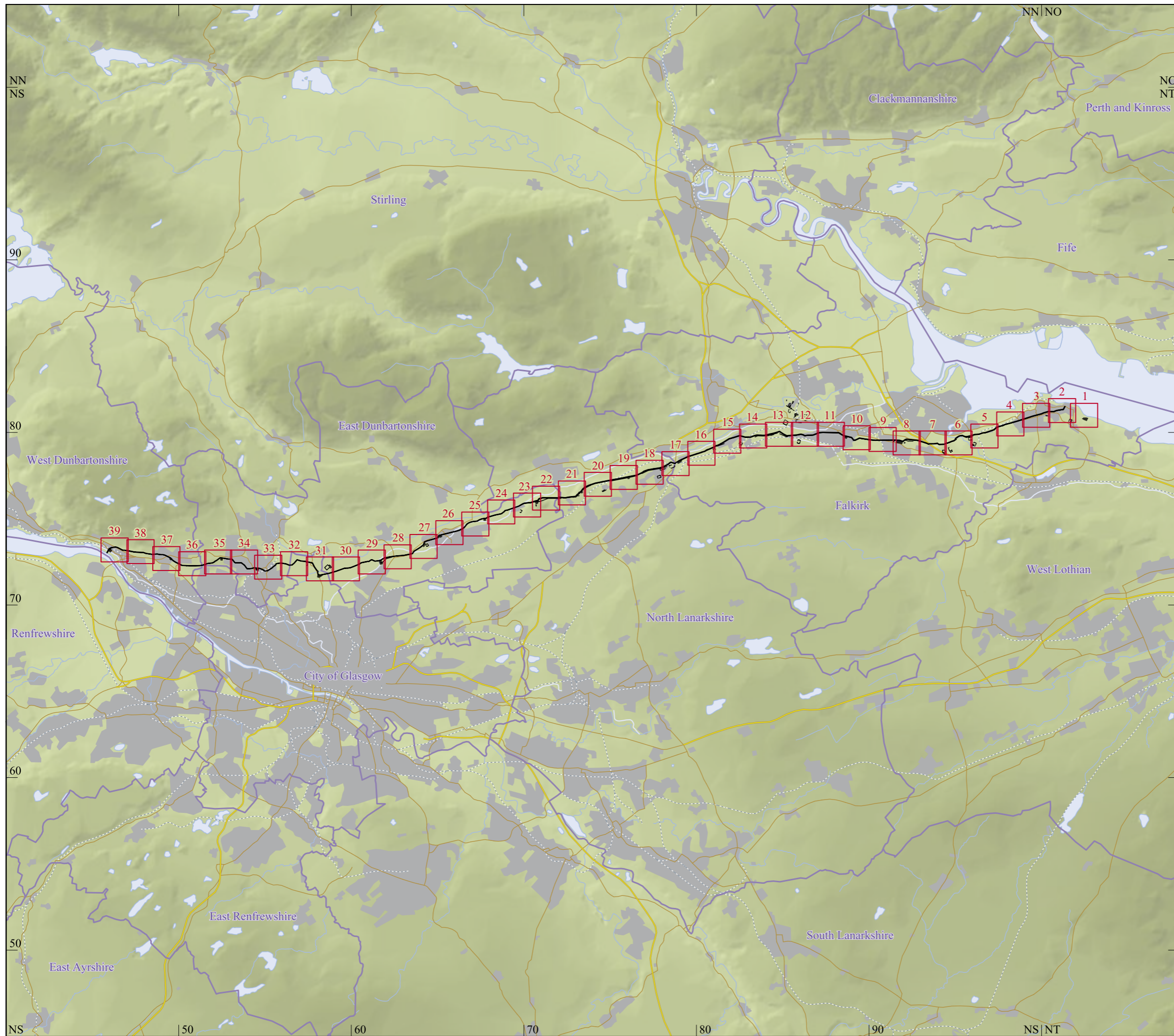
1:25000 Series 2 - Map 8

-  World Heritage Site
-  Scheduled area
-  Buffer zone
-  Antonine Wall/ Fort/ Fortlet/ Military way
-  Cropmark of Roman camp
-  Expansion or Enclosure
-  Falkirk Council name and boundary












N
0 1km



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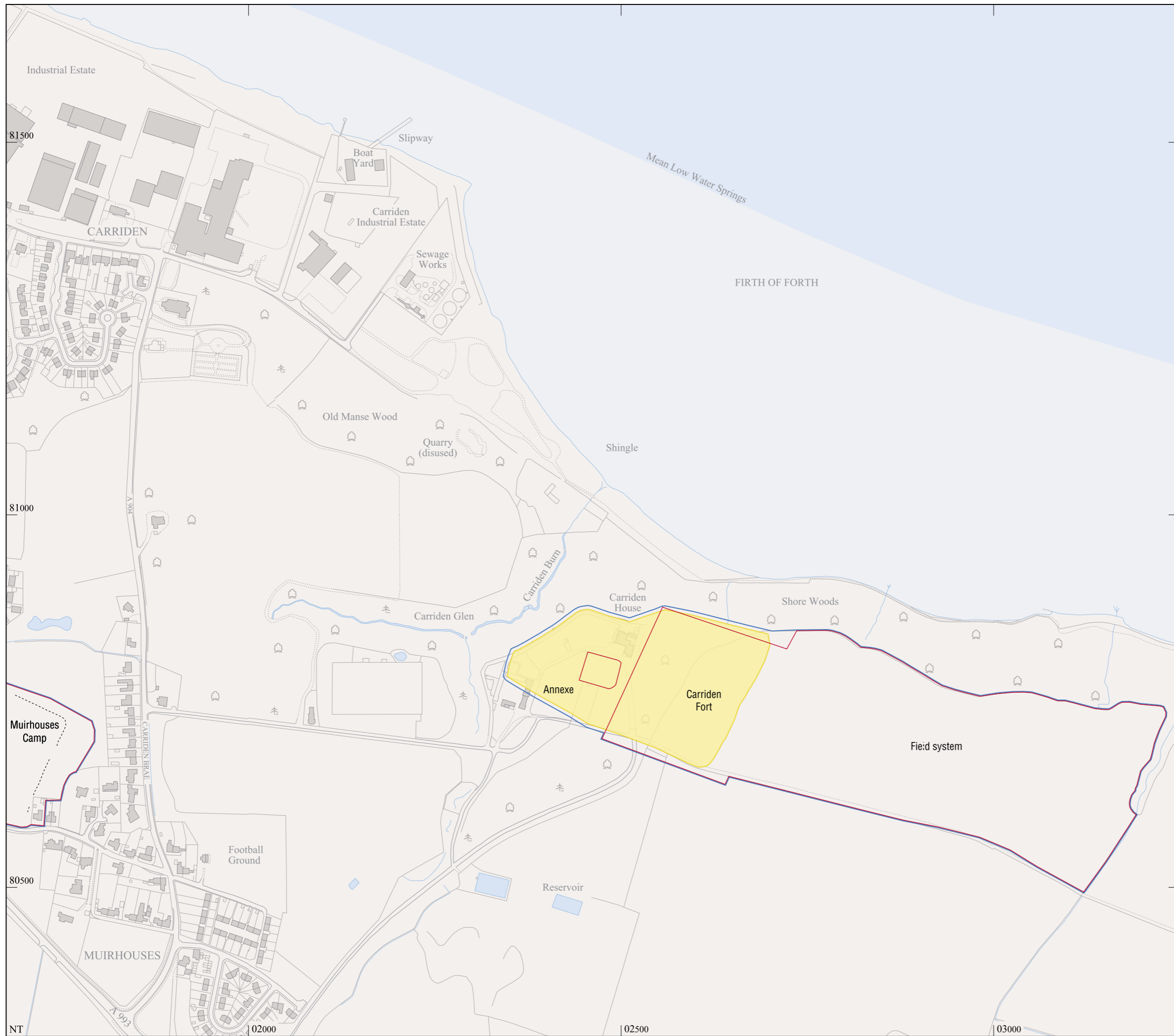
Index to the 1:5000 maps

-  Antonine Wall/ Fort/ Fortlet/ Military way
-  Falkirk Council boundary
-  Road
-  Motorway
-  Railway
-  Water feature
-  Loch
-  Canal
-  Urban area
-  Upland area
-  Lowland area

N

10 km

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1:5000 Series - Map 1

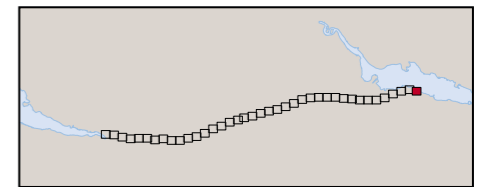
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

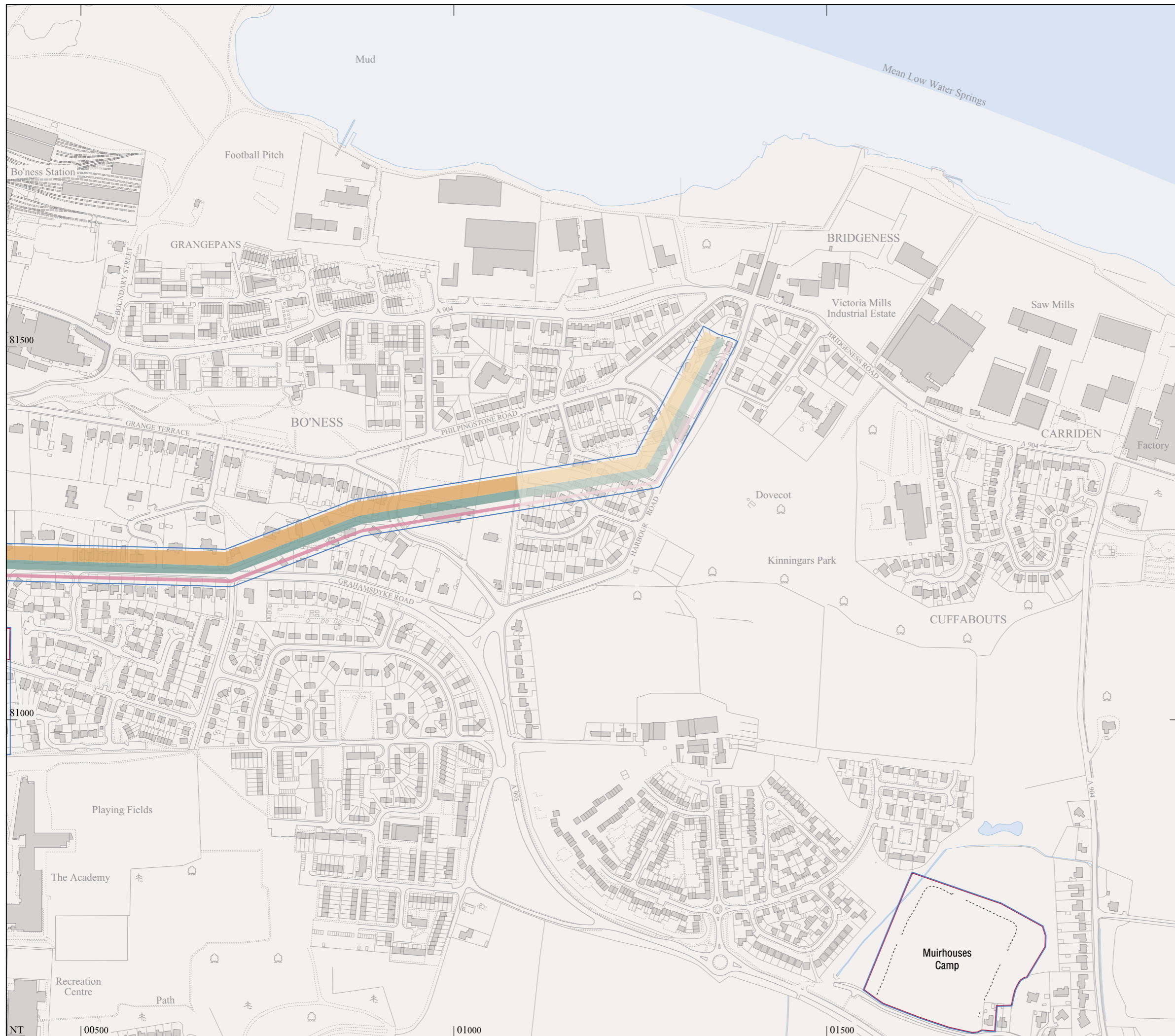
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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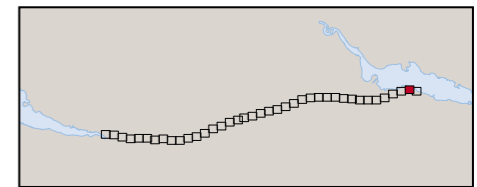


1:5000 Series - Map 2

- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 3

- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed

Ditch		visible
		line of
		line of: unconfirmed

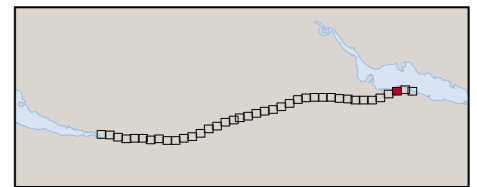
Rampart		visible
		line of
		line of: unconfirmed

Fort/ Fortlet		visible
		area of
		area of: unconfirmed

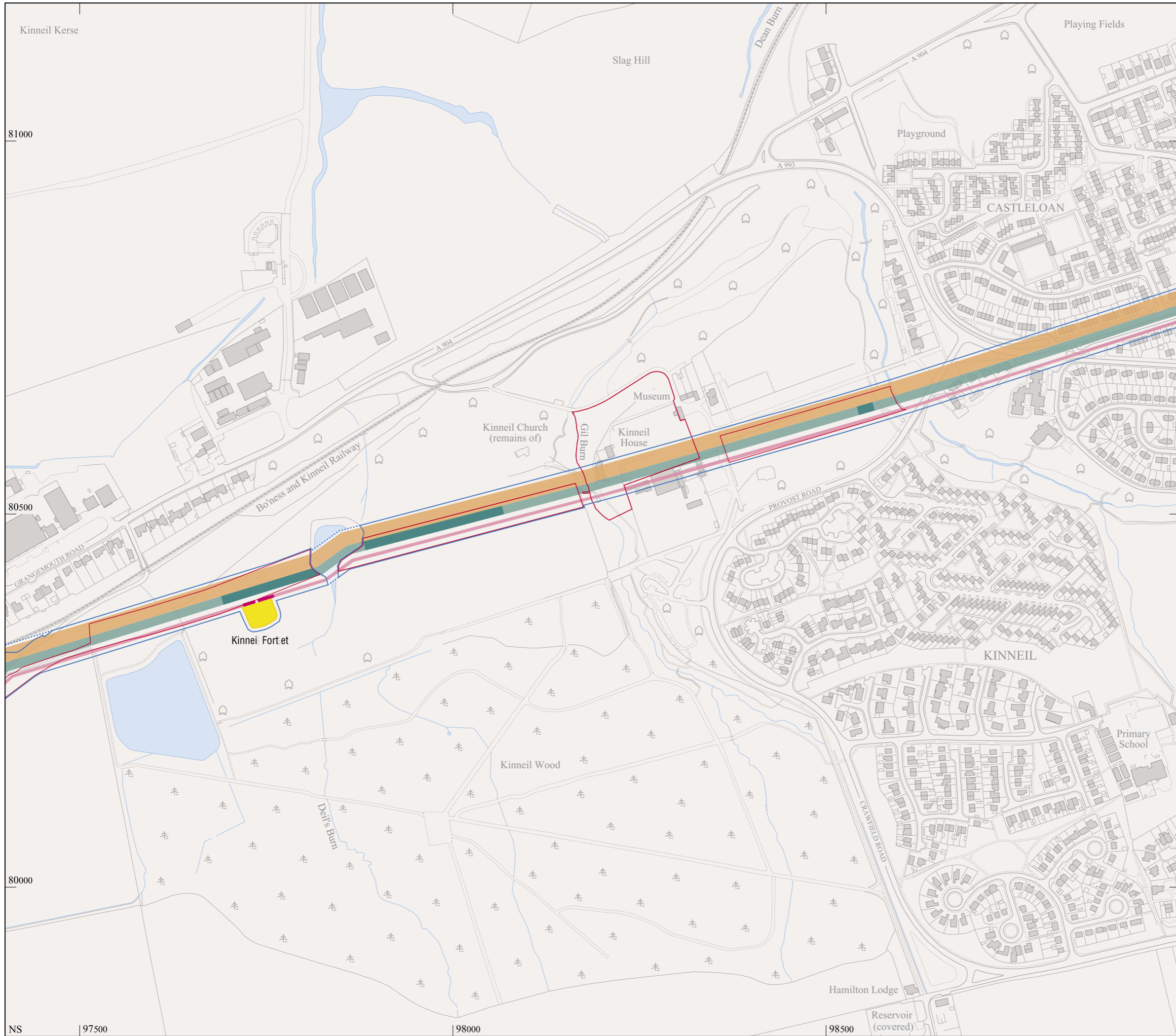
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 4

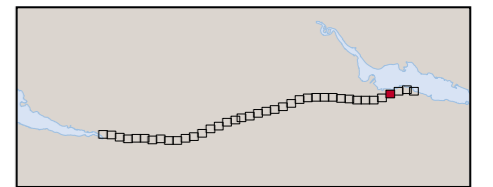
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

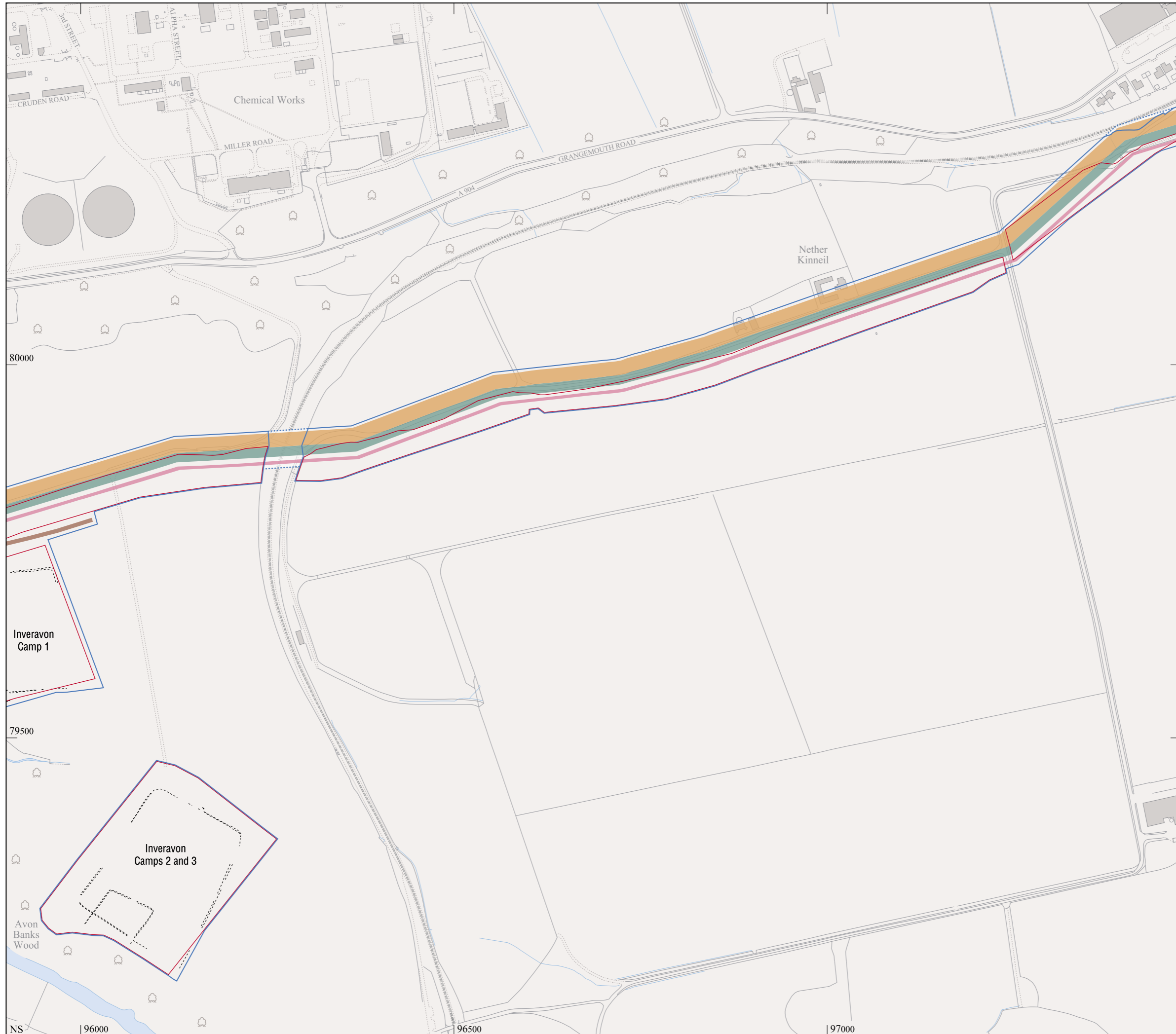
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 5

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound { visible
 line of
 line of: unconfirmed

Ditch { visible
 line of
 line of: unconfirmed

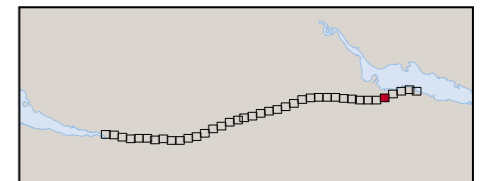
Rampart { visible
 line of
 line of: unconfirmed

Fort/ Fortlet { visible
 area of
 area of: unconfirmed

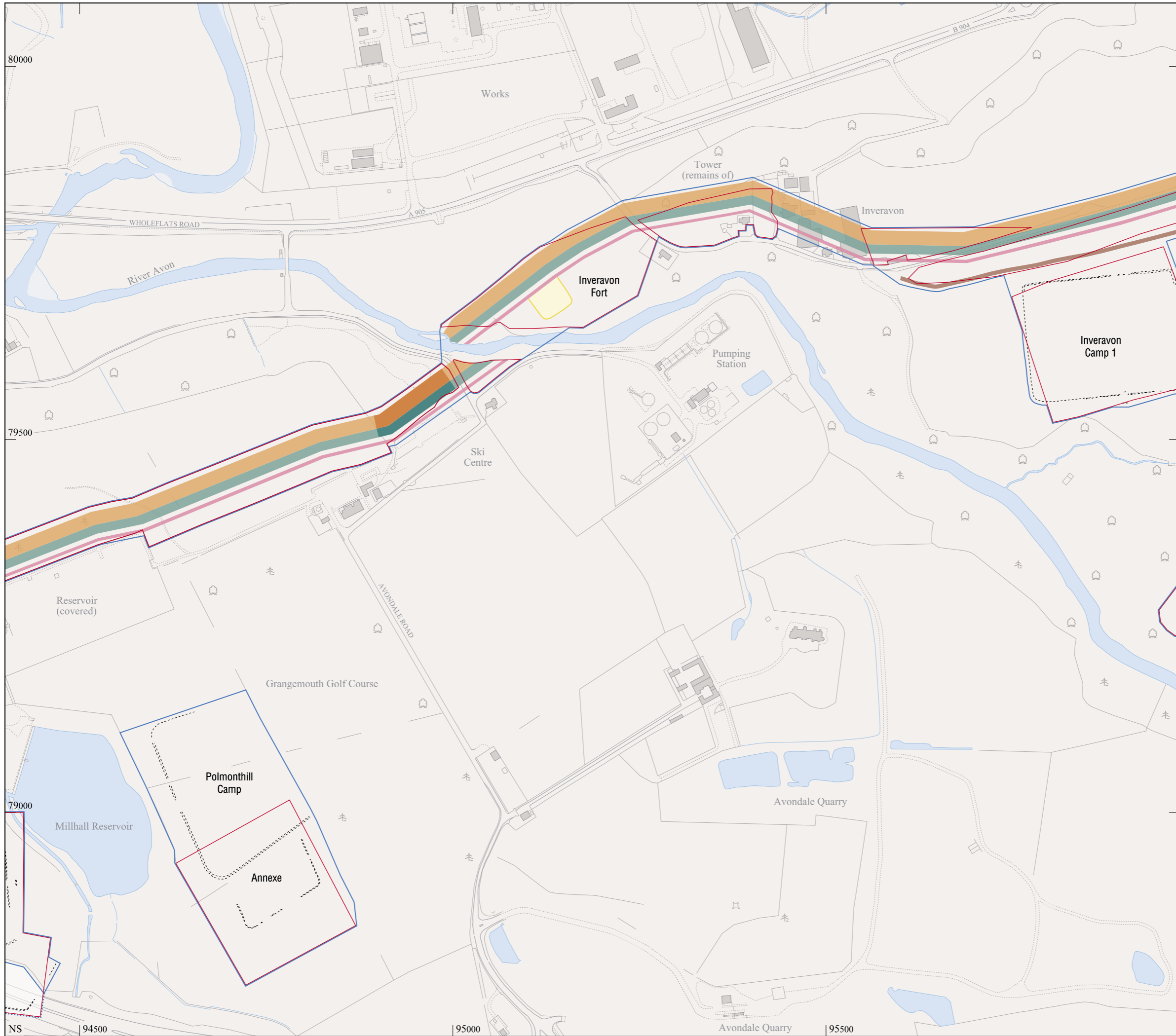
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 6

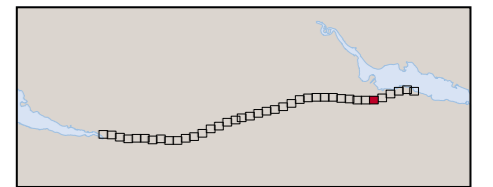
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

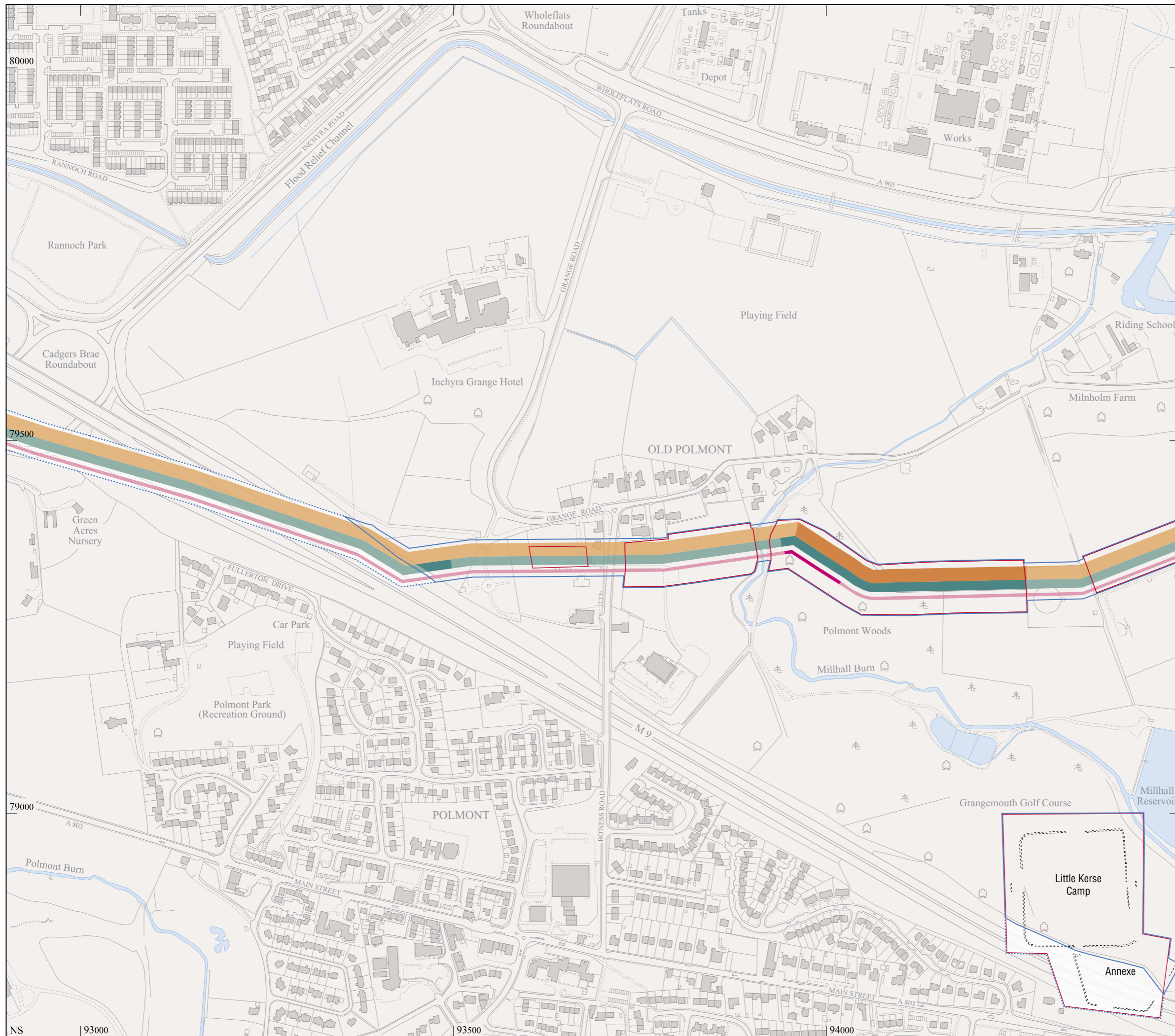
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 7

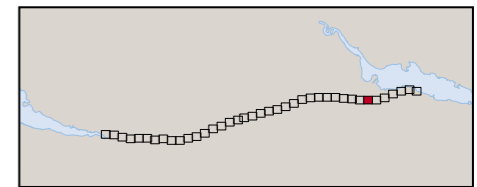
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

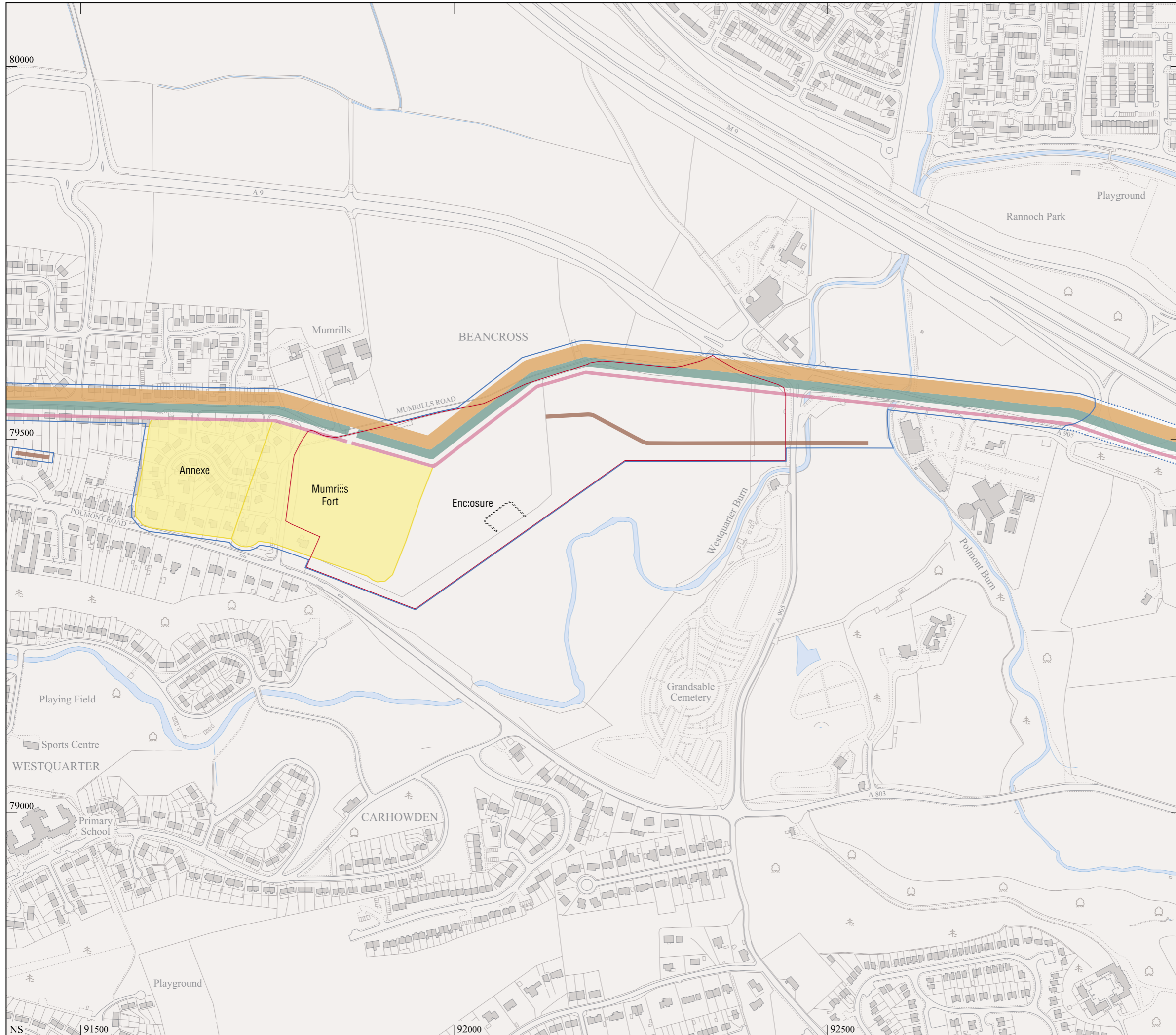
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 8

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

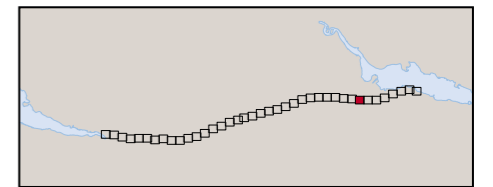
Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

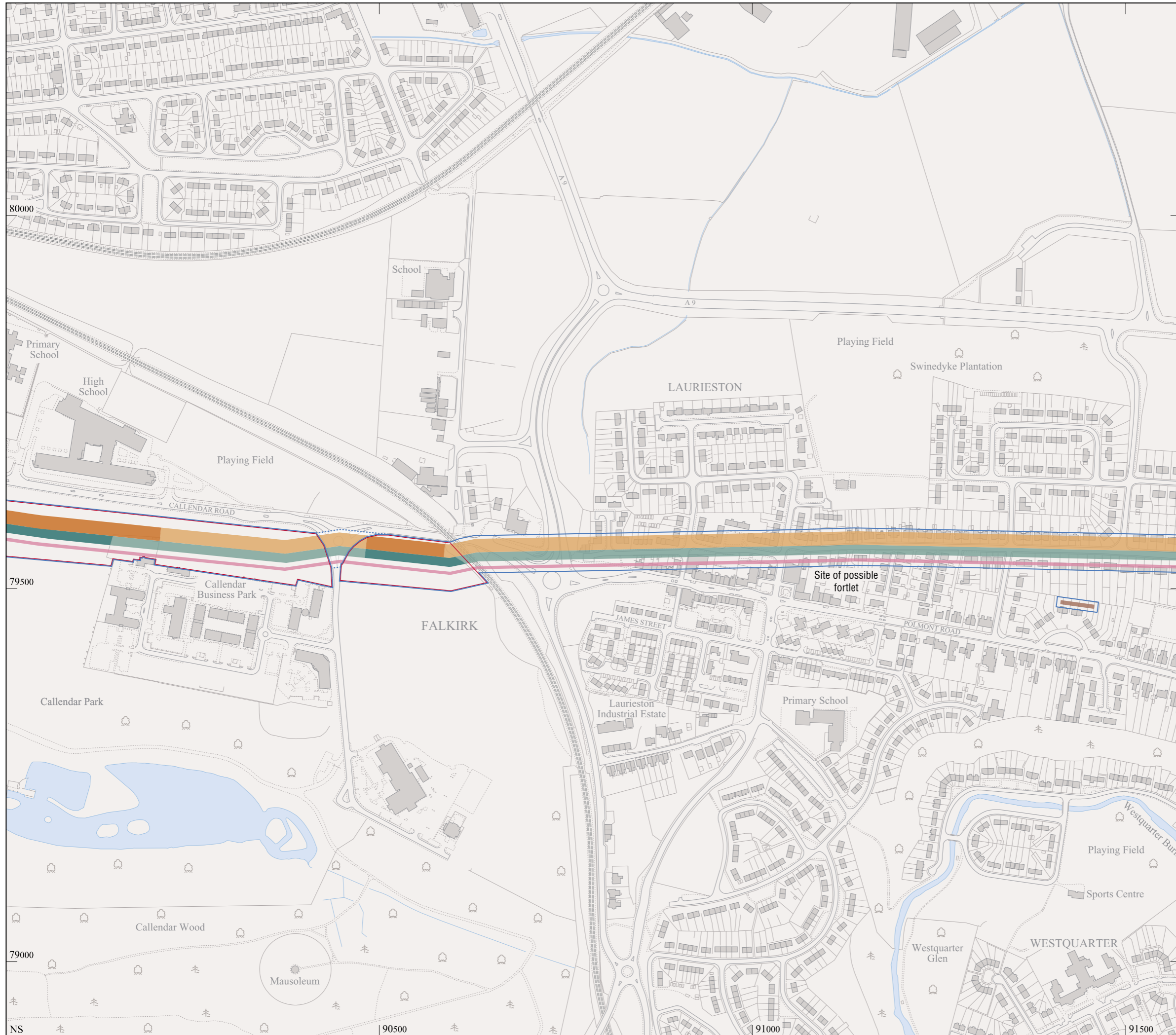
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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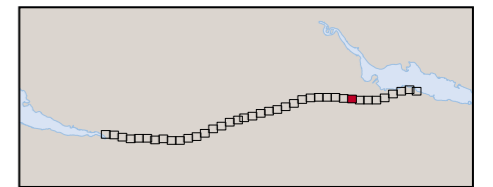


1:5000 Series - Map 9

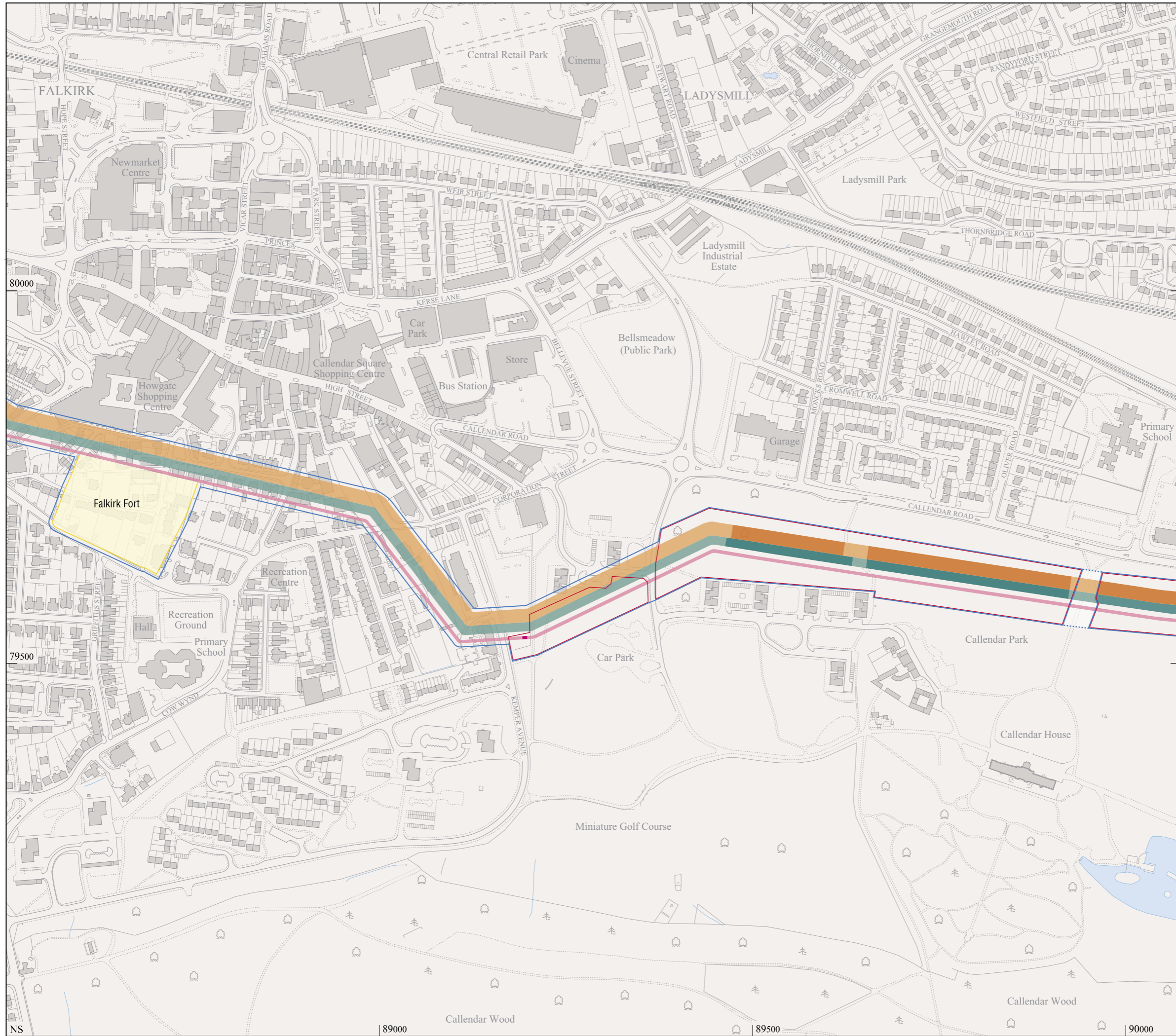
- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 10

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

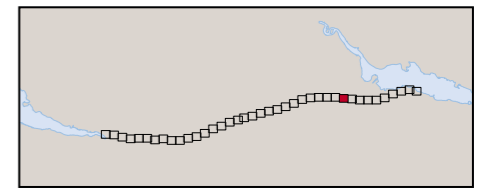
Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

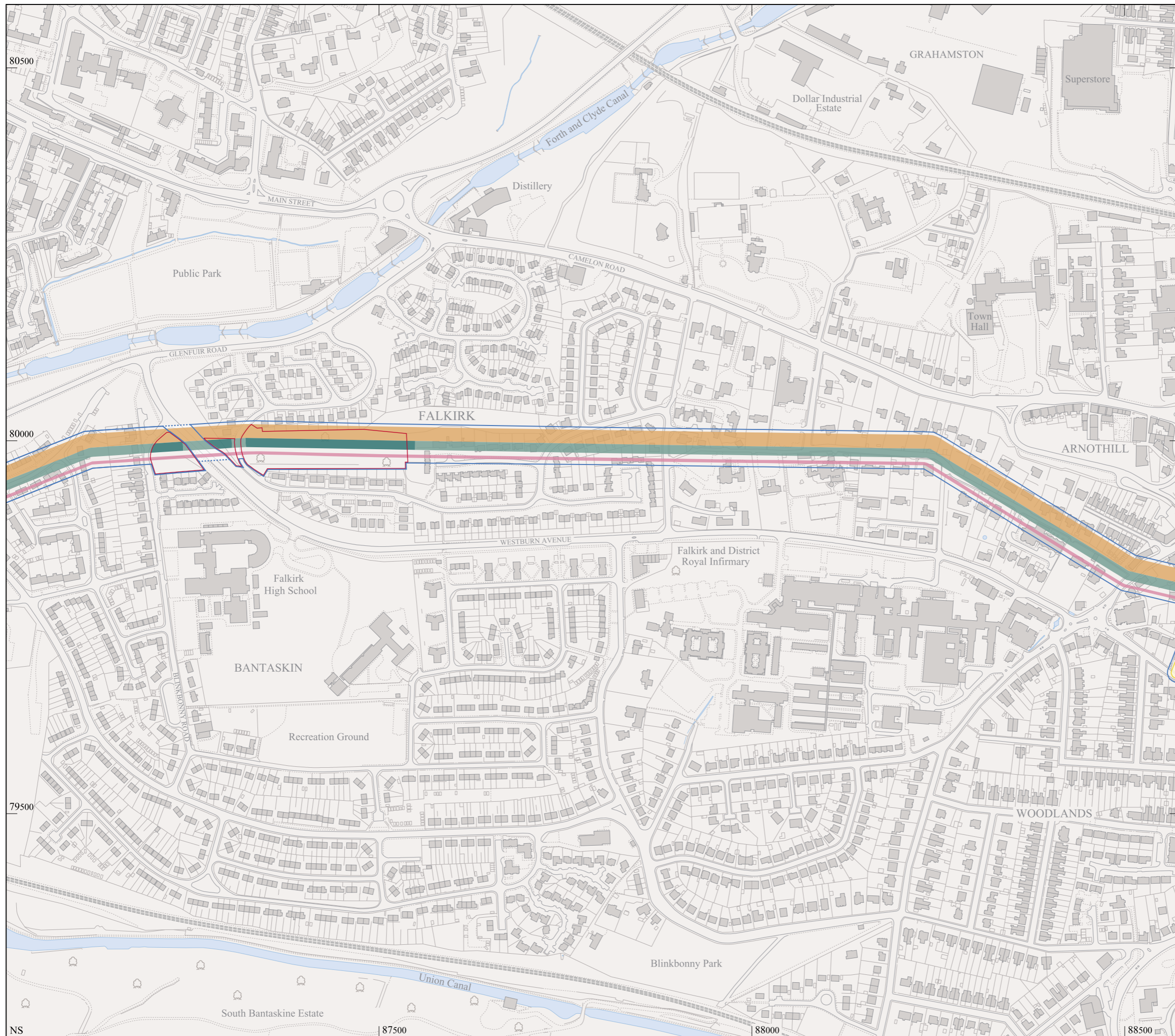
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 11

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

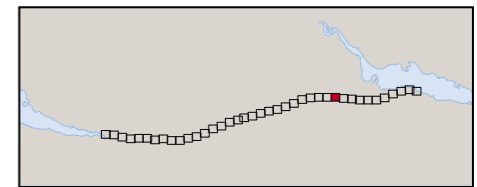
Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

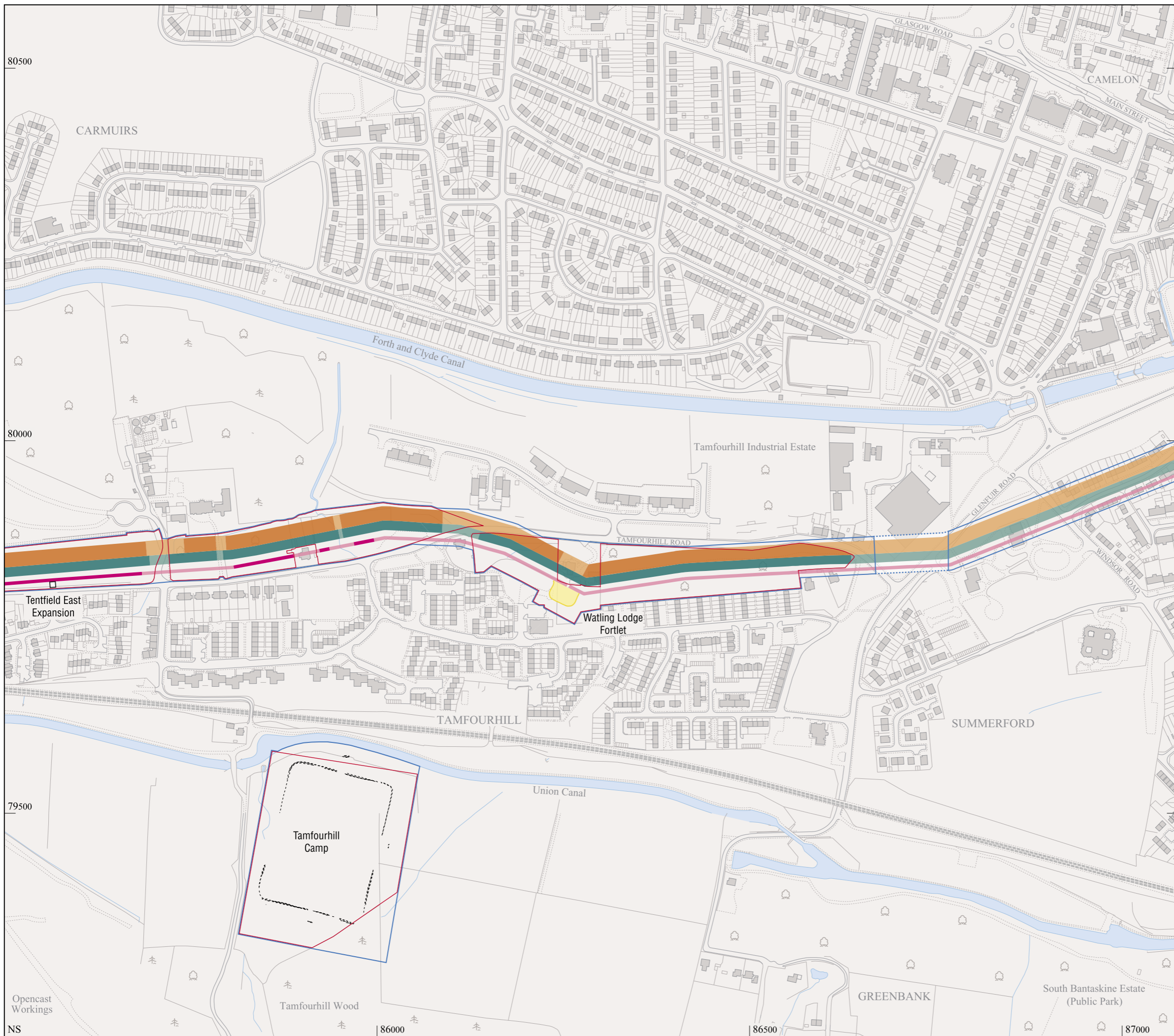
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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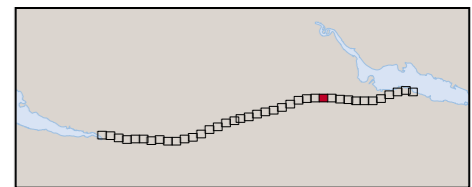


1:5000 Series - Map 12

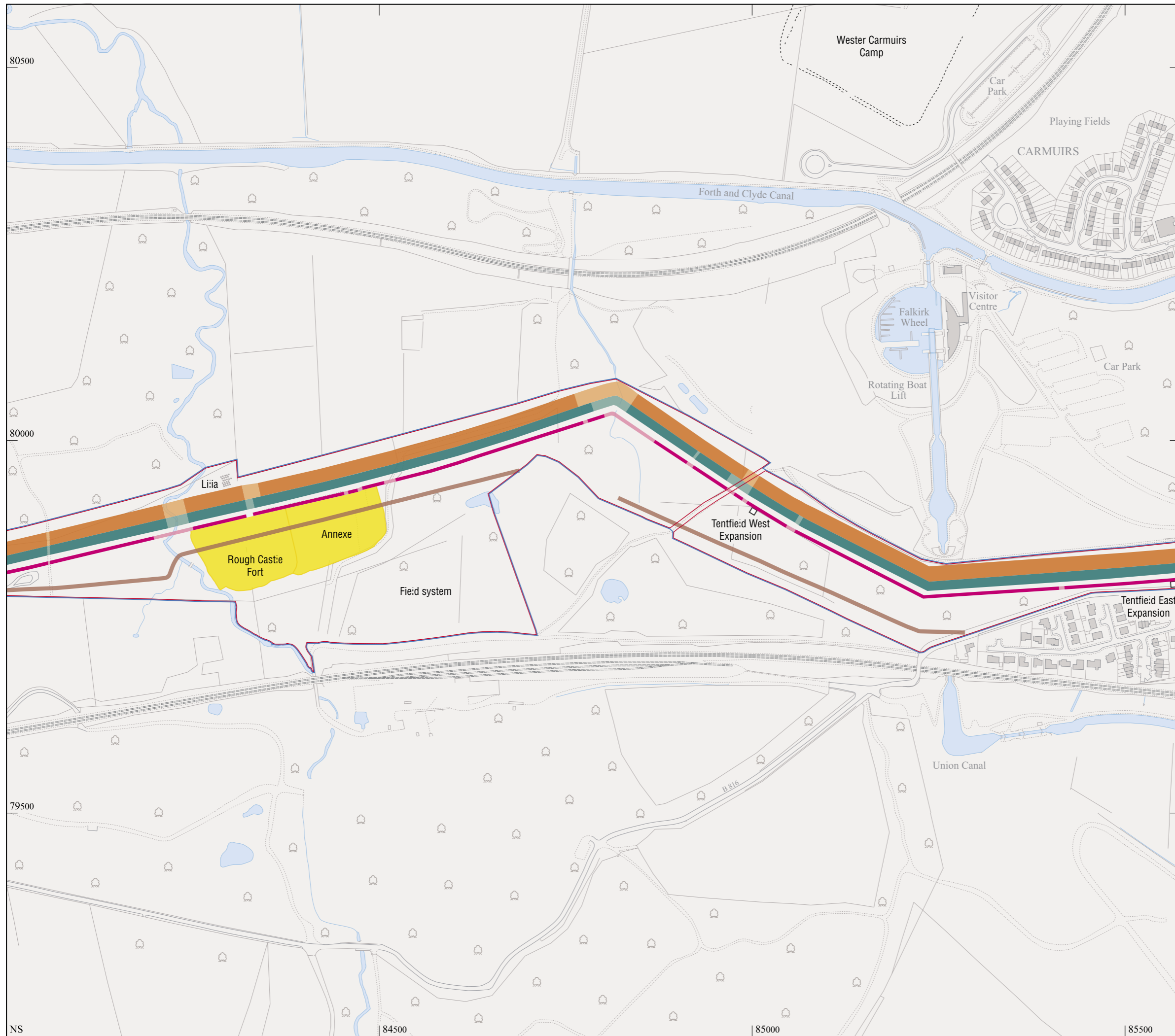
- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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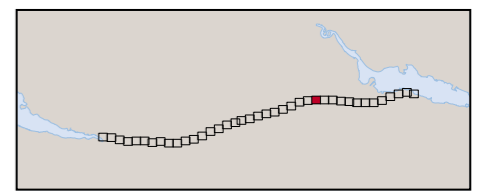
1:5000 Series - Map 13

- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

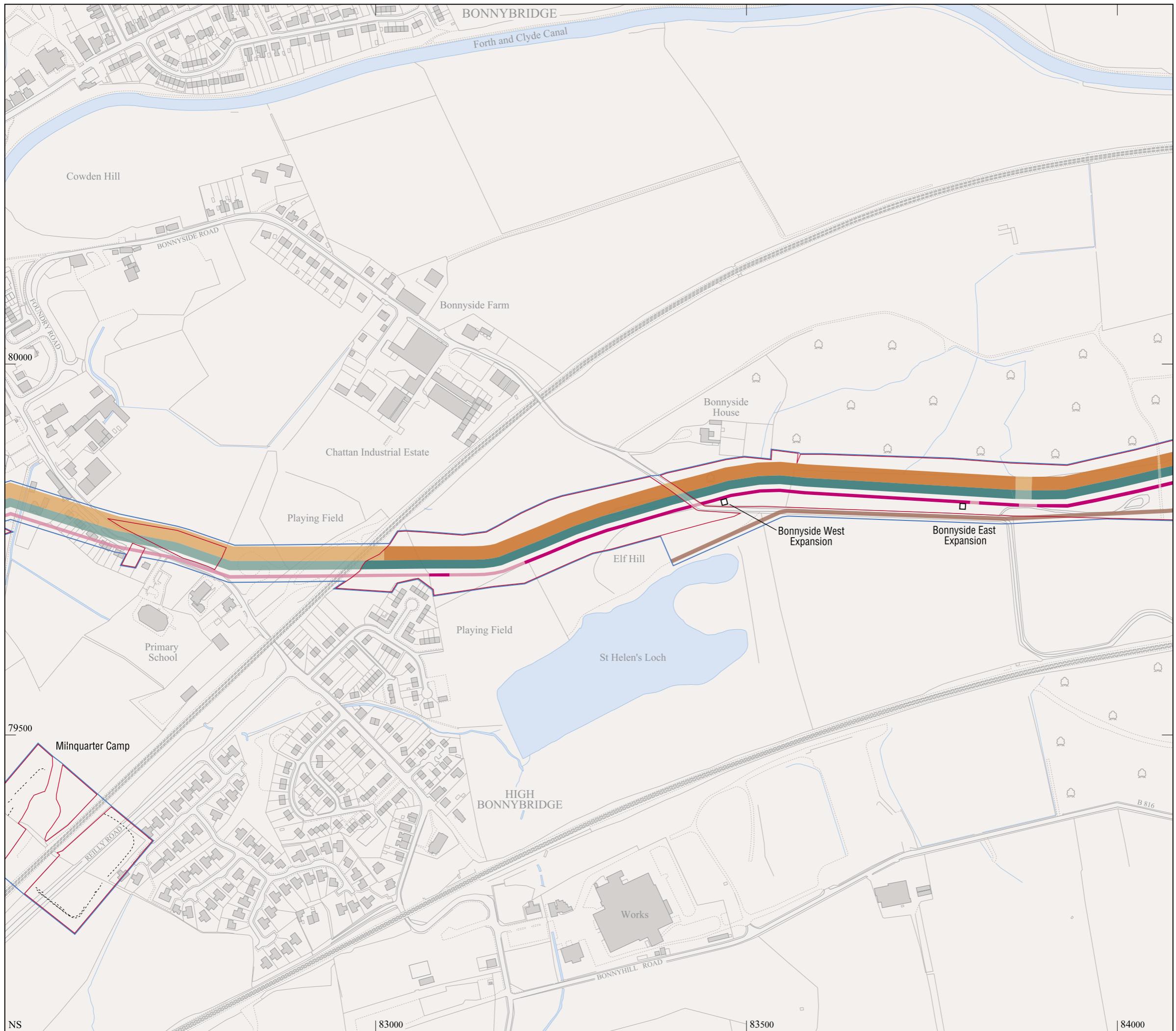
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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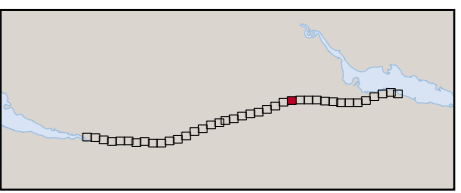


1:5000 Series - Map 14

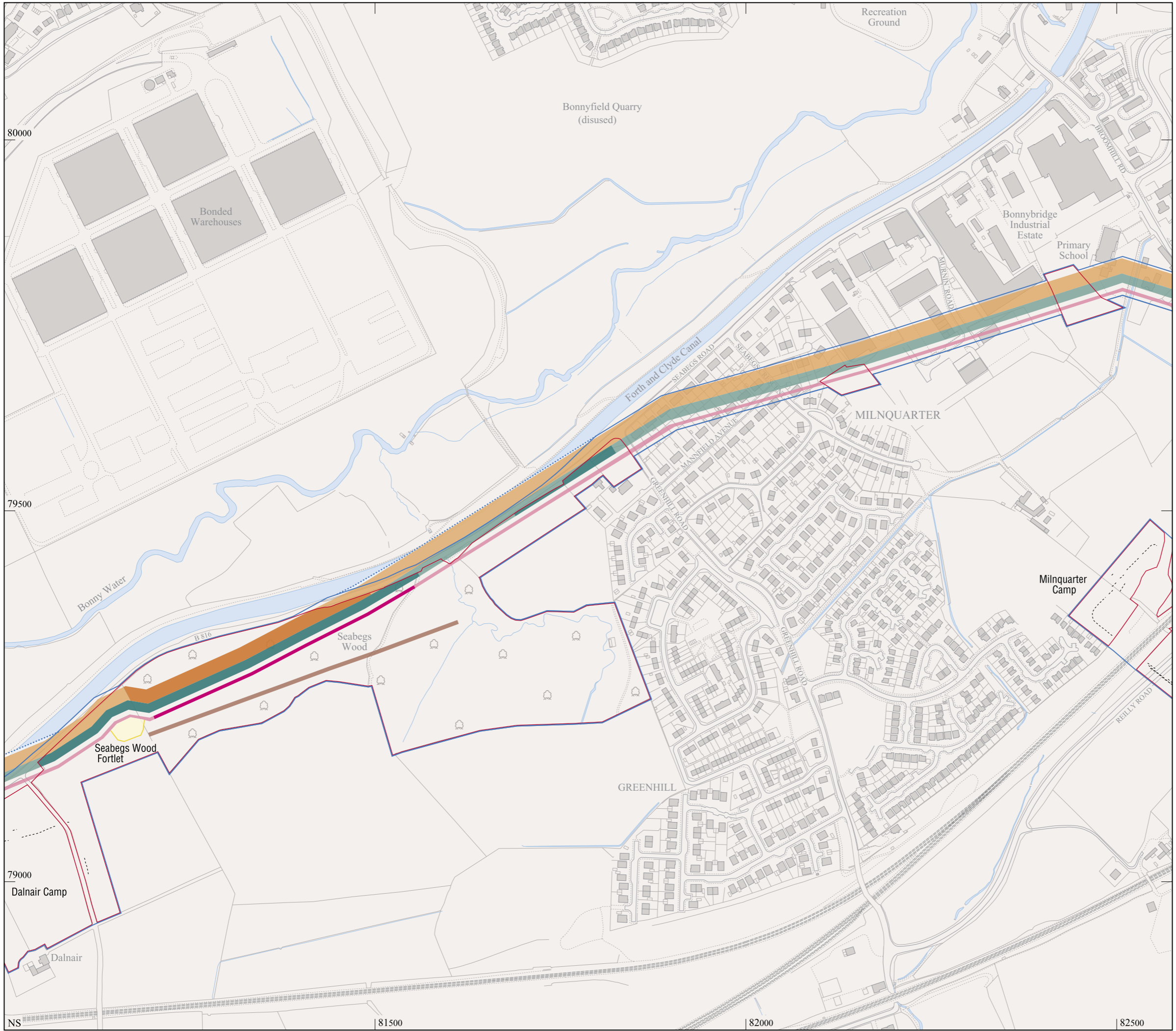
- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 15

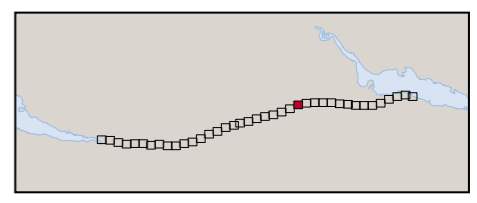
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed
	Military way	
	Cropmark of Roman camp	
	Expansion or Enclosure	

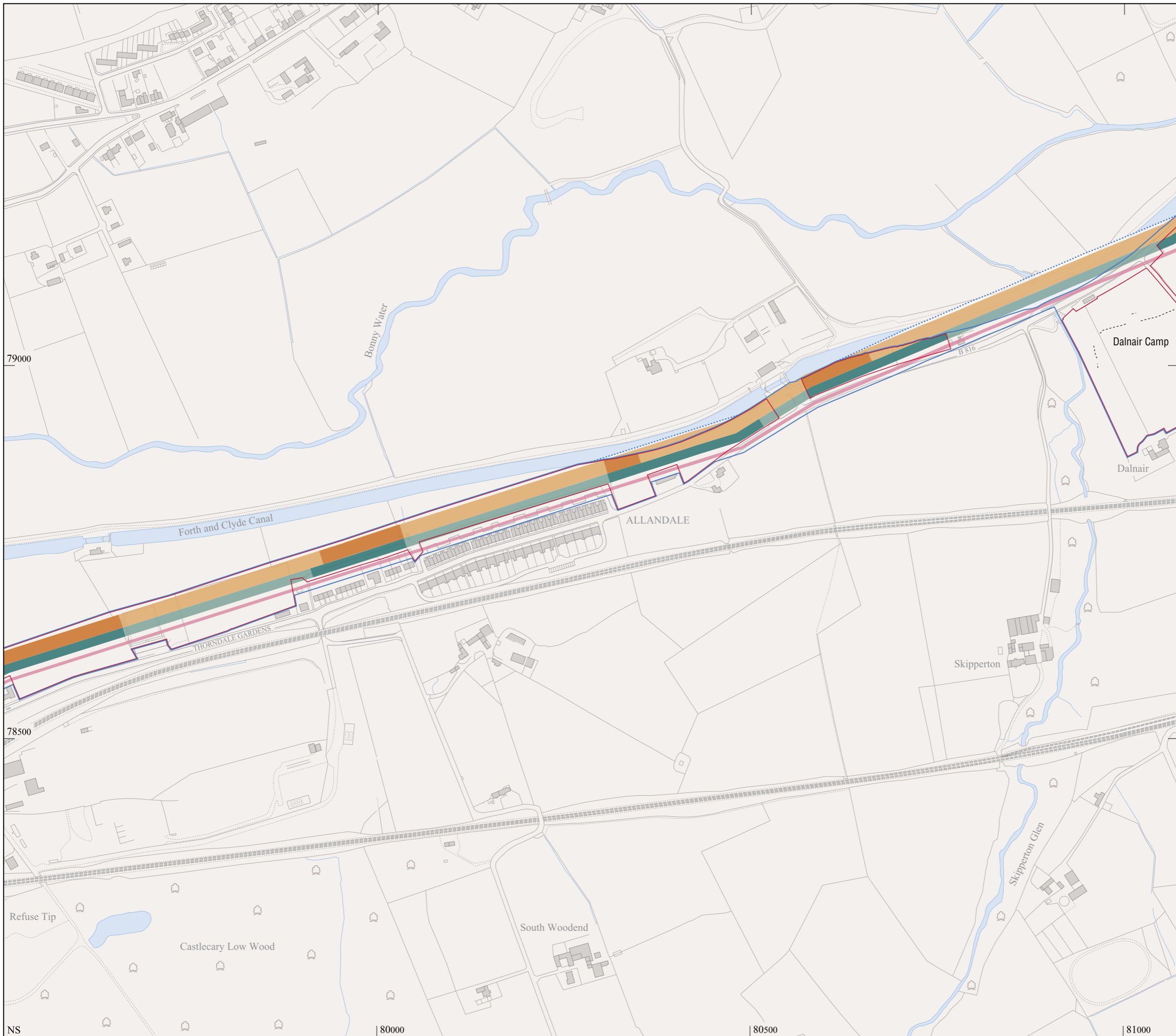
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 16

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

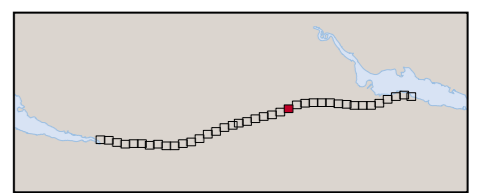
Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

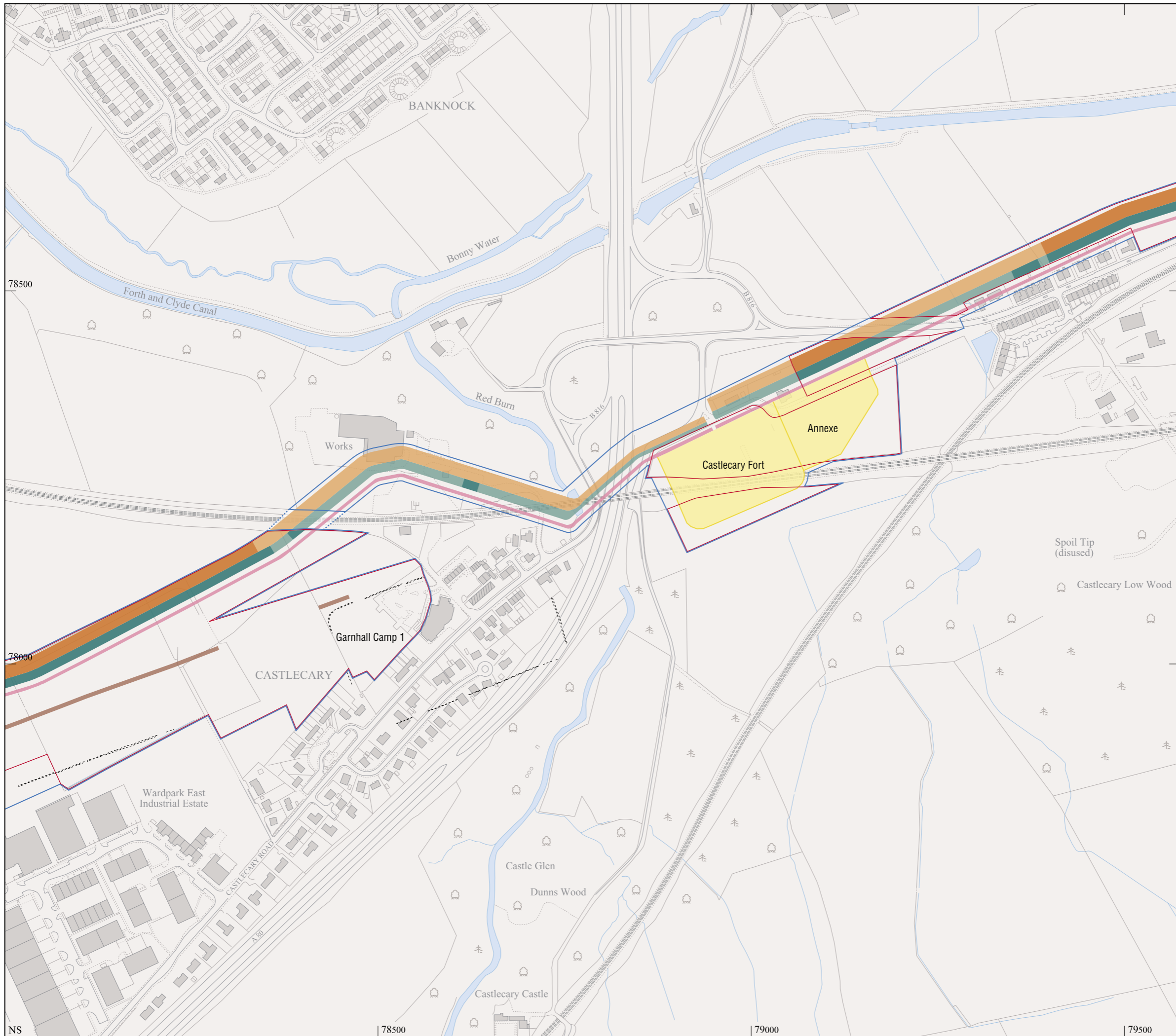
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 17

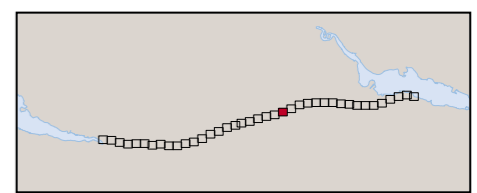
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 18

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

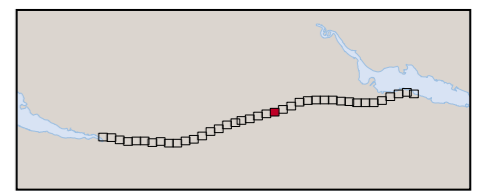
Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

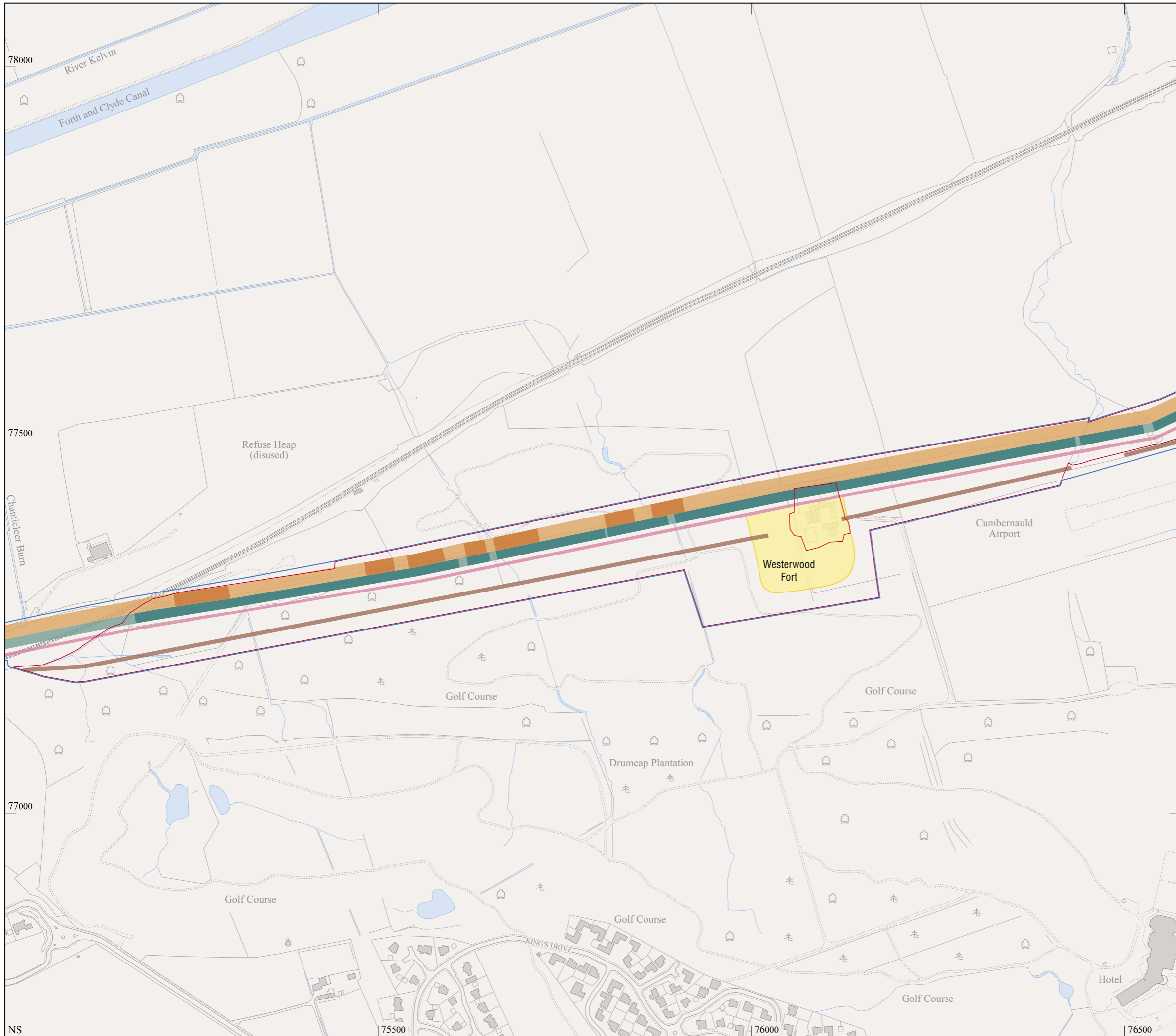
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



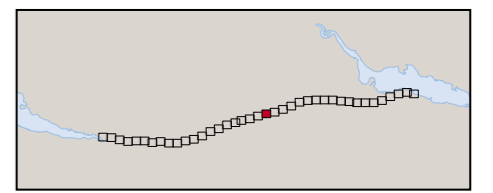
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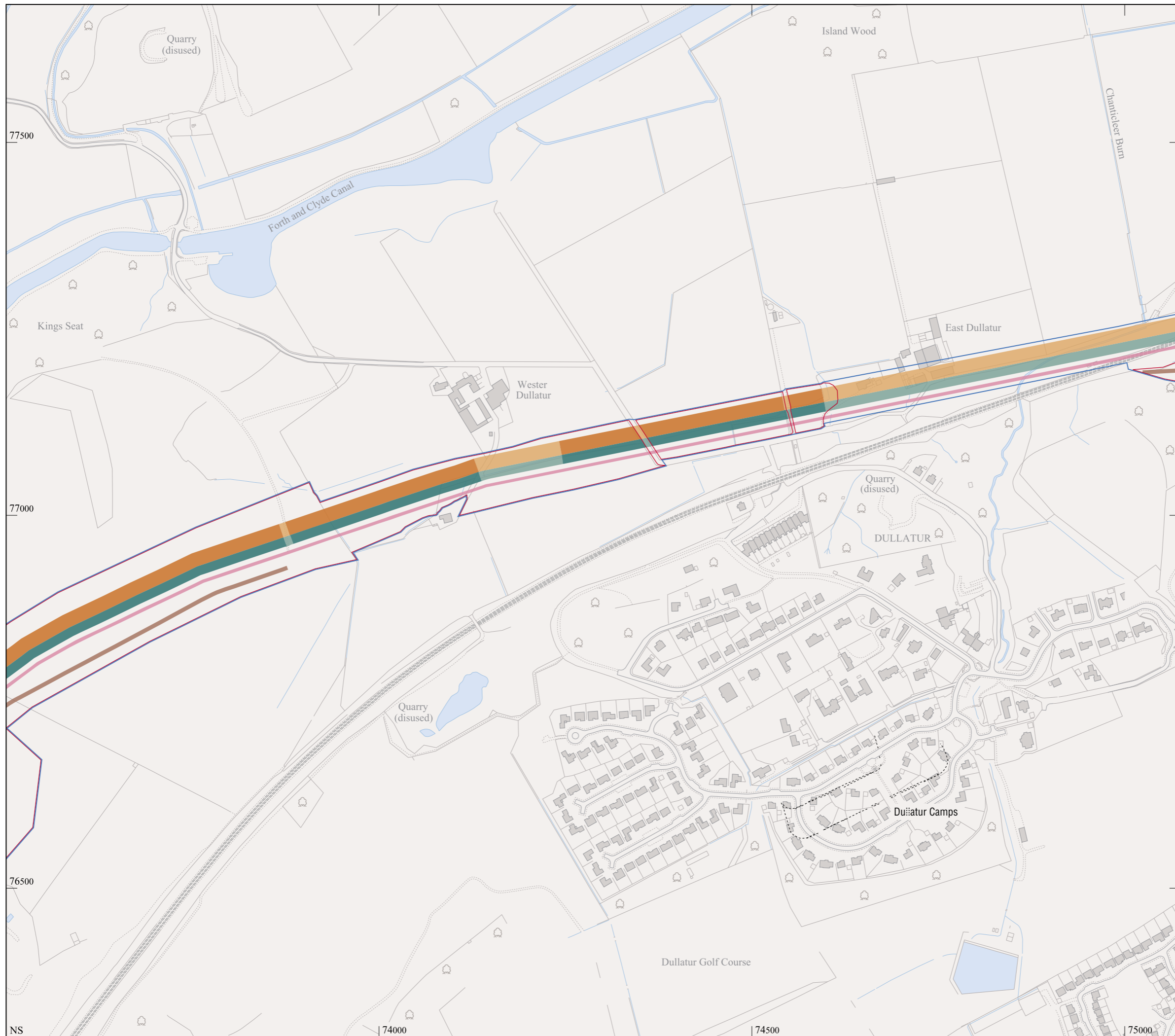
1:5000 Series - Map 19

- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 20

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

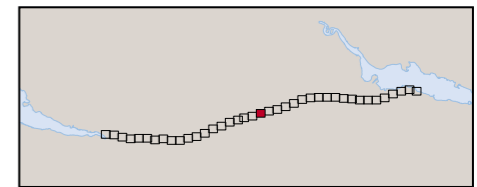
Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

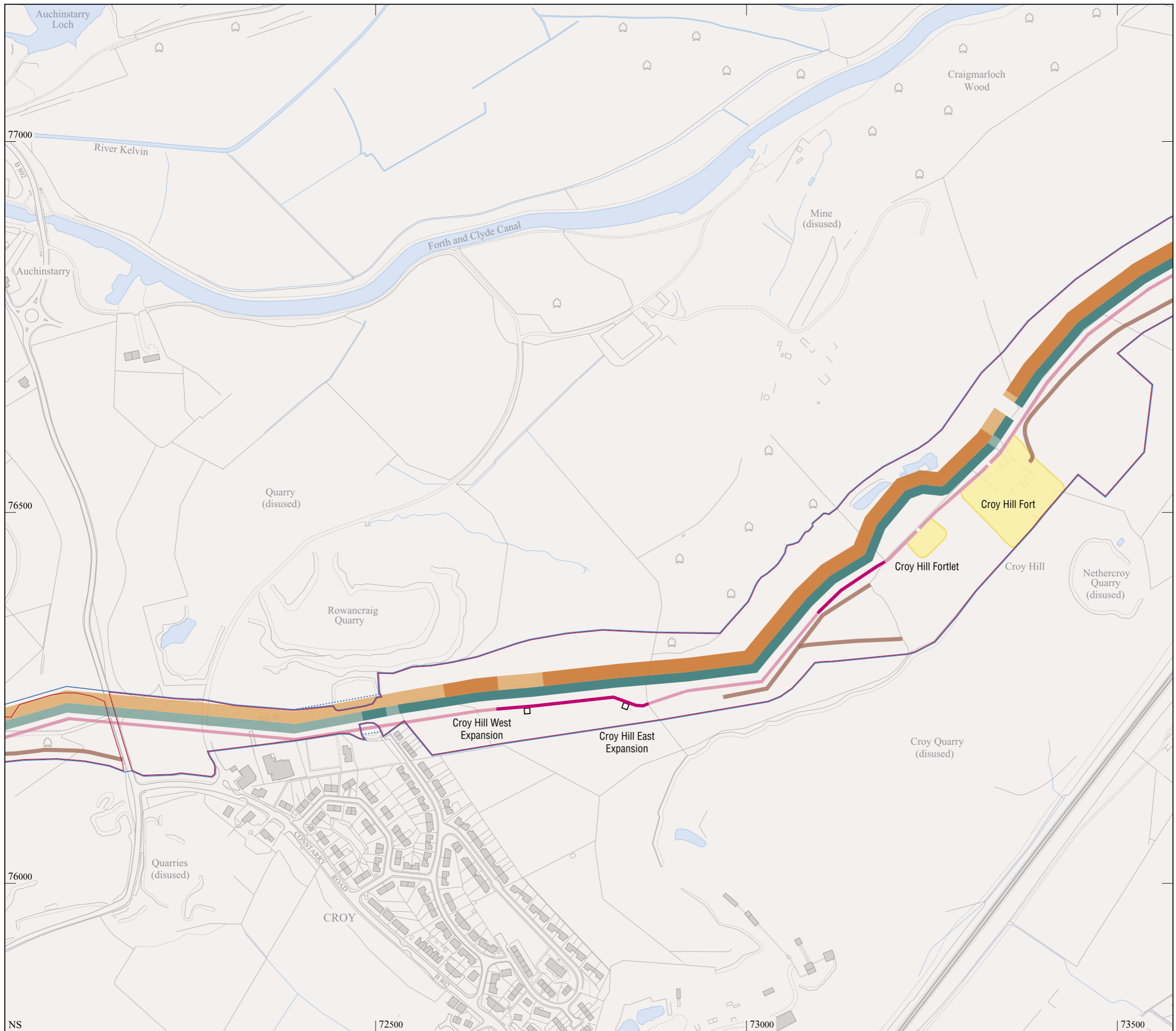
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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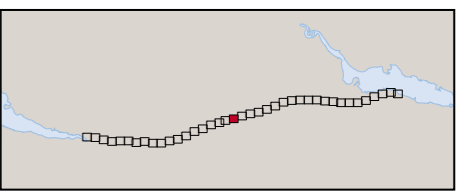
1:5000 Series - Map 21

- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

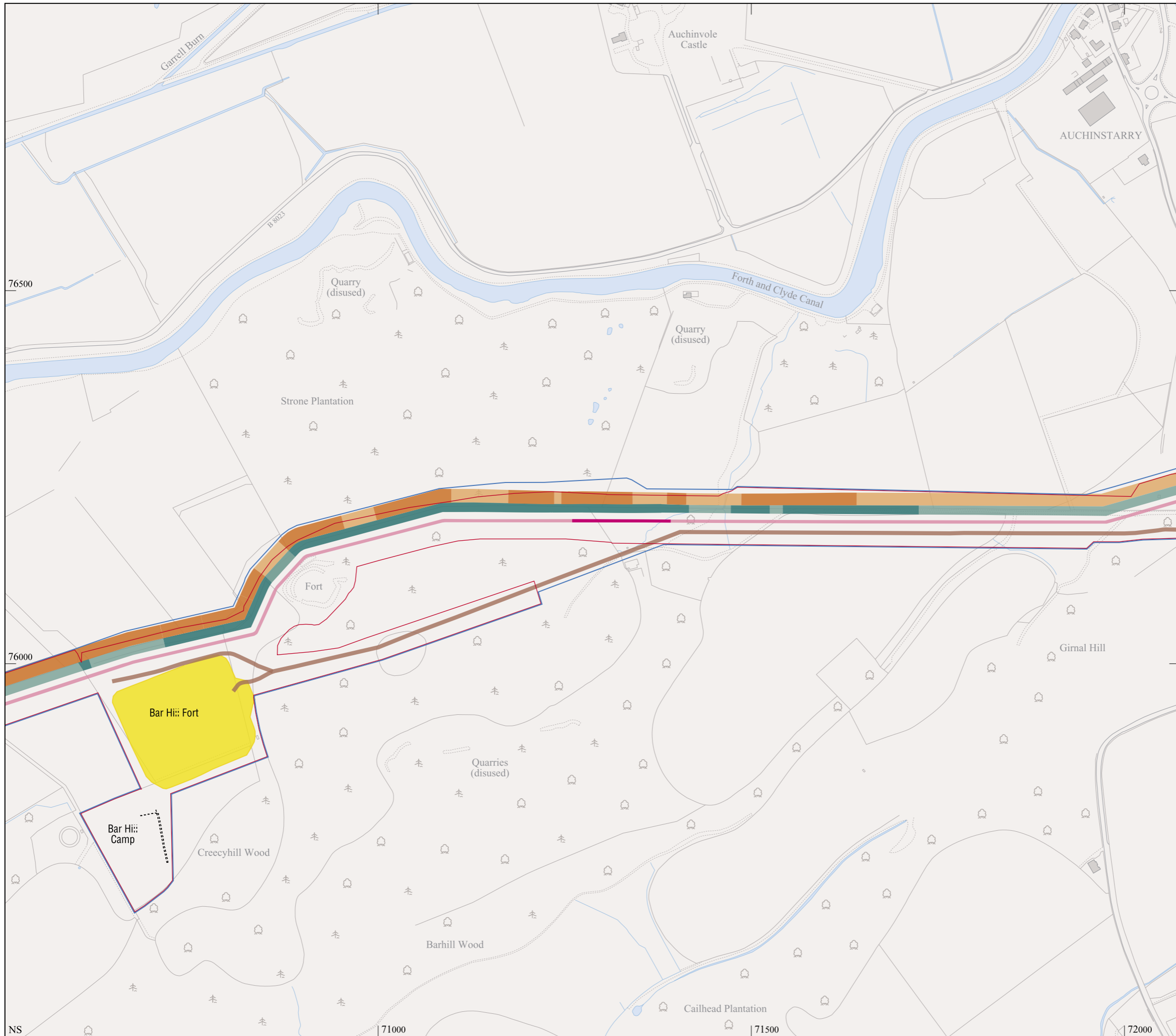
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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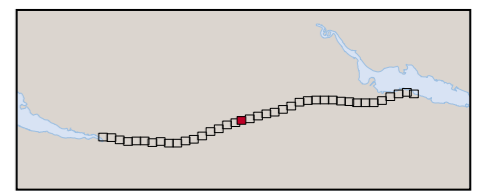


1:5000 Series - Map 22

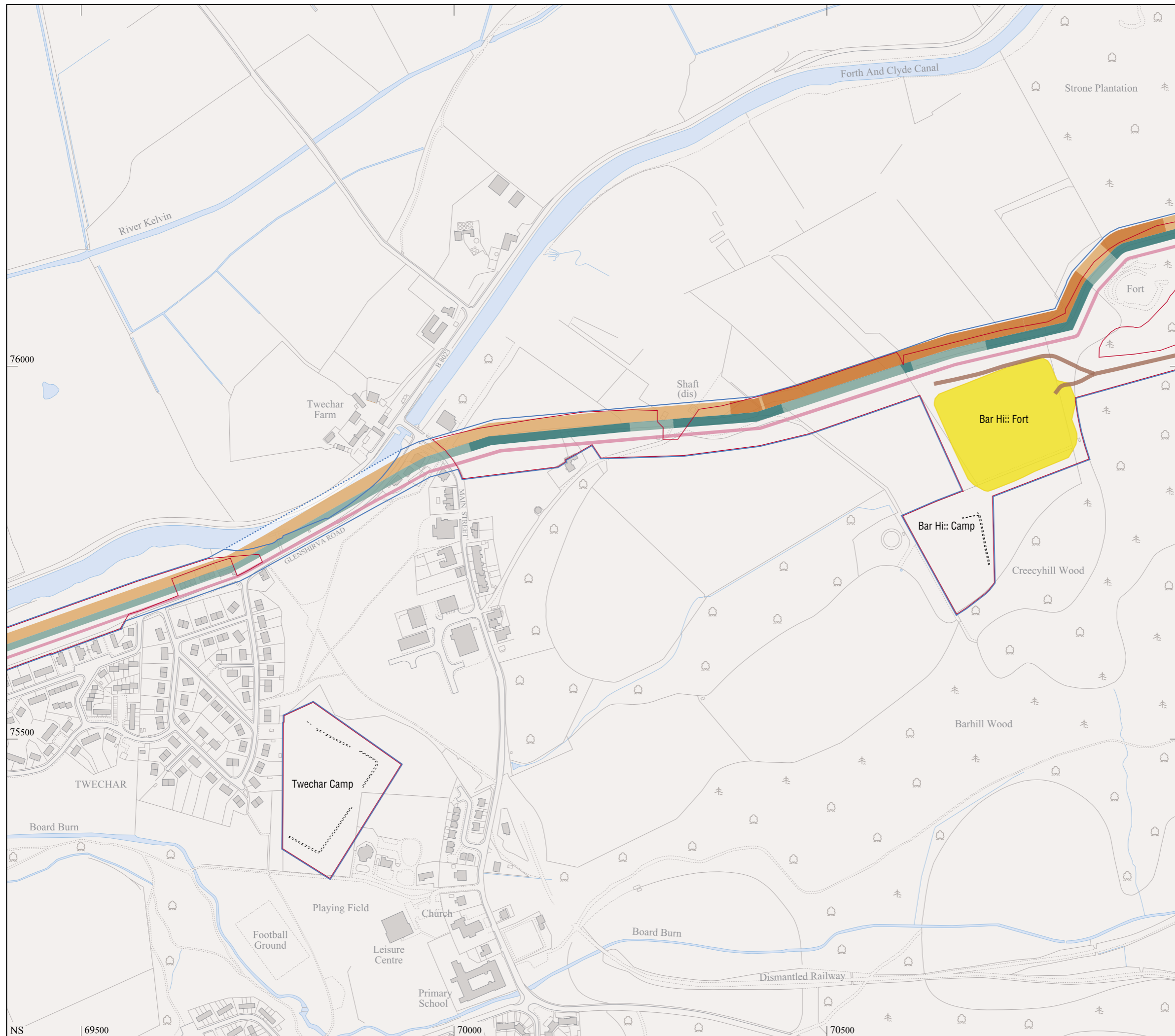
- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
 - visible
 - line of
 - line of: unconfirmed
- Ditch
 - visible
 - line of
 - line of: unconfirmed
- Rampart
 - visible
 - line of
 - line of: unconfirmed
- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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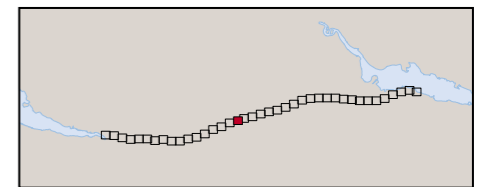
1:5000 Series - Map 23

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

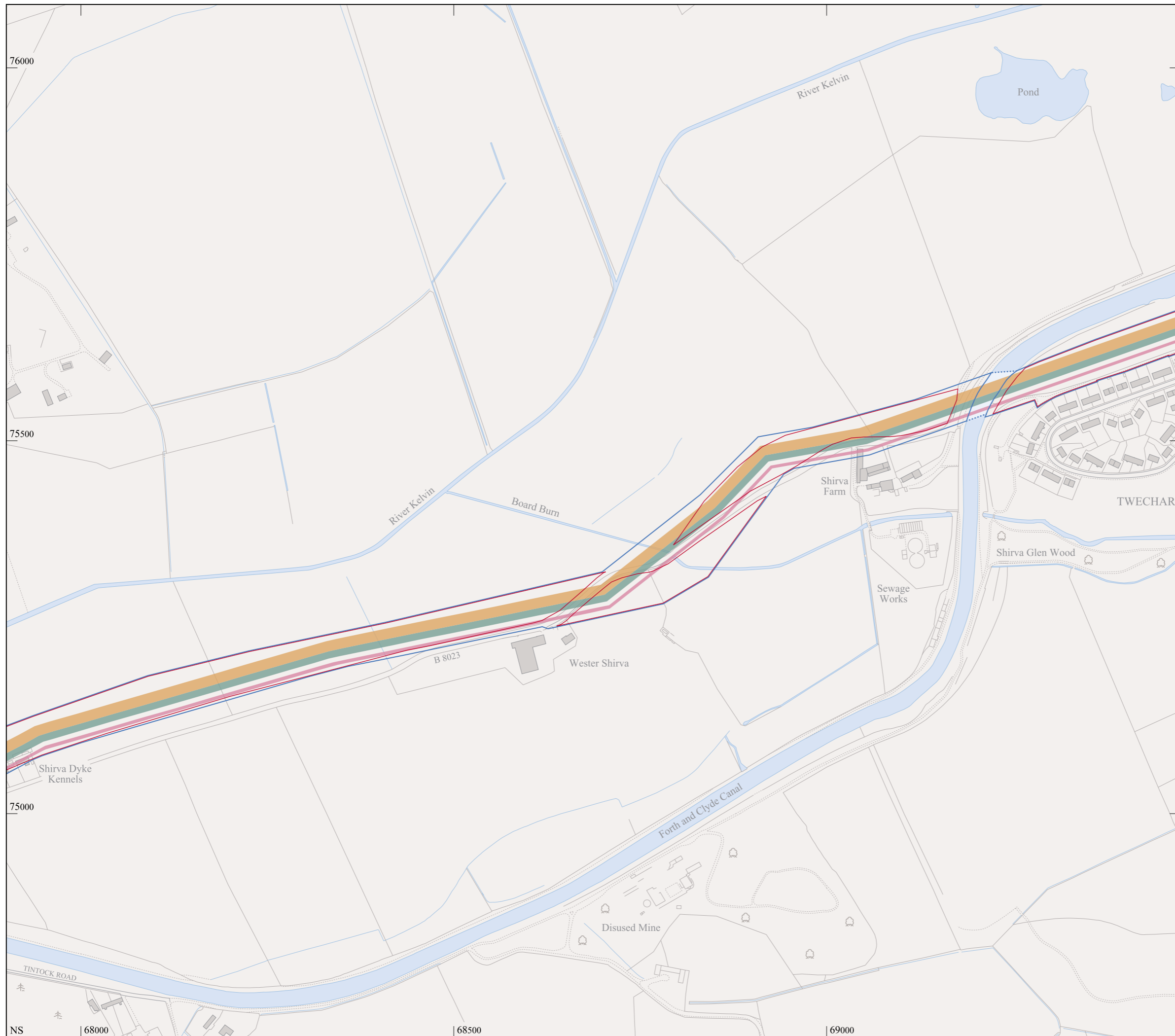
Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed
	Military way	
	Cropmark of Roman camp	
	Expansion or Enclosure	

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 24

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

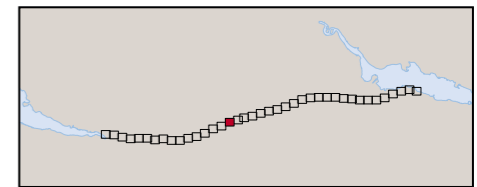
Upcast mound	{	visible
		line of
		line of: unconfirmed
Ditch	{	visible
		line of
		line of: unconfirmed
Rampart	{	visible
		line of
		line of: unconfirmed
Fort/ Fortlet	{	visible
		area of
		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

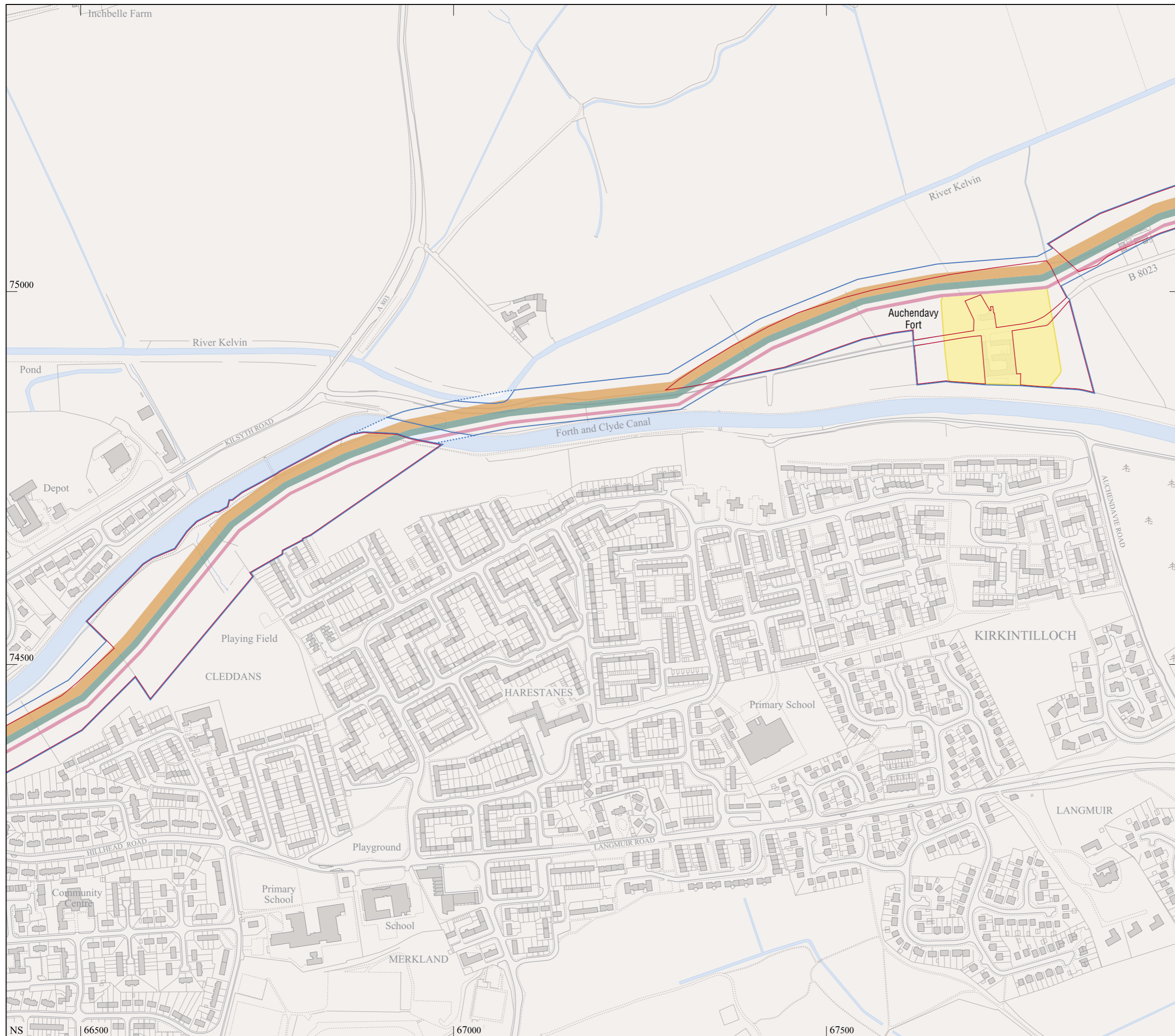
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 25

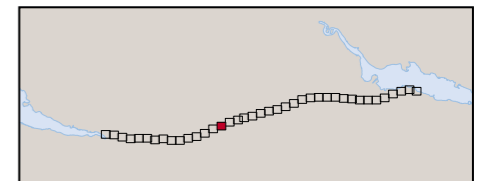
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound	visible
	line of
	line of: unconfirmed
Ditch	visible
	line of
	line of: unconfirmed
Rampart	visible
	line of
	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

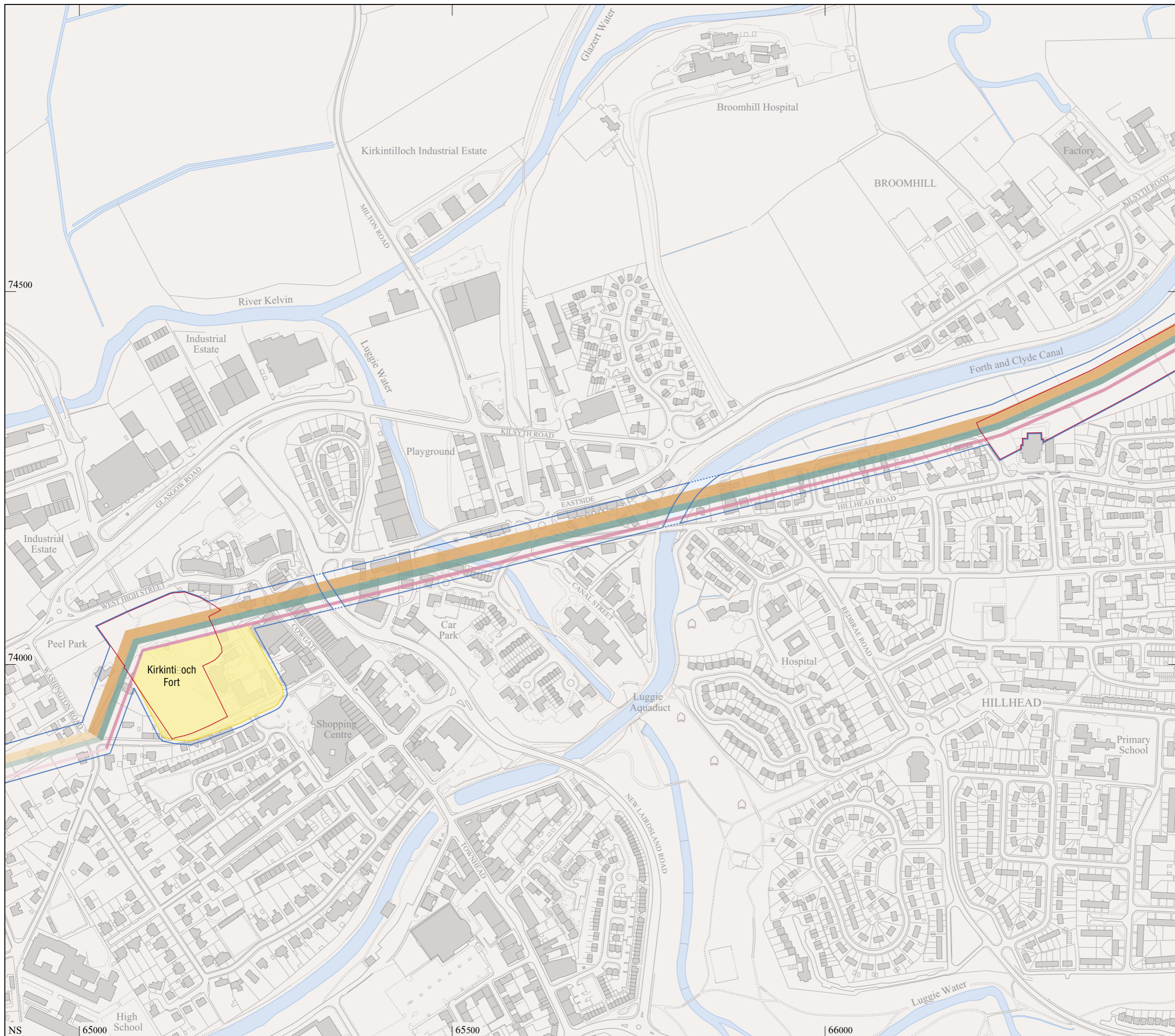
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 26

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

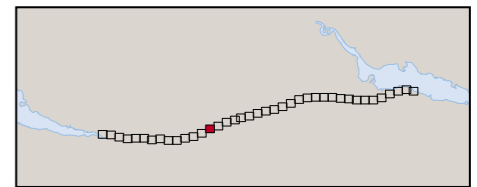
Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

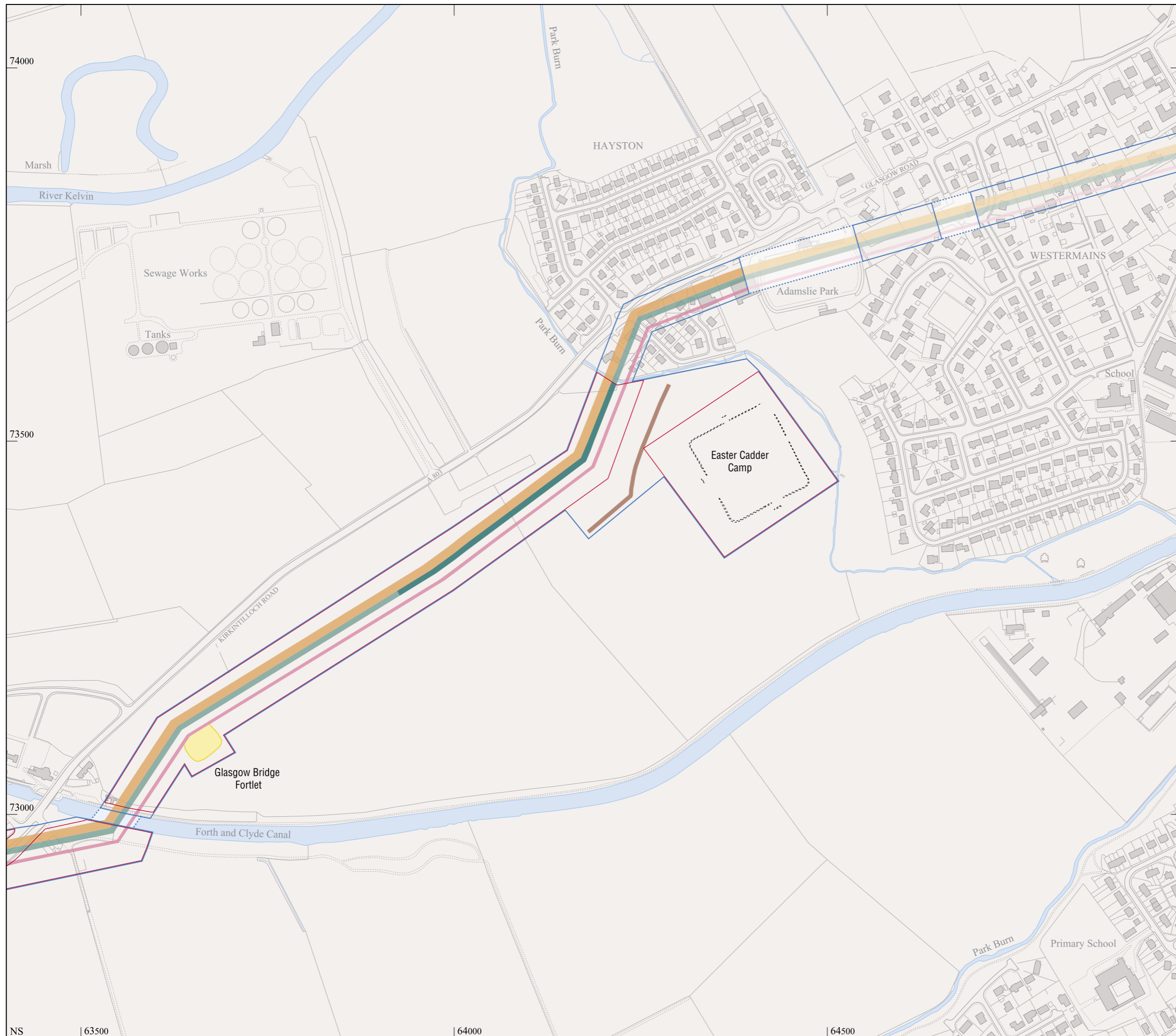
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 27

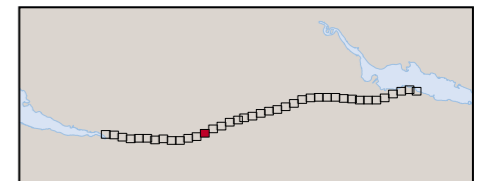
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

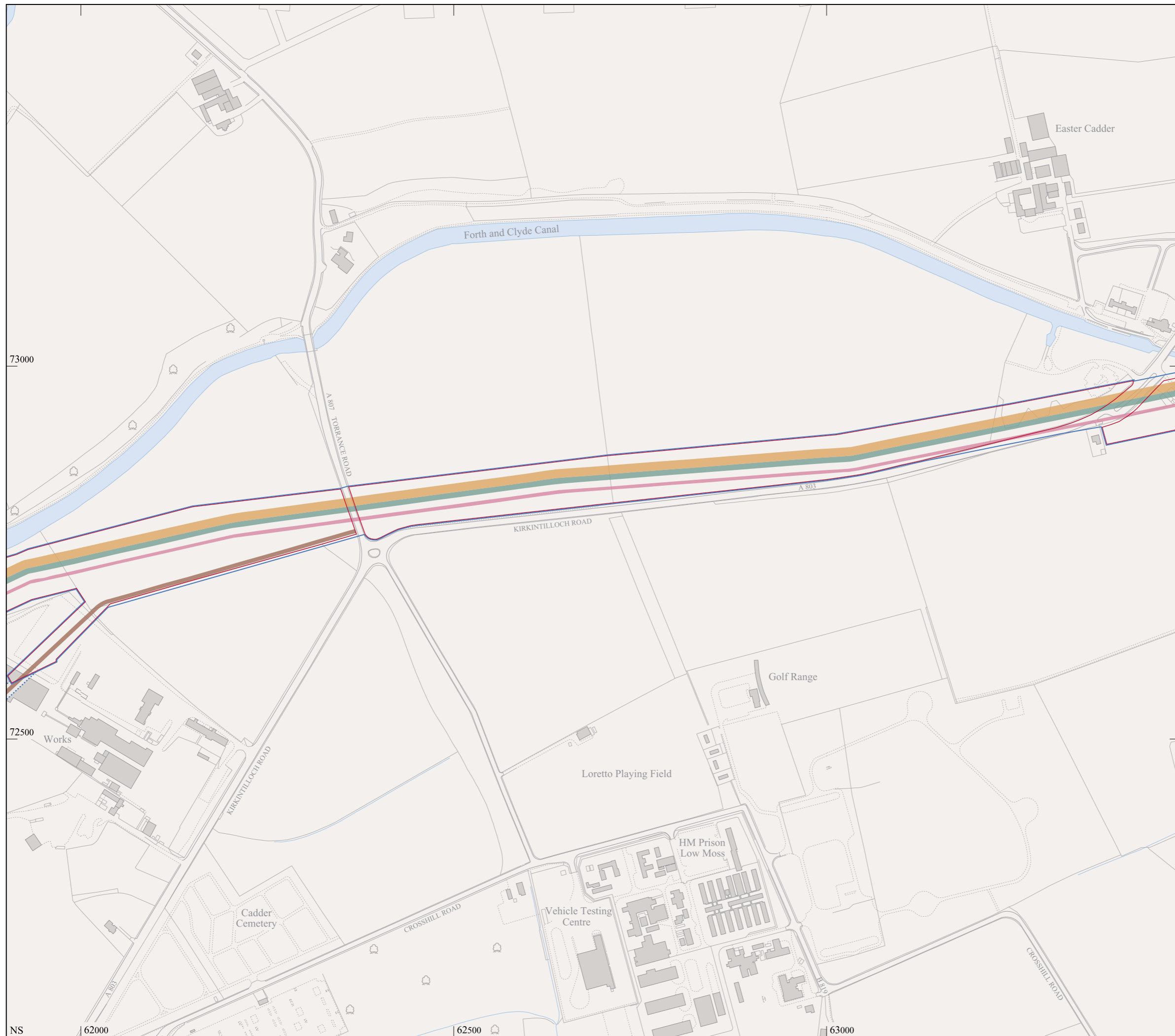
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 28

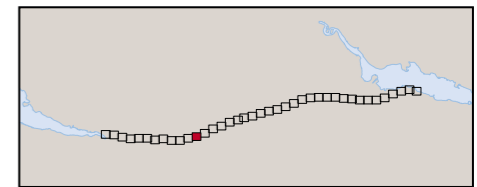
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
		line of
		line of: unconfirmed
Ditch		visible
		line of
		line of: unconfirmed
Rampart		visible
		line of
		line of: unconfirmed
Fort/ Fortlet		visible
		area of
		area of: unconfirmed

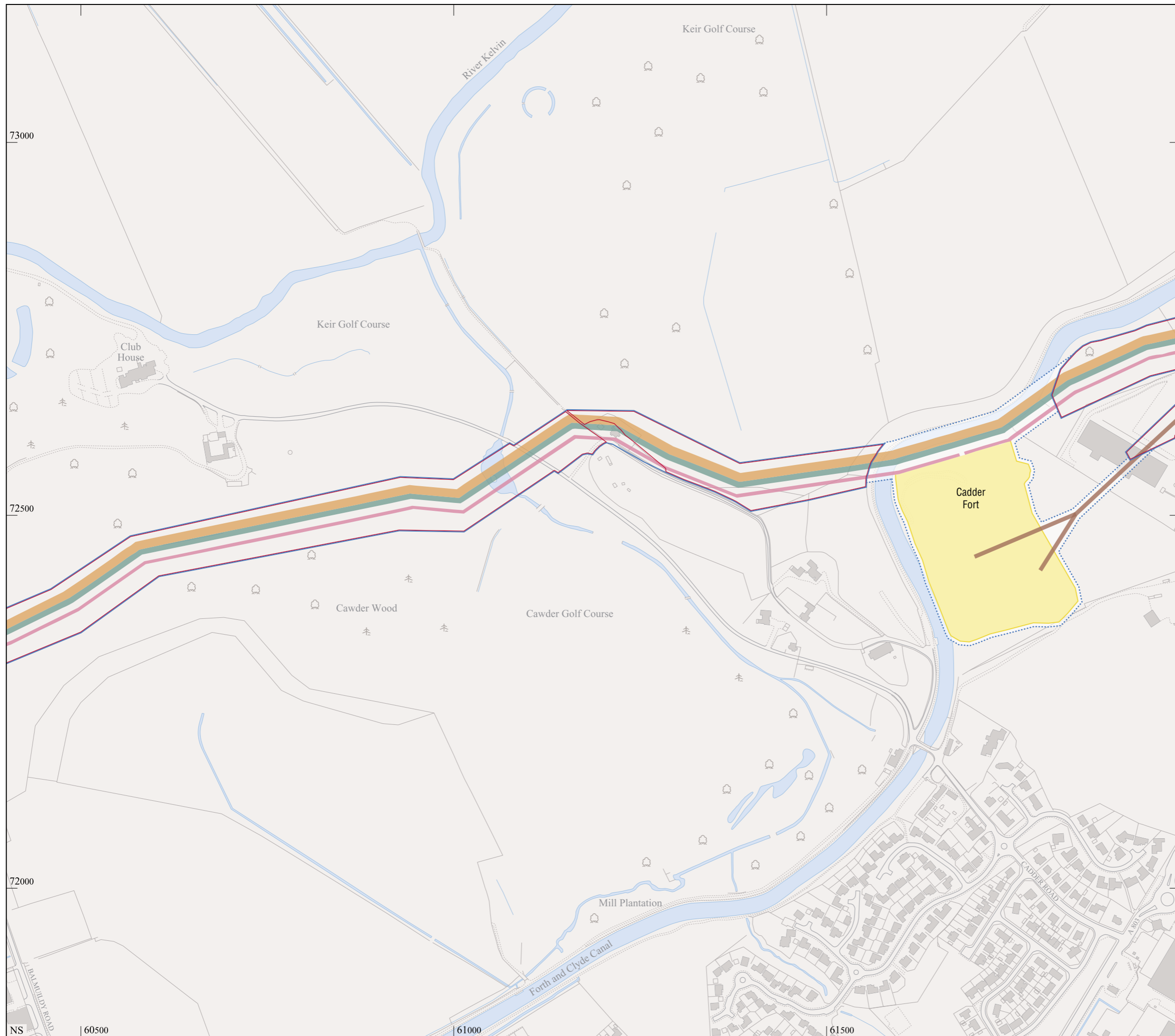
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
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1:5000 Series - Map 29

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound

- visible
- line of
- line of: unconfirmed

Ditch

- visible
- line of
- line of: unconfirmed

Rampart

- visible
- line of
- line of: unconfirmed

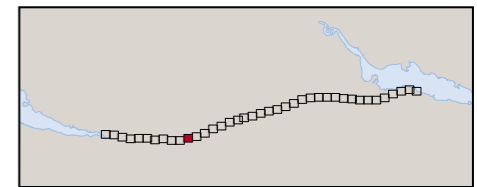
Fort/ Fortlet

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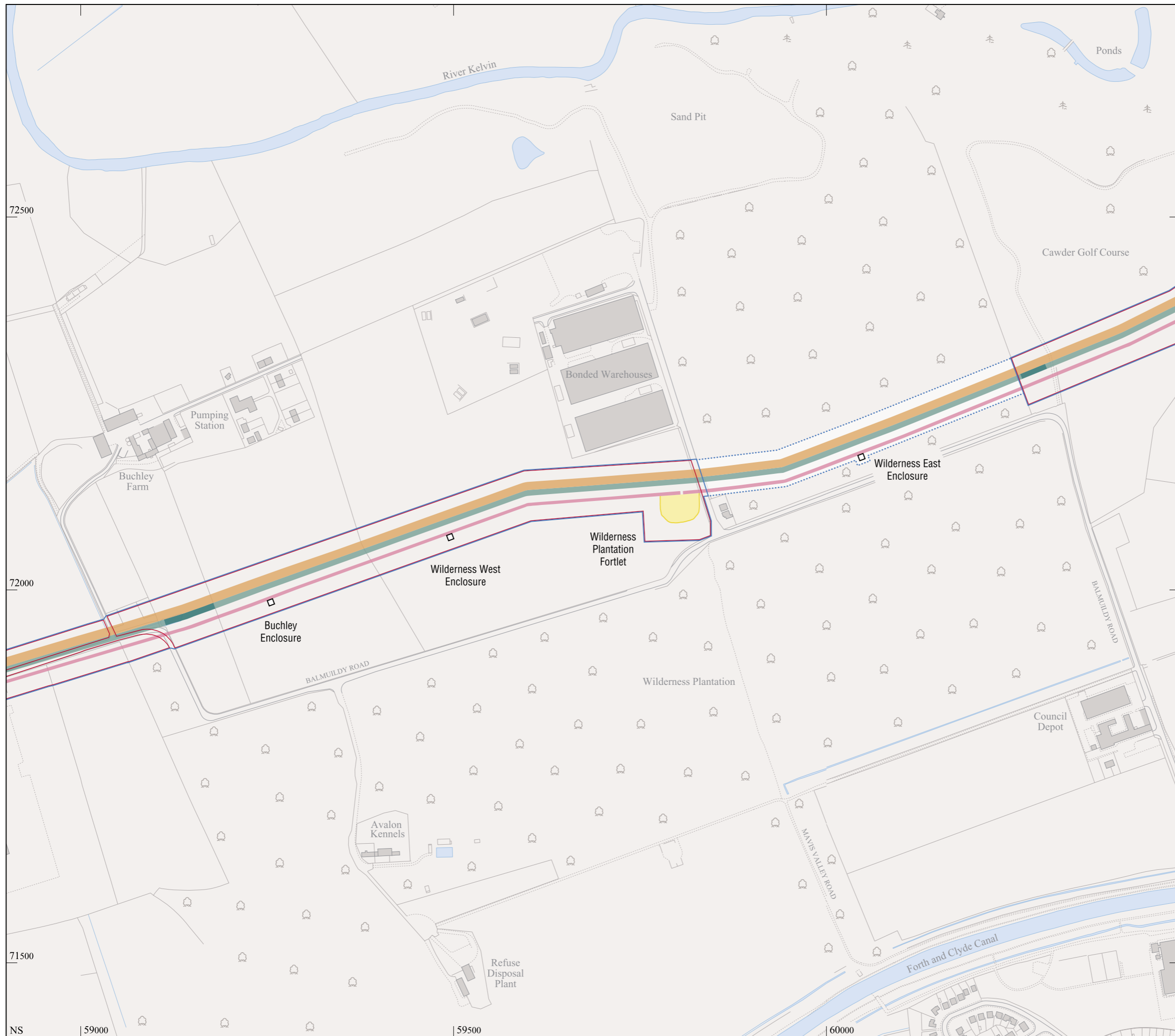
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

Building
 Wall / fence
 Ground detail
 Road
 Railway
 Woodland
 Water feature
 Mean high water
 Mean low water

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1:5000 Series - Map 30

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

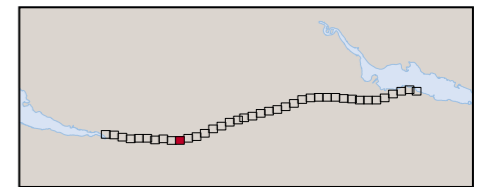
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Ditch		visible
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Rampart		visible
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Fort/ Fortlet		visible
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		area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

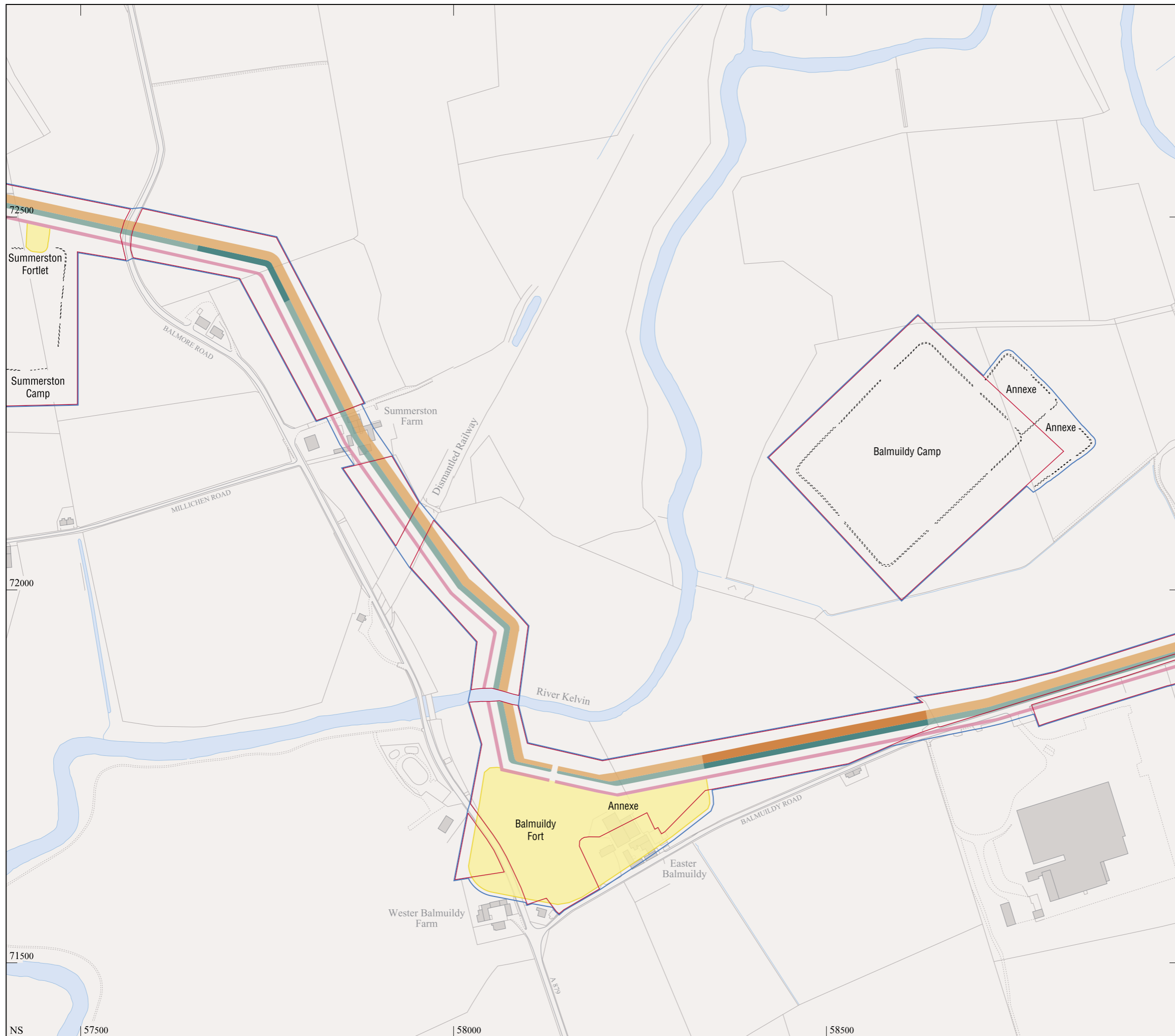
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

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1:5000 Series - Map 31

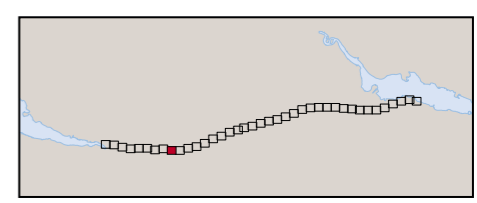
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound	{	visible
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Fort/ Fortlet	{	visible
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- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

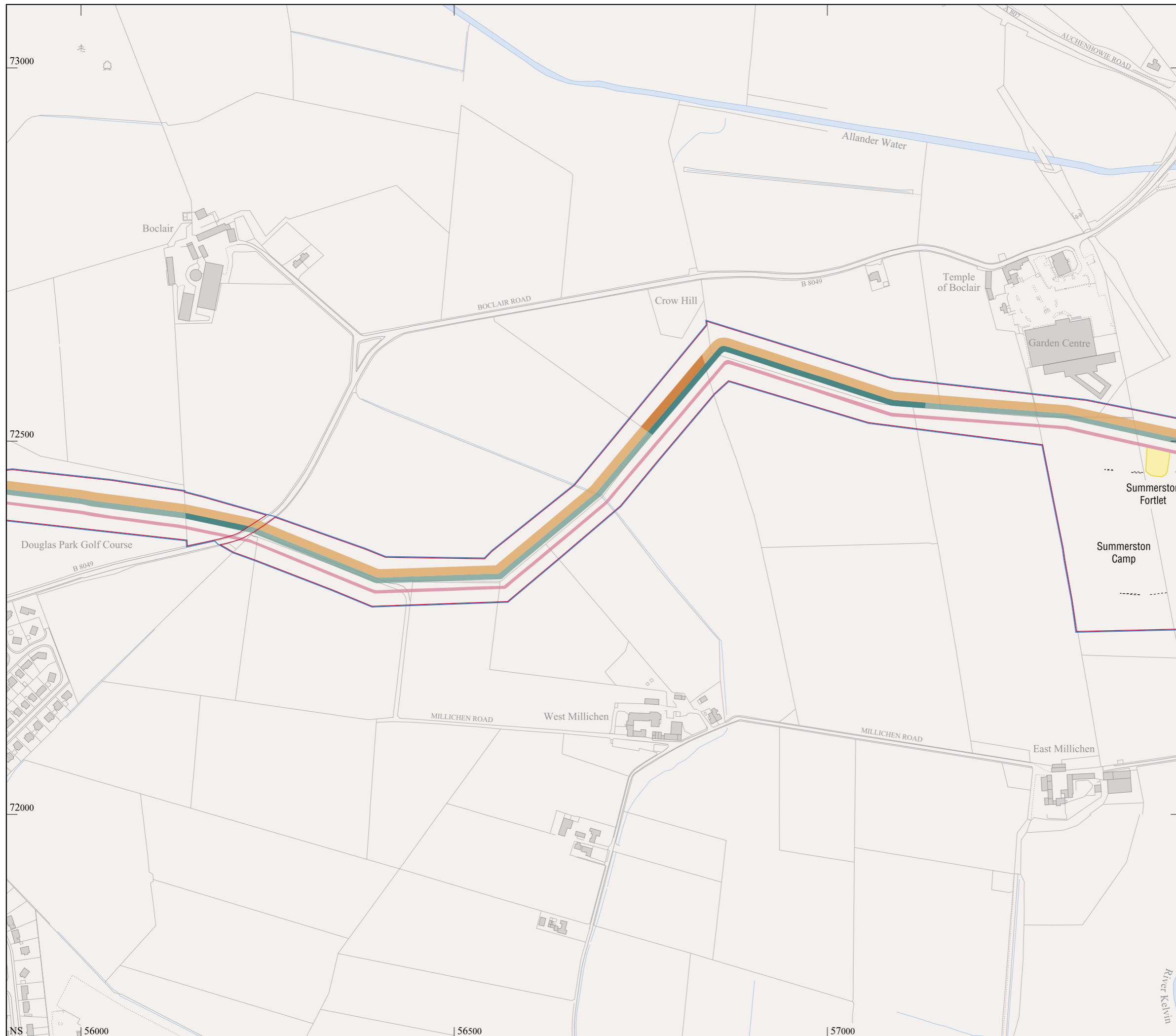
- Building
- Wall / fence
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- Woodland
- Water feature
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1:5000 Series - Map 32

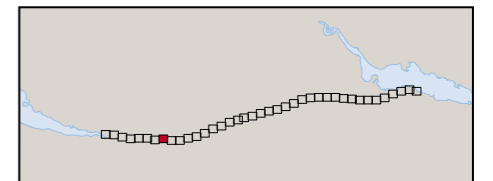
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
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Fort/ Fortlet		visible
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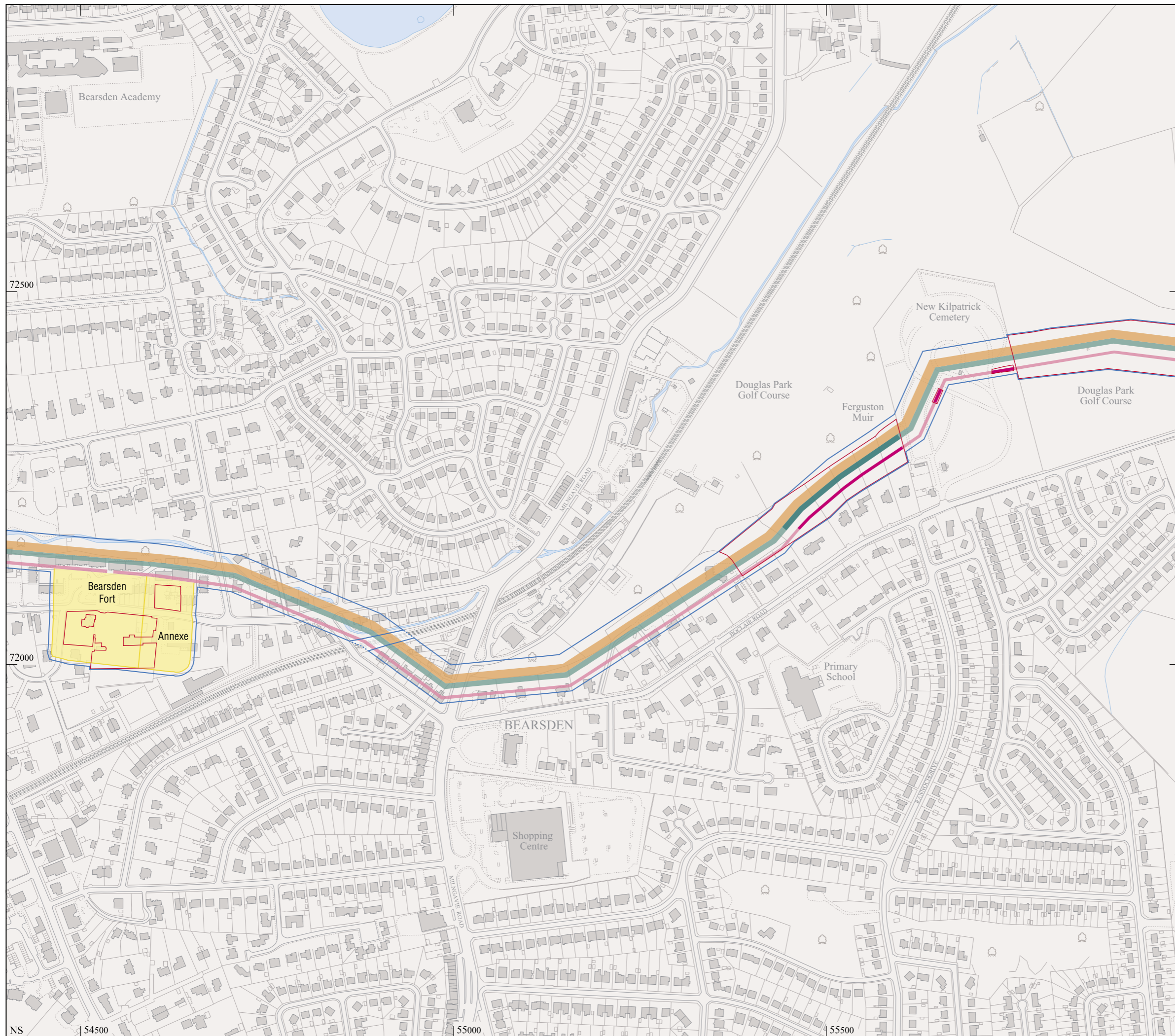
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

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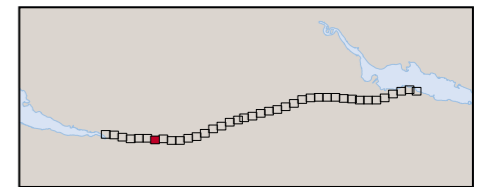


1:5000 Series - Map 33

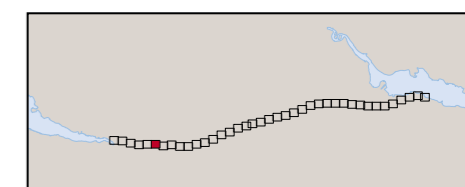
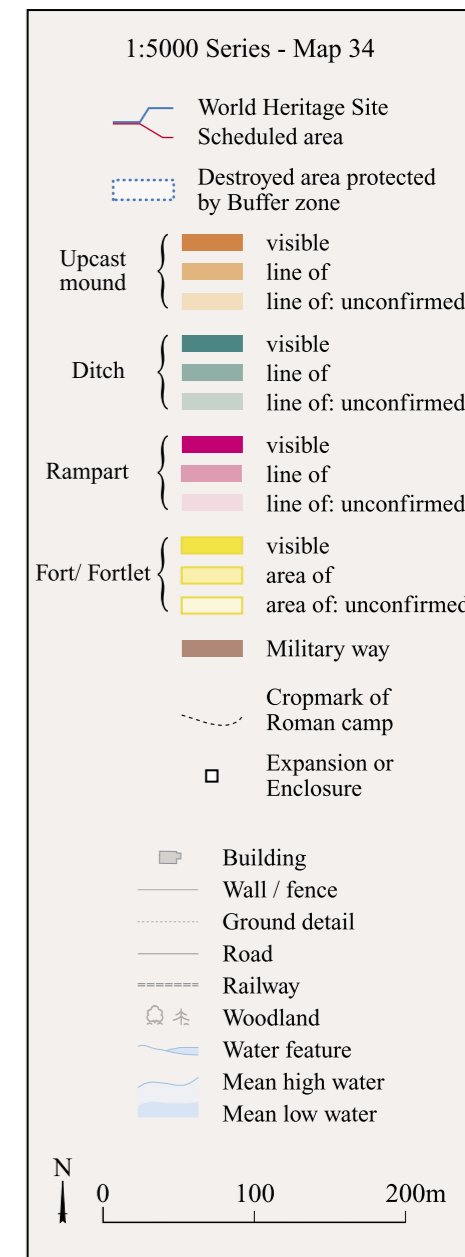
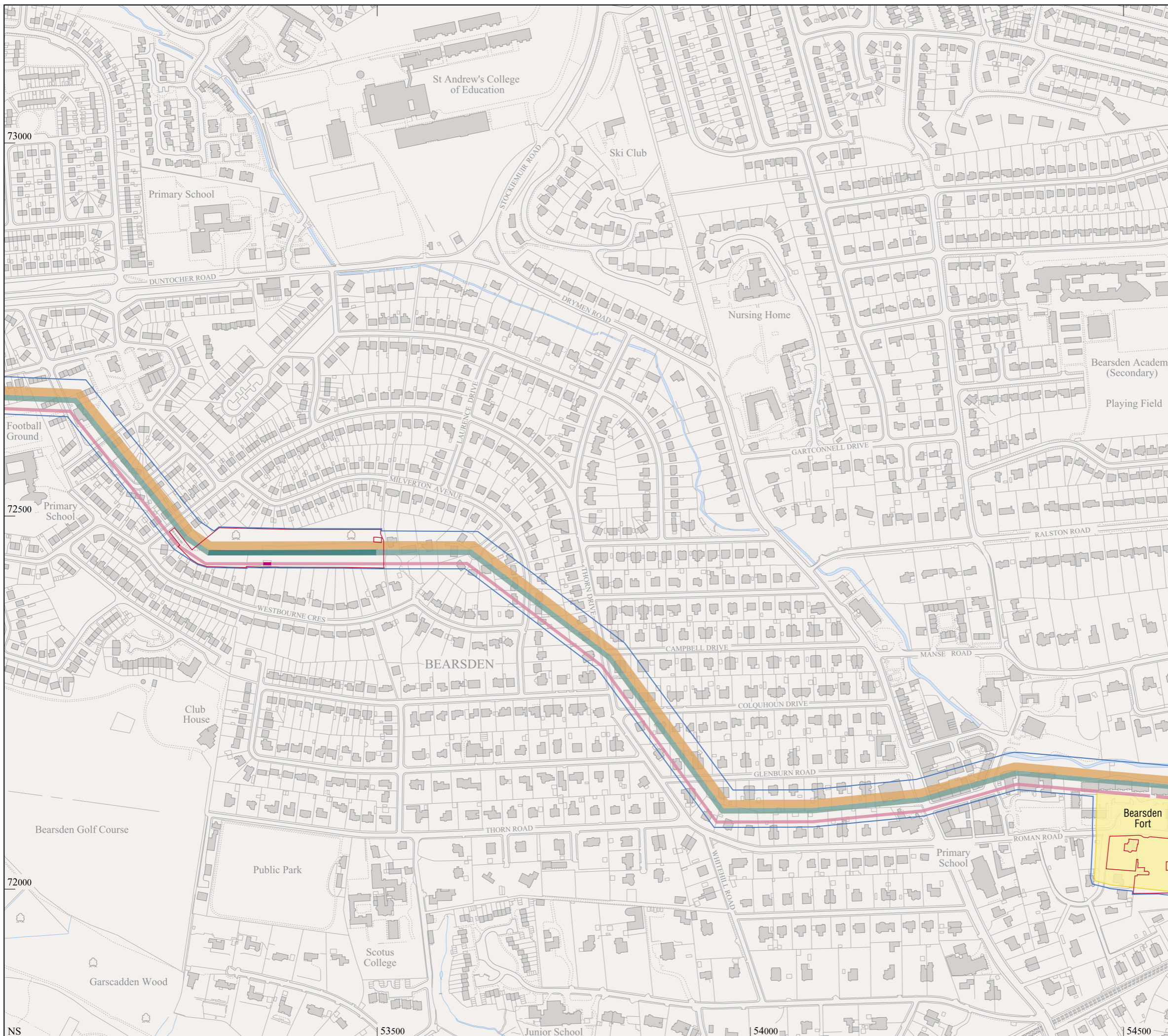
- World Heritage Site Scheduled area
- Destroyed area protected by Buffer zone
- Upcast mound
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- Ditch
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- Rampart
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- Fort/ Fortlet
 - visible
 - area of
 - area of: unconfirmed
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

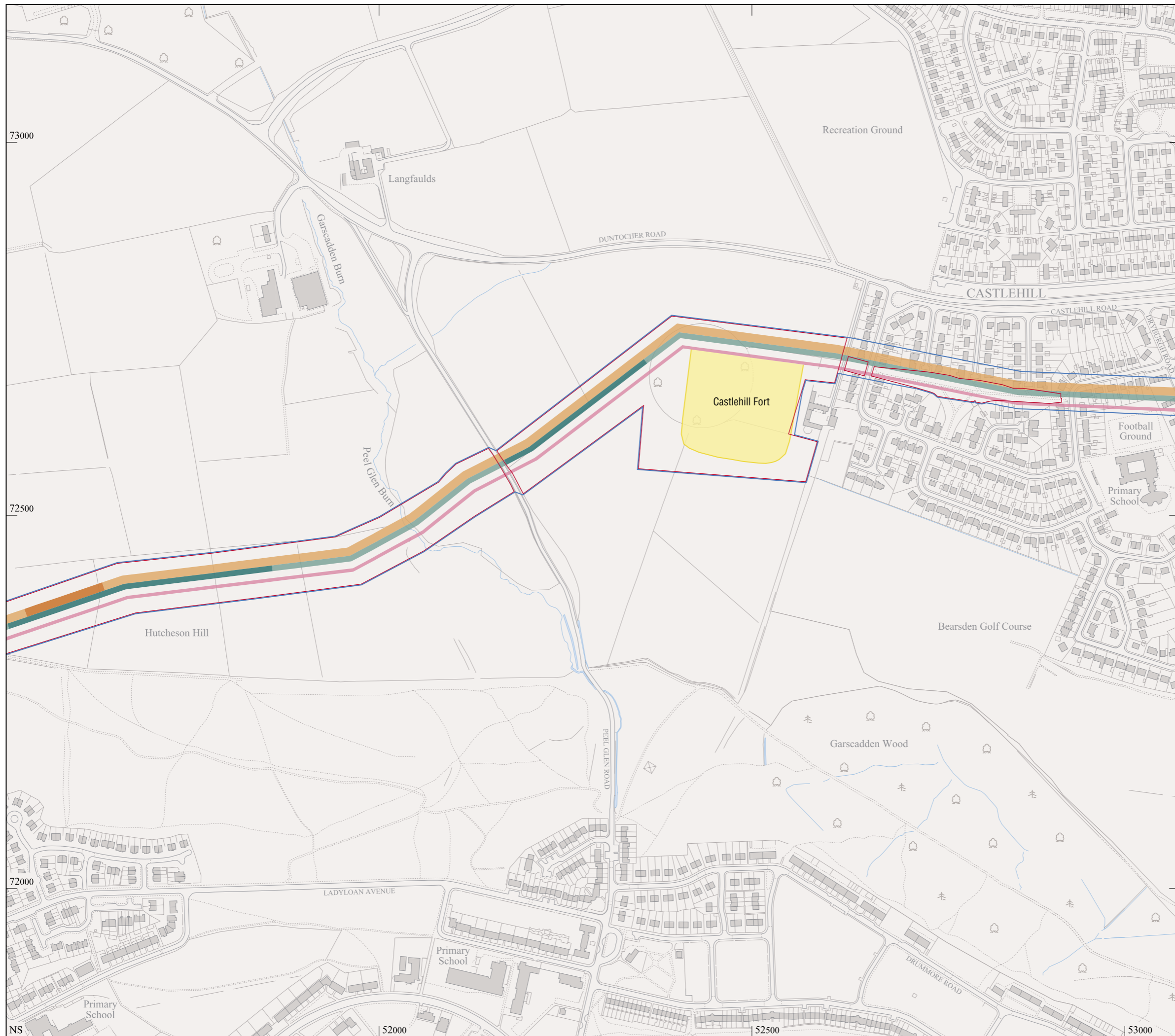
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1:5000 Series - Map 35

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

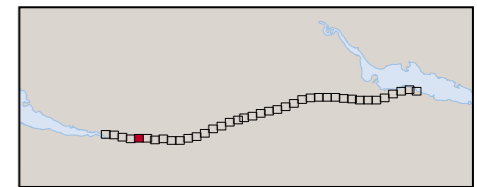
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Rampart		visible
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Fort/ Fortlet		visible
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- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

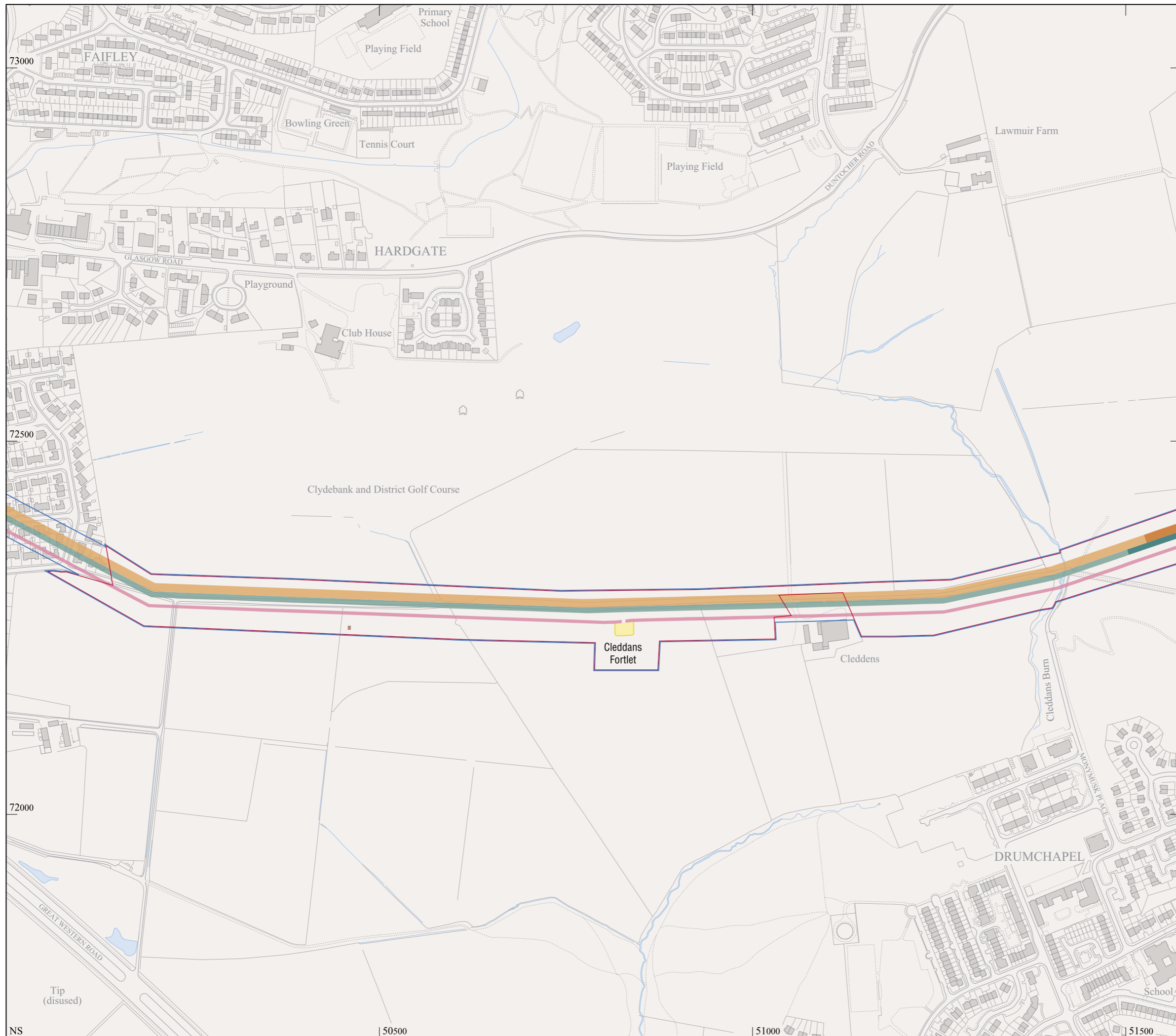
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

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1:5000 Series - Map 36

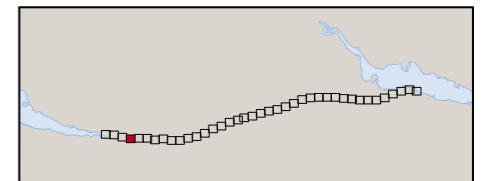
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
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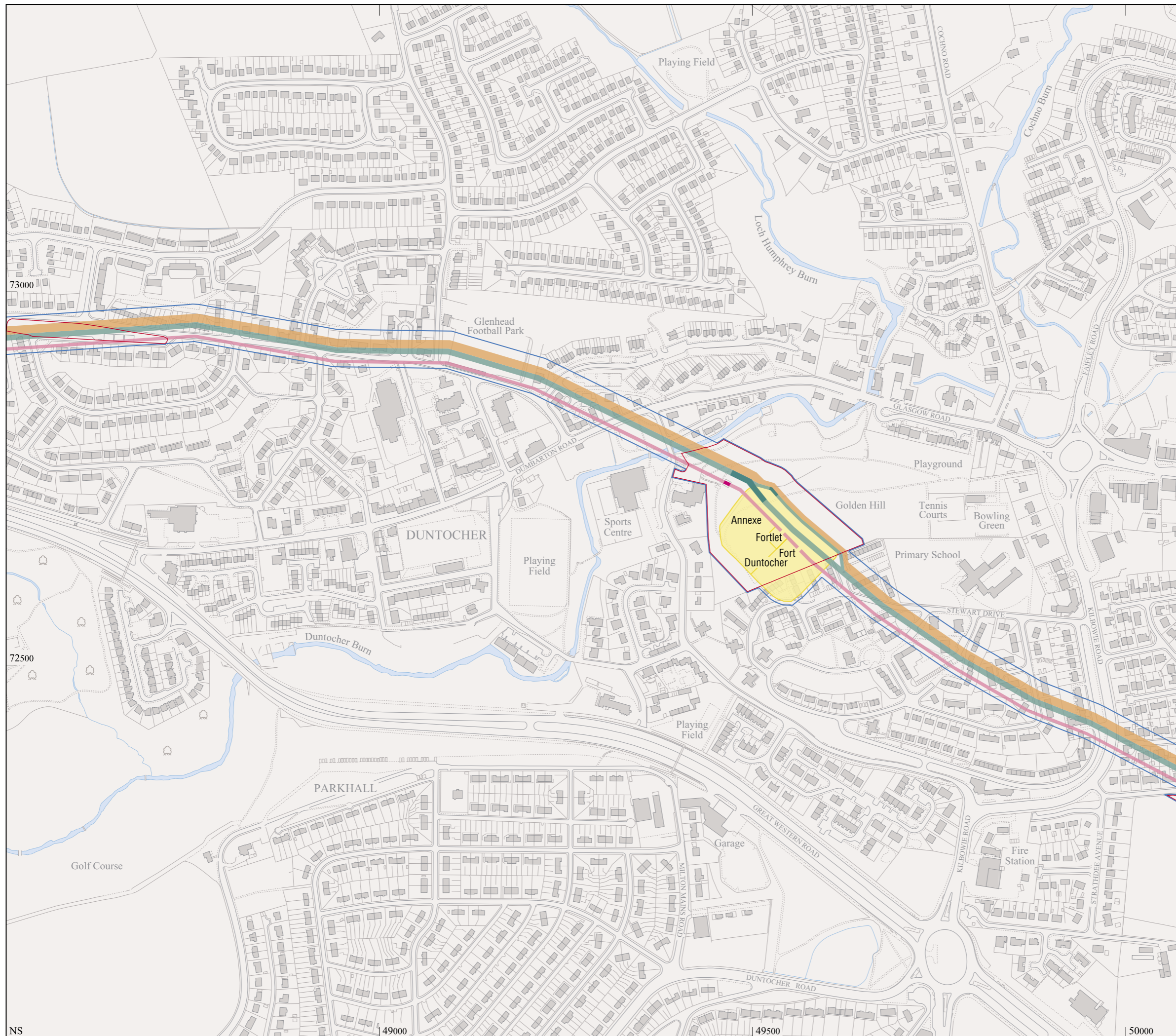
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

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1:5000 Series - Map 37

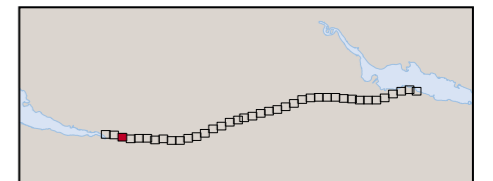
- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
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		line of: unconfirmed
Ditch		visible
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Rampart		visible
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Fort/ Fortlet		visible
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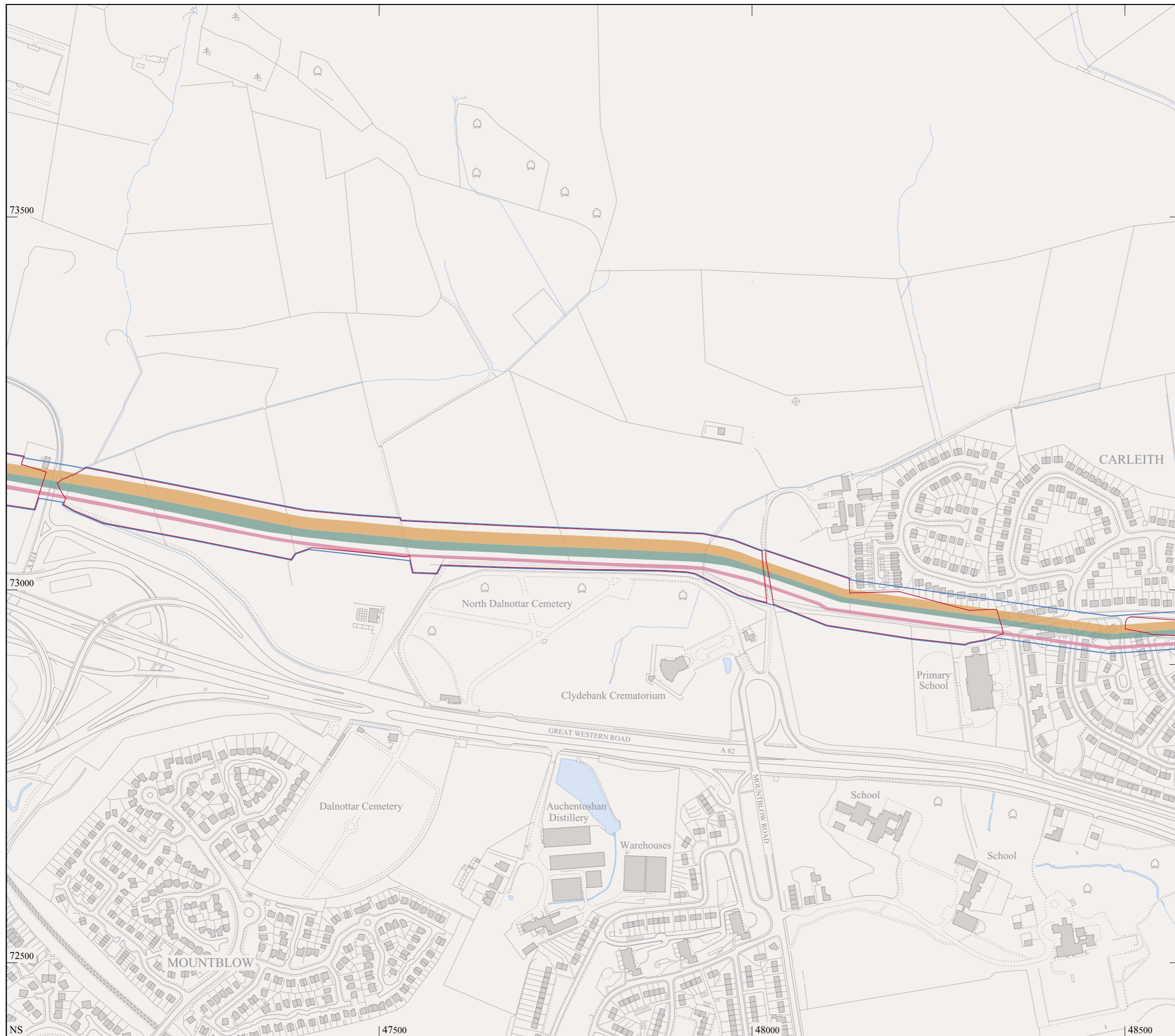
- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N
0 100 200m



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1:5000 Series - Map 38

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

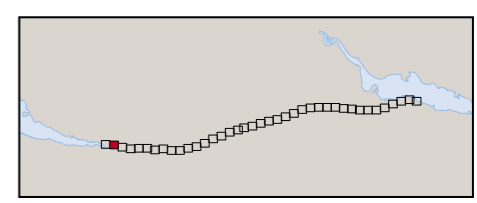
Upcast mound	visible
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Ditch	visible
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Rampart	visible
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	line of: unconfirmed
Fort/ Fortlet	visible
	area of
	area of: unconfirmed

- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

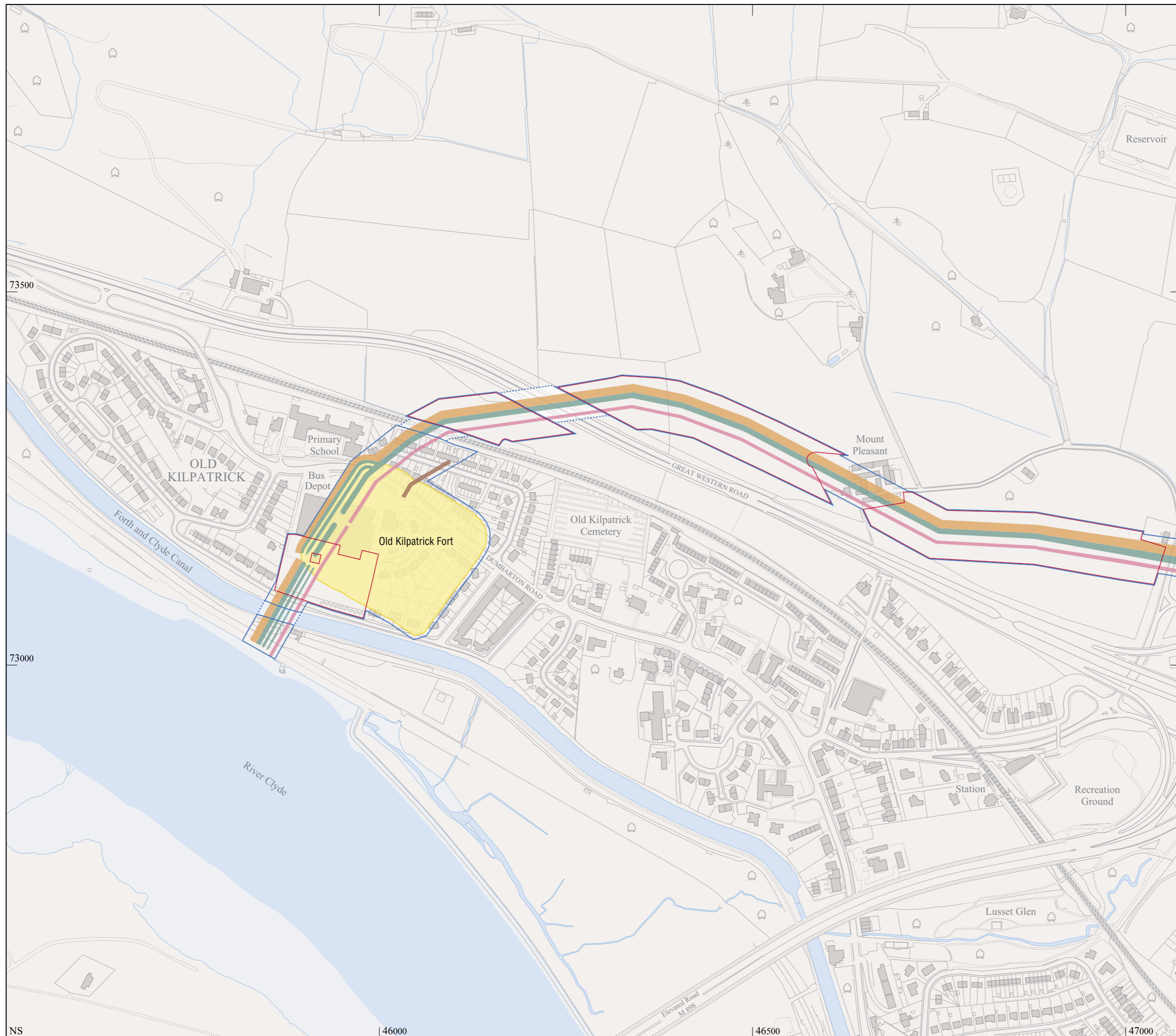
- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

N

0 100 200m



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1:5000 Series - Map 39

- World Heritage Site
- Scheduled area
- Destroyed area protected by Buffer zone

Upcast mound		visible
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Ditch		visible
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Rampart		visible
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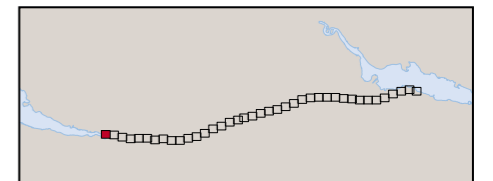
Fort/ Fortlet		visible
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- Military way
- Cropmark of Roman camp
- Expansion or Enclosure

- Building
- Wall / fence
- Ground detail
- Road
- Railway
- Woodland
- Water feature
- Mean high water
- Mean low water

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0 100 200m



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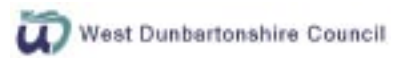
FRONTIERS OF THE ROMAN EMPIRE
WORLD HERITAGE SITE
PROPOSED EXTENSION

THE ANTONINE WALL

MANAGEMENT PLAN 2007-2012



Falkirk Council



The nomination documents for the proposed extension of the Frontiers of the Roman Empire World Heritage Site through the addition of the Antonine Wall (UK), including this Management Plan, are published in 2007 by Historic Scotland, Longmore House, Salisbury Place, Edinburgh EH9 1SH

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FOREWORD

by Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport

In January 2003 Scottish Ministers proposed that the Antonine Wall should go forward as a future UK World Heritage Site nomination. In January 2007, the nomination, supported by maps and this Management Plan, was submitted to UNESCO for consideration as an extension to the new World Heritage Site, Frontiers of the Roman Empire.

The preparation of a Management Plan for each World Heritage Site is not only a requirement stipulated by UNESCO but a sensible and necessary action. The nomination document must demonstrate how each potential site is protected by statute. The Management Plan must show in addition how that protected monument can be best managed to its long-term gain, and for the benefit of local, national and international communities, without compromising the World Heritage values of the monument and within a sustainable framework.

The Management Plan for the Antonine Wall which is presented here is the first such wide-ranging plan which has been prepared for the Antonine Wall. It therefore

marks the beginning of a new chapter in the history of the Wall and is necessarily focussed on work which lies ahead. Nevertheless, it builds on previous plans and upon the work and commitment of my officials in Historic Scotland and of that of colleagues in the five local authorities along the line of the Antonine Wall, East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire. The steering group for the nomination will form the core of the new body which I am establishing to oversee the implementation of the Management Plan.

The commitment of central and local government was underlined on 20 June 2006 when all six bodies signed a concordat of agreement confirming our intention to “work together to improve the protection, management, presentation and interpretation of the Antonine Wall”. I am in no doubt that the aims of the Management Plan can be achieved over the next five years to the considerable benefit not only of the monument itself but of the people of Scotland and the wider community who will come to see the most northerly frontier of the Roman empire.



A handwritten signature in blue ink, reading "Patricia Ferguson".

l'ine d'q
Austra
ave vel
bi n' est
roz habi
seu d' b
ur' isub
scitissim

Delagut vas
allumines
munit

Isia
colu
u

part ma
vicina z gong
monialua.

SCOTIA: ULTRAMARINA

hec et albana dicta est

Gaelie
Regio scotoz conemmoz
Glasgow
murus duident scotoz z pictos olim

WALIA
Regio palustri montuosa
nemorosa sua palustribus
acommoda. incolis h' agn
nes iactos z bel
uicosos. S. r. h.

DORSET
Wintonia. a. salia
hennues

DEVO
Wolles
Wintonia

WILT
Wintonia



ORIGINES

Ab origine
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h' part
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LEFT: Matthew Paris' map of Britain, drawn in the 13th century, shows both the Antonine Wall and Hadrian's Wall.



INTRODUCTION

The Frontiers of the Roman Empire and the Antonine Wall

The Frontiers of the Roman Empire

The Roman empire was one of the greatest empires the world has ever seen. Even today, it fires the imagination. It has inspired great literature and amazing films. People from all over the world travel to see its great monuments. Many of these monuments, some of which have been protected for centuries, are World Heritage Sites. Most of these World Heritage Sites lie in the heart of the empire, in Italy, France, Spain and other countries around the Mediterranean Sea. That heartland was protected by frontiers, often of considerable complexity, stretching for 5000 km from the Atlantic along the Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier from the Black Sea to the Red Sea faced Rome's greatest enemy, Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco. Rome's frontiers were therefore of equivalent importance to the great cities of the interior.

These frontiers were built in a great variety of materials - stone, earth, turf, clay, mud brick, timber, in short whatever was available locally - and in the type of installations constructed. In several countries there are several lines of frontier installations as the empire advanced and retreated: both Britain and Germany possess two great linear barriers. Elsewhere, rivers were used as borders, while the mountains formed a convenient boundary for Dacia in modern Romania.

Walls, ramparts, forts, fortlets and towers are the physical evidence for these

frontiers, and they were once were manned by soldiers whose duties were to protect the empire and implement the regulations which governed movement across the frontier, including collecting customs duties. Successive emperors sought to protect their empire not only by fighting wars but also by building new and more elaborate defensive structures. Occasionally, they explicitly stated their intent as is attested by a series of inscriptions in Pannonia (modern Hungary) which record that under the emperor Commodus (180-192) towers were erected along the banks of the Danube to prevent the incursions of brigands.

The Antonine Wall

The Antonine Wall was built by the Roman army on the orders of the Emperor Antoninus Pius (reigned 138-161) following the Roman victory over its northern enemies in 142, a victory celebrated in the unique distance slabs erected along the frontier. It stretched for 60 km (40 Roman miles) across the narrow waist of Scotland from Bo'ness on the River Forth to Old Kilpatrick on the River Clyde and consisted of a turf rampart perhaps 3-4 m high fronted by a great ditch. It was occupied for no more than a generation being abandoned in the 160s.

The Antonine Wall, in spite of its relatively short life, was the most developed frontier built by the Romans to protect and defend their empire. While its first plan was based on the earlier Hadrian's Wall to the south, during construction it was further developed in several ways. Yet, following its abandonment, these new elements were

LEFT: The Emperor Antoninus Pius.

not incorporated into later alterations to Hadrian's Wall, or the German frontier. In that way, the Antonine Wall sits at one end of a pendulum reflecting the development of Roman frontiers. Hadrian's Wall and the Antonine Wall were complementary and study of both allows the development of Roman frontiers to be better understood.

The Antonine Wall is the most complex of all Roman frontiers, even more complex than Hadrian's Wall. Its forts were closer together than on any frontier. They varied considerably in size, defensive arrangement and plan, unlike the forts on Hadrian's Wall. Many, perhaps most, had an annexe attached to one side: a feature not to be found in this form on any other Roman frontier line. Unlike on Hadrian's Wall, the forts were linked by a road from the beginning. The rampart itself was of an 'improved' type – certainly an improvement on the turf sector of Hadrian's Wall – with a stone base and culverts. The Antonine Wall also possessed other unique features in the expansions and small enclosures. The survival of many distance slabs provides information on the way the soldiers divided up the work of constructing the Wall. The known labour camps, uniquely identified on the Antonine Wall, help flesh out the details of the division of labour during its construction.



The goddess Victory relaxes in front of her temple after granting the Roman army success in the field.

The Antonine Wall was an achievement of what the historian Edward Gibbon called the Roman Empire's "Golden Age". But that Age was not as peaceful as Gibbon believed and the Antonine Wall both reflects the disturbed state of the frontier regions and also the measures taken by the Romans to protect their empire and ensure peaceful lives for its inhabitants. These protective actions were acknowledged by writers of the reign of Antoninus Pius such as Aelius Aristides and Appian who described how the Romans protected their empire by camps and walls.

The Antonine Wall is also a physical manifestation of the change in frontier policy inaugurated by the Emperor

This coin records the victory in of the Emperor Antoninus Pius in Britain in 142.



This distance slab from the Antonine Wall commemorates the Roman victory in graphic form and records the construction of 3 miles of the Wall by the Legion.





Antoninus Pius. Hadrian had clearly decided that his empire should have limits. His successor, Antoninus Pius, overturned his policy, expanding the empire in both Britain and Germany, where his frontier is already part of the Frontiers of the Roman Empire World Heritage Site. This decision probably reflects the weak position of Antoninus Pius when he succeeded Hadrian. He had no military experience and little of any other form of imperial service. His acclamation as Emperor, Conqueror, was the only such title he accepted in his long reign of 23 years in spite of waging wars on other frontiers and his extension of the empire in Germany. The special nature of the distance slabs which record the fighting, the Roman victory and the support of the gods is not only a testimony to the achievements of the Roman army but to the unique position of its commander-in-chief, the Emperor Antoninus Pius.

The Antonine Wall forms an important and visible feature in Scotland's countryside. It survives as a monumental testimony to the military power of one of the world's greatest states. Today, it is valued by its local community as an important historical monument, a powerful

educational tool and source of recreation.

The Antonine Wall divided Scotland between the south which was part of the Roman empire from the north which was never fully conquered. It thus not only represents a division still relevant in today's Scotland, but also a shared European heritage and accordingly has considerable potential to foster understanding of our past, present and future.

Today, the Antonine Wall is visible for over a third of its total length. Over 16 km of the 60 km length of the Antonine Wall are in public ownership or guardianship and open to the public. Elsewhere, old roads and tracks perpetuate the line of the Wall, their names, such as Grahamsdyke Road, acknowledging the mythical history of the monument, and now supplemented by names such as Roman Road and Antonine Court in modern housing developments.

Grahamsdyke Road and Dean Road in Bo'ness follow the line of the Antonine Wall.



Antonine Road in Bearsden



I INTRODUCTION

1.1 The purpose of the Antonine Wall Management Plan

A Management Plan is required by UNESCO for each World Heritage Site. UNESCO Operational Guidelines, paragraphs 108-118, stipulate the framework for the Management Plan. This should:

- ☞ specify how the outstanding universal value of a property should be preserved, preferably through participatory means;

and include:

- ☞ a thorough shared understanding of the property by all stakeholders;
- ☞ a cycle of planning, implementation, monitoring, evaluation and feedback;
- ☞ the involvement of partners and stakeholders;
- ☞ the allocation of necessary resources;
- ☞ capacity-building; and
- ☞ an accountable, transparent description of how the management system functions.

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site (re-printed as Appendix III in the nomination document and with the relevant paragraphs recorded on page 67 below) states that “responsibility for the management of individual parts of the World Heritage Site must rest with the individual State Parties and be carried out by each in accordance with their legislative and management systems”.

This is the first Management Plan which has been prepared for the Antonine Wall.

It is based on discussions and consultations with a wide range of bodies in Scotland. It sets out the framework for what needs to be done in order to manage the monument in all its aspects. As the nomination of the Antonine Wall as a World Heritage Site is being considered by UNESCO, the Antonine Wall Management Plan Working Group will be implementing this Management Plan in cooperation with the stakeholders.

1.2 Importance of the proposed Antonine Wall World Heritage Site

The proposed Antonine Wall World Heritage Site is Scotland’s largest and most important Roman monument. In the middle of the second century AD, it was Rome’s most northerly frontier. It was the most developed of all the frontiers of the Roman empire. In January 2003 Scottish Ministers proposed that the Antonine Wall should go forward as a future UK World Heritage Site nomination. If successful, the Antonine Wall would form part of the Frontiers of the Roman Empire World Heritage Site, the over-arching name given to the new trans-national World Heritage Site created in 2005 when Hadrian’s Wall, a World Heritage Site since 1987, was joined by the German frontier, the Upper German-Raetian *Limes*.

1.3 Aims of the Management Plan

The Management Plan sets out the significance of the proposed Antonine Wall World Heritage Site, and provides a vision and a framework for an integrated and consensual approach to the management

LEFT: The Antonine Wall at Rough Castle looking west. The fort and its annexe lies in the centre of the photograph.

of the proposed Site while ensuring outstanding universal values are conserved.

The Plan's aims are:

- to review the importance of the Antonine Wall;
- to review its state of survival;
- to determine the requirements for its long-term protection and conservation;
- to establish its management requirements and set out policies to fulfil them;
- to review the requirements of a visitor strategy;
- to establish the importance of the Antonine Wall in modern Scotland;
- to provide the basis for an integrated and consensual approach to all activities on the Antonine Wall.

1.4 Status of the Management Plan

World Heritage Site status does not confer any further statutory controls. However, it is a key material factor in the determination of planning decisions by Scottish Ministers and local authorities as indicated by *National Planning Policy Guideline 18, Planning and the Historic Environment* (The Scottish Office Development Department 1999) (see page 35).

A comprehensive Management Plan and a clear policy framework is required to protect, conserve and enhance the Antonine Wall World Heritage Site.

The Antonine Wall is already fully protected under the *Ancient Monuments and Archaeological Areas Act 1979* and the *Town and Country Planning (Scotland) Act 1997*. Details of the protection afforded to the Antonine Wall are provided in the nomination document and in sections 3.1 and 3.2 below. As a step towards a more integrated approach, Historic Scotland and the five local authorities along the line of the Antonine Wall together have prepared new planning guidance which, in the future, should be viewed alongside Structure and Local Plans and national planning policy.

If the Antonine Wall is added to the Frontiers of the Roman Empire World Heritage Site, the Department for Culture, Media and Sport, informed by Historic Scotland, will regularly monitor the Site and submit reports to UNESCO recording the changing circumstance and state of its conservation.

1.5 Preparation of the Management Plan

The Antonine Wall World Heritage Site Management Group has been formed to develop and implement the Management Plan. The Plan has been prepared within the context of current legislative and planning frameworks and is informed by current cultural and natural heritage standards.

The preparation of the Plan has been informed by:

UNESCO Management Guidelines for World Heritage Sites (2005)

ICOMOS publications

UK World Heritage Site management plans, in particular those for Hadrian's Wall, New Lanark and Orkney

International charters, including Venice (1964), Nara (1994), Burra (1979; revised 1999)

UK charters, including Stirling (2000)
All are detailed in the bibliography.

1.6 Structure of the Management Plan

The Plan is not intended to provide a comprehensive contextual history of the proposed Antonine Wall World Heritage Site nor to set out a physical analysis which may be found in other documents.

The first part of the Plan provides a brief description of the site, its history, environmental background, interest, and its statement of significance. The second part identifies the major issues and management objectives with strategies for addressing the objectives and implementation of the Plan.

1.7 Sources of further information

In addition several websites include relevant information. These websites includes those of UNESCO, Historic Scotland, Royal Commission on the Ancient and Historical Monuments of Scotland, Scottish Natural Heritage, East Dunbartonshire Council, Falkirk Council, Glasgow City Council, North Lanarkshire Council and West Dunbartonshire Council.

UNESCO

4 Place de Fontenoy, 75352 Paris 07 SP,
France
<http://www.unesco.org>

ICOMOS

49-51 rue de la fédération, 75015 Paris,
France
<http://www.icomos.org>
E-mail: secretariat@icomos.org

ICOMOS UK

70 Cowcross Street,
London EC1M 6EJ
<http://www.icomos-uk.org>
E-mail: admin@icomos-uk.org

Historic Scotland

Longmore House,
Salisbury Place,
Edinburgh EH9 1SH
<http://www.historic-scotland.gov.uk>
Contact name: Professor David J. Breeze
E-mail: david.breeze@scotland.gsi.gov.uk

Royal Commission on the Ancient and Historical Monuments of Scotland

John Sinclair House,
16 Bernard Terrace,
Edinburgh EH8 9NX
<http://www.rcahms.gov.uk>
E-mail: info@rcahms.gov.uk

Hunterian Museum

University of Glasgow,
University Avenue,
Glasgow G12 8QQ
<http://www.hunterian.gla.ac.uk>

East Dunbartonshire Council

Community Planning,
Tom Johnston House,
Civic Way,
Kirkintilloch, G66 4TJ
<http://www.eastdunbartonshire.gov.uk>
E-mail: communityplanning@eastdunbartonshire.gov.uk

Falkirk Council

Development Services,
Abbotsford House,
David Loan,
Falkirk FK2 7YZ
<http://www.falkirk.gov.uk>
E-mail: planenv@falkirk.gov.uk

Department of Community Services,
The Falkirk Stadium, Westfield,
Falkirk FK2 9DX
E-mail: director.commser.@falkirk.gov.uk

Glasgow City Council

Planning and Development,
229 George Street,
Glasgow G1 1QU
<http://www.glasgow.gov.uk>
E-mail: info@glasgow.gsx.gov.uk

North Lanarkshire Council

Fleming House,
2 Tryst Road,
Cumbernauld G67 1TW
<http://www.northlan.gov.uk>
E-mail: corporatecommunications@northlan.gov.uk

West Dunbartonshire Council

Department of Planning and Building Standards,
Garshake Road,
Dumbarton G82 3PU
<http://www.wdcweb.info>
E-mail: buildingandplanning@west-dunbartonshire.gov.uk

West of Scotland Archaeological Service

Charing Cross Complex,
20 India Street,
Glasgow G2 4PF
<http://www.wosas.org.uk>
E-mail: enquiries@wosas.glasgow.gov.uk



Map illustrating the boundary of the Roman empire during the reign of Antoninus Pius. Those sections of the frontier which are already part of the Frontiers of the Roman Empire World Heritage Site – Hadrian's Wall and the German *Limes* – are marked in red.

II THE PROPOSED WORLD HERITAGE SITE

2.1 Cultural background

2.1.1 The Roman empire and its legacy

The Roman empire was one of the greatest empires the world has seen. For over 2,000 years a Roman state existed, from the traditional foundation of the city of Rome in 753 BC to the fall of Constantinople in AD 1453. In western Europe, the Holy Roman Empire, founded in AD 800, continued the magical name for a thousand years. Even today, the Roman empire fires the imagination. It has led to great literature and amazing films. The foundation treaty of the European Union was consciously signed in Rome. People from all over the world travel to see its great monuments. Many of these monuments, some of which have been protected for centuries, are World Heritage Sites. Most of these World Heritage Sites lie in the heart of the empire, in Italy, France and Spain.

2.1.2 Roman frontiers

The Roman empire extended at its height into three continents. During the waxing and waning of Roman power over a period of more than a millennium, a number of different frontier lines were established. At its greatest extent, in the second century AD, the imperial frontier stretched for over 5000 km, starting on the western coast of northern Britain, which it divided into two parts. The frontier in Europe then ran along the rivers Rhine and Danube, looping round the Carpathian mountains to the Black Sea. The Eastern frontier, from the Black Sea to the Red Sea and running through mountains, great river valleys and the desert, faced Rome's greatest enemy,

Parthia. To the south, Rome's protective cordon embraced Egypt and then ran along the northern edge of the Sahara Desert to the Atlantic shore in Morocco.

There was considerable variety in the materials used to build these frontiers – stone, earth, turf, clay, mud brick, timber – and in the type of installations constructed. In several countries there are different lines of frontier installations as the empire advanced and retreated: both Britain and Germany possess two great linear barriers. Elsewhere, rivers were used as borders while the mountains formed a convenient boundary for Dacia in modern Romania. Walls, ramparts, forts, fortlets and towers are the physical evidence for these frontiers, but they were manned by soldiers whose duties were to protect the empire and implement the regulations which governed movement across the frontier. Successive emperors sought to protect their empire not only by fighting wars but also by building new and more elaborate defensive structures. Occasionally, they explicitly stated their intent as is attested by a series of inscriptions in Pannonia (modern Hungary) which record that under the emperor Commodus (180–192) towers were erected along the banks of the Danube to prevent the incursions of brigands, that is raiders from beyond the empire.

Remains of Roman frontier installations survive and can be seen in the United Kingdom, the Netherlands, Belgium, Germany, Switzerland, Austria, Slovakia, Hungary, Slovenia, Slovakia, Croatia, Serbia, Slovenia, Bulgaria and Romania. East and south of the Mediterranean, there are remains in Turkey, Syria, Jordan, Israel, Iraq, Egypt, Libya, Algeria, Tunisia and Morocco.

2.2 Environmental Background

The Roman army in the first century AD marched into a landscape which had largely been denuded of trees. Pollen analysis has demonstrated that the tree cover was about the same as today. The economic expansion in the region containing the Antonine Wall, which resulted in the removal of these trees, occurred in the later Iron Age, demonstrably before the Roman military occupation. This expansion developed from Bronze Age and earlier Iron Age small-scale farms and gathered pace in the last 300–200 years BC, for crop growing as well as for pasture, and was continued rather than intensified in the first two centuries AD. It is difficult to see differences in this economic expansion north and south of the Antonine Wall itself, or east and west of the Forth–Clyde isthmus, but it is tentatively suggested that in the foothills of the Southern Uplands the Romans entered a landscape already decaying.

Roman influence in the area of the Antonine Wall is perhaps recognisable at some localities in a reduction of cereal production and the expansion of grazed pasture, assumed to represent a restructuring of the native economy to support the market represented by the Roman army. There is little evidence that this increased pastoral economy imposed stresses on soils or plant communities, and the market seems to have been readily supplied within the agricultural capacity of the landscape. It is presumed that the army also received imports of grain during the Antonine occupation. Roman harbours have not been located and possible reconstructions of the sediments in the Forth and Clyde estuaries suggest these may not have provided ideal locations for harbours.

It seems likely that the native economy was artificially buoyed by the Roman presence, and withdrawal of the Roman army eventually led to what is best described as an agricultural recession: there is no evidence for a population collapse.

2.3 Description of the proposed World Heritage Site

The Antonine Wall is the name given to the Roman frontier in Scotland/UK which crossed the narrowest part of Britain at the Forth–Clyde isthmus. It was built during the years following 142 AD on the orders of the Emperor Antoninus Pius (reigned 138–161) and survived as the north–west frontier of the Roman empire for a generation before being abandoned in the 160s in favour of a return to Hadrian's Wall. It stretched for nearly 60 km (40 Roman miles) across the narrow waist of Scotland from Bo'ness on the River Forth to Old Kilpatrick on the River Clyde and consisted of a turf rampart perhaps 3–4 m high fronted by a great ditch. The material from the ditch was tipped out onto the north side to form a wide, low mound or glacis. Forts were placed along the Wall at approximately 3 km intervals; many had annexes attached to one side. The forts were linked by a road, the Military Way. In between the forts sometimes lay a fortlet and in addition 3 pairs of expansions, possibly serving as beacon-platforms, have been found as well as small enclosures and other features. It was through the gates of these forts and fortlets that many Roman goods passed into the lands of Caledonia beyond. Some of the labour camps used by the soldiers building the Wall are known. Inscriptions demonstrate that the Antonine Wall was built by soldiers of the three legions of Britain, the Second, Sixth and Twentieth. Despite its short life, excavation has revealed a complicated building history for the Antonine Wall.

Rampart and ditch

The Antonine Wall was actually a rampart of turf, as stated by the *Historia Augusta*, *Life of Antoninus Pius* 5, 4. While turf was the most commonly used material in the construction of the rampart, sometimes the turf only formed the cheeks of a rampart of earth while several kilometres at the eastern end were of clay. The rampart was placed on a stone base probably intended to be 15 Roman feet wide (4.4 m). At various places



The rampart base in New Kilpatrick Cemetery, Bearsden



The ditch at Watling Lodge retains almost its original profile.

culverts have been recorded in the base: no regularity can be discerned. The highest surviving stretch of rampart is about 2 m high: its original height may have been 3 m. It is not known how the top of the rampart was finished off. In several places excavation has revealed evidence for repair of the rampart. In some instances this occurs beside culverts and suggests damage by water action. The rampart survives as a mound for about 6 km; several stretches of the stone base are visible.

In front of the rampart lay a wide and deep ditch. In the central sector it was 12 m wide and up to 3.6 m deep. To the east, however, it was no more than 9 m wide while in the western sector it rarely achieved a width of over 7.5 m. About 22 km of the ditch are still visible.

The material from the ditch was tipped out onto the north side to form a low mound or glacis, usually called the outer mound. This varies in width depending upon the size of the ditch. Measurements range from 9.5 m to 23 m. Where the ground sloped steeply to the north, the material was generally heaped higher into a sharply pointed mound. The space between the rampart and the ditch is known as the berm. It was 6 m wide in the central sector but broadened to east and west where the ditch narrowed. This suggests that the main fixed line was



Pits found on the berm immediately in front of the Antonine Wall rampart, in Falkirk.

the centre of the ditch and its relationship to the rampart. An important recent discovery has been pits on the berm in certain locations. These were arranged in rows, up to four in number, and staggered so as to help cause confusion to an attacker. They presumably held stakes or other such obstacles.

About one-third of the linear barrier is visible; about one third lies in open countryside but is not visible above ground, though its existence has often been tested through excavation; about one-third lies in urban areas, and is visible in some locations though elsewhere its survival has again been tested through excavation in many places. Only about 2 km of the Antonine Wall have been totally destroyed, though to this sum should be added minor cuttings for roads and railways.

Military Way

The final linear feature was the road, usually known as the Military Way, running long the whole length of the Wall. It was normally about 5.5 m wide and placed

The Military Way in Seabegs Wood.



about 50 m south of the rampart. It rarely survives as a visible feature, but two stretches are preserved running through Tentfield Plantation as far as the western side of the Rowan Tree Burn at Rough Castle and in Seabegs Wood. At the former site there are remarkable features: the quarry pits from which the gravel was extracted to build the road. A quarry pit was found, on excavation, to underlie the adjacent expansion indicating that the Military Way was constructed early in the building programme. In several places the line of the Military Way is utilised by modern tracks or roads, including Bearsden where the modern Roman Road lies on the Military Way.

Forts

Seventeen forts are known along the line of the Antonine Wall. They relate to the

The fort and annexe at Rough Castle looking north.



Wall in different ways. Some were built before or at the same time as the rampart; others are clearly secondary. There appears to have been an original plan to construct six forts at distances apart of about 13 km. Later, other forts were added to the frontier reducing the distance between the forts to 3.6 km. The decision to add these forts appears to have been taken before the completion of the building of the rampart as one secondary fort had been built before the rampart was brought up to its corners.

The forts generally had stone principal buildings (headquarters, commander's house and granaries) with timber barrack-blocks and store-houses. Otherwise they are noted for the diversity of their defensive arrangements and internal planning. The number of ditches varied from two to four; at some sites extra elements were provided at a gate or other weak point. Two forts had stone walls, the others turf ramparts.

Beside several forts, and attached to them, were defended enclosures known as annexes. These often contained the regimental bath-house.

Fortlets

Nine fortlets are known along the line of the Antonine Wall and there are hints at the location of at least five more. They measure 18–21 m internally, being protected by a rampart and, with one exception, either one or two ditches. The fortlets were either built before the rampart or were contemporary with it. The investigation of some sites has demonstrated the existence of internal timber buildings. In certain



The fortlet at Kinneil from the air.

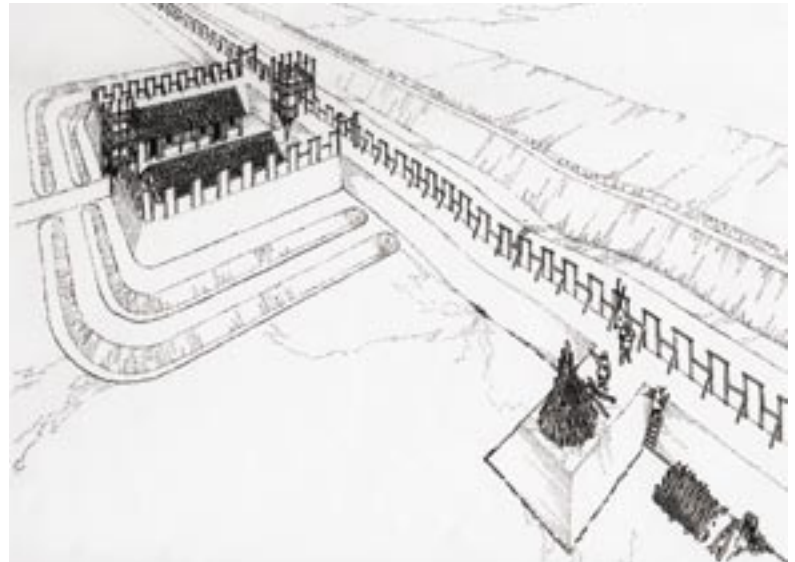
instances the buildings appear to have been subsequently demolished and gravel laid over the internal area of the fortlet. No clear evidence for a causeway over the Wall ditch in front of the north gates of the fortlets has been found, though it is possible that these were removed when the use of the fortlet was changed.

Expansions

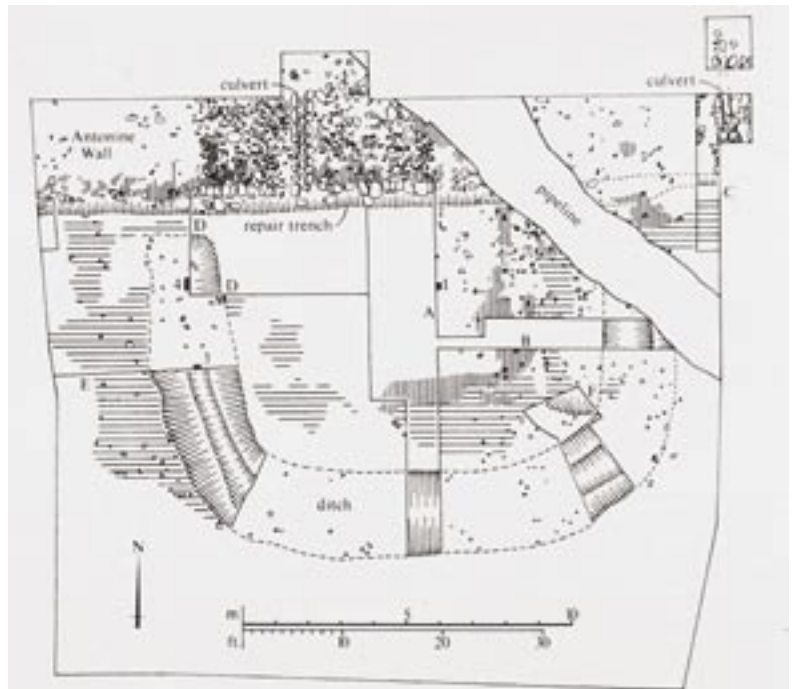
Six expansions have been discovered along the line of the Wall and a seventh claimed. The six were all located in the 1890s. They are so-called because they consist of a southern extension of the rampart. The term is usefully retained because their purpose is not clear. The six expansions always occur in pairs: one pair on each side of the fort at Rough Castle and one pair on the western slope of Croy Hill. It has been suggested that their purpose related to signalling, the easterly two pairs facing the outpost forts to the north, the western pair looking south to the fort at Bothwellhaugh in Clydesdale. An alternative explanation, that they were artillery platforms, is difficult to sustain as auxiliary units do not appear to have been issued with catapults at this time. The seventh possible expansion sits in an entirely different location by the River Avon. Only one side was discovered and other explanations for its use are possible.

Small enclosures

Only three of these are known, all discovered through aerial archaeology, in the vicinity of Wilderness Plantation. The distances between the three enclosures and the adjacent fortlet are about 260 m, 285 m and 295 m. These spaces are rather less than one-sixth of a Roman mile, but the variation was too great to confirm an intention for such a spacing. One enclosure has been excavated. It was contemporary with the rampart and found to consist of a single ditch surrounding a slight turf rampart and enclosing an area about 5.5 m square. No entrance was found and no structure within the enclosure, so its purpose remains a mystery. No small enclosure is visible above the ground.



An artist's impression of a fortlet and expansion on the Antonine Wall. Drawn by Michael J. Moore.



Other structures

Several other structures have been recorded immediately to the south of the Antonine Wall rampart. These include: a hearth with associated pottery and burnt bones at the east end of Callendar Park, Falkirk; a building with a hypocausted room at the west end of Callendar Park; a platform attached to the rear of the Wall at Tollpark. Although Roman stones have been found in the River Kelvin at Balmuildy, the nature of the bridge there is not known and no evidence exists for the way in which the Wall was carried across streams and rivers.

Plan of the 1980 excavation of a small enclosure at Wilderness Plantation.

Camps

All the 20 camps along the Antonine Wall have been found through aerial survey and photography. None is visible today. The majority range in size from 2 to 2.5 ha and appear to relate to the construction of the frontier. At each end of the eastern $4\frac{2}{3}$ Roman miles of the Wall are two such camps. The four camps between them could have held a complete legion, depending on whether supplies were retained within the camps. At the eastern

end of the next length to the west are also two camps. It would appear that the soldiers in these two sectors worked from each end towards the middle as they built the Wall, but how they divided the work between them is not known: perhaps there was a rampart gang and a ditch gang. Two of the larger camps lie beside the forts of Castlecary and Balmuildy and may have held the builders of these installations. The ditch of one of the camps at Castlecary butted up against the rear of the rampart.



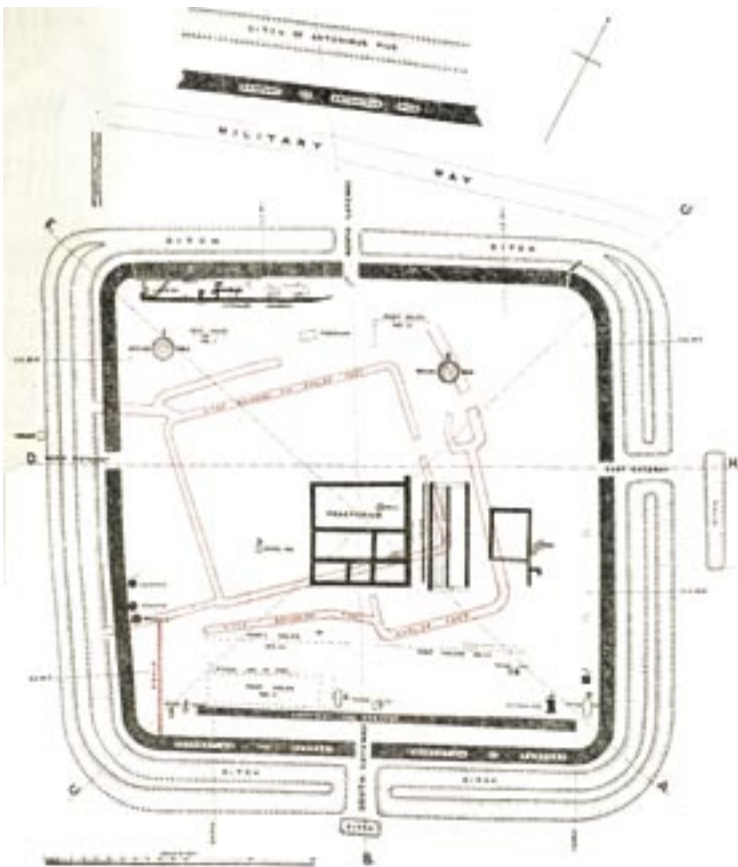
The labour camp at Tamfourhill from the air.

Other temporary enclosures

Excavation has revealed a small enclosure beneath each of the forts at Croy Hill and Bar Hill; both appear to have been of a temporary nature. They are smaller than normal temporary camps, containing a mere 0.4 ha and 0.2 ha respectively, each with an annexe to the side. A road was noted within the enclosure on Croy Hill and foundations for a building at Bar Hill. An even smaller enclosure lay beside the fort at Mumrills. The ditch of the enclosure on Bar Hill can still be traced around the headquarters building.

Civil settlements

Although earlier visitors to the Antonine Wall record the presence of buildings outside forts, modern excavation has failed to reveal much evidence of civil settlements. At Mumrills possible timber buildings, pits, a kiln and a hearth and a gully have been recorded. At Bearsden a single length of clay and cobble foundation with a pivot hole was recorded west of the fort. At Westerwood gullies were recorded west of the fort and south of the Military Way while on Croy Hill ditches were recorded to the south-west and to the east of the fort. Pottery and artefacts were also recovered, but no buildings, though a pottery kiln was located. Field systems of possible Roman date have also been recorded through aerial photography outside the fort at Carriden, while at Rough Castle a field system is still visible as a series of low banks to the south-east of the annexe.



Plan of the 1902-5 excavations of the fort at Bar Hill.

Non-Roman structures

Next to the fort at Bar Hill stands a rocky knoll surmounted by a pre-Roman hill fort. The ramparts and ditches of this fort survive as a series of shelves on the northern slopes of the hill. It is probable that this fort was long abandoned by the time the Roman army arrived. Its location and intractable nature forced the Roman army to swing the Wall round the northern flank of the hill.

Five medieval castles are known to have lain on the Antonine Wall, at Inveravon, Watling Lodge, Seabegs, Kirkintilloch and Cadder. The mottes at Seabegs and Kirkintilloch are still visible, and part of the tower at Inveravon. Immediately behind the rampart in Callendar Park, an early medieval timber hall was located through excavation in 1989-90. At Rough Castle, the low remains of three groups of late medieval or early modern houses are visible. Other medieval structures, in particular ecclesiastical in nature, survive in some of the towns along the line of the Wall.

History and Development of the Antonine Wall

The Antonine Wall was only occupied for a generation, from initial construction work which probably started in 142 until the 160s: the decision to abandon the Wall may have been taken as early as 158. Within that short time-span, there was much activity on the Antonine Wall.

The original plan was for a rampart of turf or clay, sitting behind a broad and deep ditch, with the material from the ditch tipped out onto the north side to form an outer mound or glacis. The construction of the Wall was assigned to soldiers of the three legions of Britain, who commemorated their work by the erection of distance slabs. Analysis of the measurements on these stones suggests that the central sector from Seabegs to Castlehill was constructed first, probably with the eastern sector next, and the western 6.4 km last. The distribution of labour camps indicates that the legions building the two eastern sectors divided their soldiers into



Kirkintilloch motte

four gangs, two gangs working inwards from each end of their stretch.

Forts were placed about 13 km apart, connected by a road, with fortlets at about 1.8 km intervals between. The expansions/beacon platforms and the small enclosures also date to this phase. The work of erecting the primary forts started at about the same time as the construction of the rampart. An inscription demonstrates that Balmuildy was erected while the governor Lollius Urbicus was still in Britain, probably in 142.

Not all the rampart was constructed before it was decided to add more forts to the Wall. The spacing between the forts was reduced to about 3.5 km. It was probably at this time that the internal arrangements in some, possibly all, fortlets were changed, with the internal buildings being demolished and the area covered by cobbles or gravel. Subsequently, and also before the whole of the rampart had been built, it was decided to provide annexes at some, possibly all, forts. There is some evidence that this stage of the building programme was not completed until after about 150.

A lost building inscription of 158 refers to the rebuilding of Hadrian's Wall and is a likely date for the decision to re-commission that frontier and abandon

the Antonine Wall. However, a worn coin of the Empress Lucilla and dating to 164–9 found in a granary of the fort at Old Kilpatrick indicates that the process of withdrawal may have been protracted, probably because of the considerable building work required on Hadrian's Wall.

There are later coins from the Antonine Wall and an altar recording the erection of a shrine which ought to date to 180–90, so it is possible that some sort of military presence was retained at certain sites even after the abandonment of the Antonine Wall as a frontier.

The Function of the Antonine Wall

Two functions were associated with the Antonine Wall: frontier control and military defence. The linear barrier served to enforce the first purpose. Here the regulations governing entry to the empire were enforced: that travellers could only enter at designated points, unarmed and travel under military escort to specified markets or meeting places. The purpose of the soldiers in the forts on, in front of and behind the Wall, was military defence.

The line of the Wall, however demonstrates that it was not primarily about military defence. At Kinneil the Wall lay some distance behind the forward edge of the slope. On Croy Hill a nose of land was left to the north, with a sharp northern slope which could give shelter to would-be attackers. At the west end of the Wall, the land rose up to the Kilpatrick Hills from immediately in front of the Wall.

If the Wall was not primarily defensive, the position at the forts was, however, different. These were heavily defended, with more ditches than usual and extra defences in the form of the *lilia* at Rough Castle. It is as if the fort commanders knew that the Wall itself was not defensive and therefore took measures to protect their own men and forts.

The Later History of the Antonine Wall

The first certain reference to the Antonine Wall after the end of Roman Britain was by the Venerable Bede. Writing at the

twin monastery of Jarrow/Wearmouth in about 730, he stated that in the fifth century a Roman army returned to Britain to deal with an invasion of the Picts and Scots and advised the Britons to build a Wall for protection. 'The islanders built this wall as they had been instructed, but having no engineers capable of so great an undertaking, they built it of turf and not stone, so that it was of small value. However, they built it for many miles between the two estuaries, hoping that where the sea provided no protection, they might use the rampart to preserve their borders from hostile attack. Clear traces of this wide and lofty earthwork can be seen to this day. It begins about two miles west of the monastery of Aebbercurnig [Abercorn] at a place which the Picts call Peanfahel and the English Penneltun, and runs westward to the vicinity of the city of Alcluith [Dumbarton].'

It is doubtful if Bede ever saw the Antonine Wall – the furthest north he is known to have travelled is Lindisfarne – but his testimony that it survived to his day is valuable. Indeed, the Wall survived for another 800 years and was visible to Timothy Pont who included it on his map of Scotland in the sixteenth century. In 1755 William Roy could still map it from end to end, observe the Military Way and prepare plans of ten forts. It was not just villages which had obscured or damaged the Wall, but agriculture too. Roy had such a good eye for the ground that his surmise at the location of the Wall even when nothing was visible was usually correct. The eastern end of the Wall had already been lost to knowledge, but Roy assumed that it ended at Carriden.

To date, damage had been piecemeal. The forts certainly provided a useful source of building stone, but elsewhere the Wall was utilised in different ways. An underground passage (souterrain) using Roman stones was built within the ditch at Shirva: it may have been used for storage by the occupants of an adjacent farm. In the Middle Ages those concerned with defence erected castle mounds on the Wall, at Watling Lodge, Seabegs, Kirkintilloch and



Cadder: those at Kirkintilloch and Seabegs still survive.

The Agricultural Revolution and the Industrial Revolution both affected the Antonine Wall. The late eighteenth century witnessed serious damage to the Roman earthworks in the face of improved methods of ploughing, and this continued well into the twentieth century. In the later nineteenth century, central Scotland became the scene of considerable industrial activity. Coal mining intensified. Many of the pits were small and have now disappeared, but pit heaps remain, many lying close to the line of the Wall and in its buffer zone. One of the two forts at Camelon immediately north of the Wall succumbed to a series of iron furnaces; other furnaces were built at Bonnybridge. One reason for this activity was that the area was found to be rich in the kind of clay required to make the bricks for the furnaces. Mining extended under and around the Wall and resulted in subsidence which can still be seen at Rough Castle. Brickworks were required: one was built on the Wall to the west of Castlecary in 1886. Water was important in several

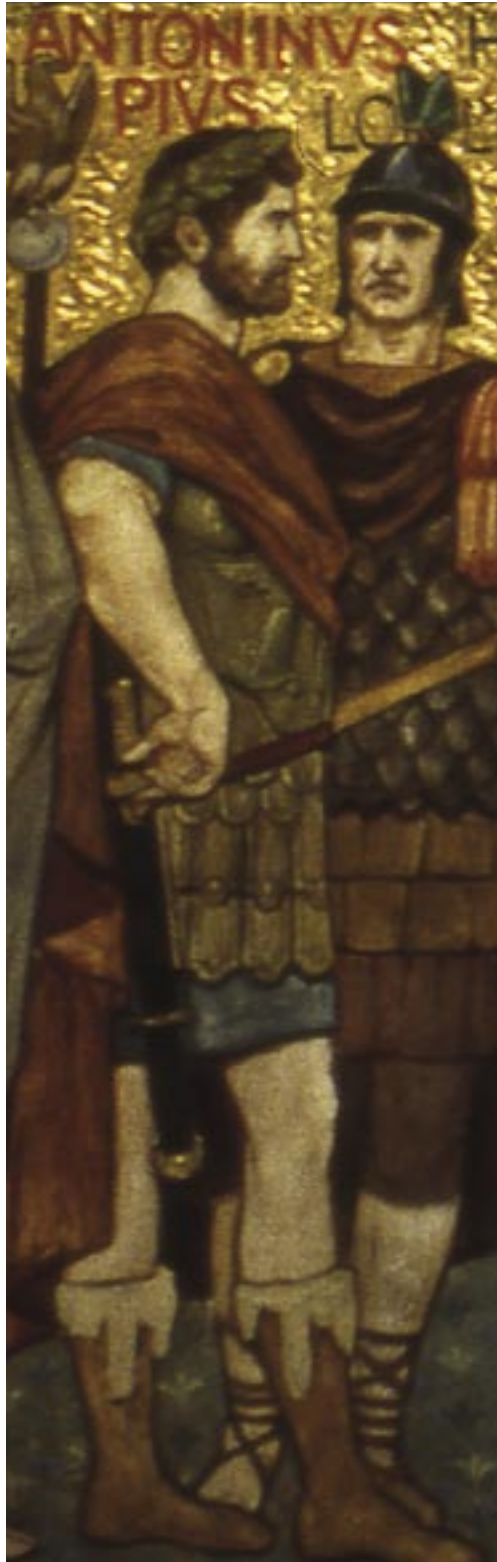
industrial processes. In 1743 Arthur's O'on was demolished to provide stone for the mill dam of the Carron ironworks, while a small reservoir (now removed) was created within the ditch between Westerwood and Dullatur.

Industrial workers required housing and the small towns and villages along the Wall recorded by Roy expanded accordingly. By 1910, Bo'ness had still not extended onto the ridge to the south along which the Wall ran. Laurieston remained a village while the growth of Falkirk was restricted to the east by the policies of Callendar House and to the west by those of Bantaskine House, both estates containing the visible remains of the ditch. Bonnybridge lay wholly north of the Wall, but Twechar sat astride the frontier and the long history of Kirkintilloch had led to much damage. Bearsden, clustering round the railway station, was already threatening the Wall, and Duntocher likewise, while Old Kilpatrick had rendered the western end of the Wall invisible even to Roy.

Building has continued apace. Housing of the 1960s occupies most of the area between the forts of Bearsden

William Roy's map of the Antonine Wall, 1755. This section illustrates the central sector to each side of Castlecary.

and Castlehill, except where the Wall or its line has been preserved. High-rise towers were erected in Callendar Park. The spread of Cumbernauld has brought it to the southern edge of the Wall's amenity zone. Further, today's workers require places for leisure. Three golf courses and a ski slope lie on or beside the Wall. Death, too, affects the Wall, with cemeteries at various locations along its line.



A section of the frieze in the Scottish National Portrait Gallery showing the Emperor Antoninus Pius and his general Lollius Urbicus

Buildings require stone, roads need an even harder stone. Thus, geology is another potent force amongst the agents of destruction. Until the twentieth century, quarries were relatively small. A quarry lay towards the west end of Bo'ness, two small sand pits are recorded on the Wall at Adamslee to the west of Kirkintilloch. In the 1930s the fort at Cadder was lost to gravel quarrying and in the 1960s part of the Wall at Wilderness Plantation.

The Antonine Wall was constructed along a line of strategic importance for communications within Central Scotland. As Scotland expanded, better communication was required: the line of the Wall was often chosen. From 1768 to 1790, the Forth–Clyde Canal was cut across the isthmus. Its excavation immediately south of the fort at Auchendavy led to the discovery of several Roman altars. The canal was followed by the railway in the nineteenth century and motorways and other major roads in the twentieth century.

Although the line of the Antonine Wall was known at this time, and its importance understood, there was also an appreciation that it was difficult – and perhaps wrong – to stop the march of progress. Excavation of the remains were normally seen as a substitute for preservation. Yet, at times there were protests, not least when Arthur's O'on was demolished in 1743; Sir John Clerk of Penicuik erected a replica over the entrance to his stables at Penicuik House.

Public knowledge of and interest in the Romans grew too. The frieze in the Scottish National Portrait Gallery, created in the 1880s, included a depiction of several Romans, including the Emperor Antoninus Pius. A stained glass window of a Roman soldier adorned Kirkintilloch Town Hall throughout most of the twentieth century, while the town's coat-of-arms depicts the gate of the Roman fort. Bars along the line of the Wall commemorated its former existence, and street names perpetuated its memory. Grahamsdyke Road was supplemented by Roman Road and Antonine Court.

Sometime in the Middle Ages, the Antonine Wall acquired a new name. John of Fordun, writing in the fourteenth century stated that it was called 'Grymysdyke' because it had been destroyed by Gryme, grandfather of King Eugenius, himself a mythical figure. George Buchanan, traducer of Mary Queen of Scots and tutor to the young James VI, offered another story. Graeme was a leader of the Picts and Scots who broke down the Wall from the south so that his countrymen could invade the Roman province. The name survives today in Grahamsdyke Road and Grahamsdyke Lane in Bo'ness and Grahamsdyke Street in Laurieston. Its origin is probably more prosaic than either of our stories. It has been suggested that it derives from the Gaelic word *grym* meaning strong.

If the name Grim's Dyke has survived down to the present century, the Antonine Wall has had many different names in the meantime. To George Buchanan writing in the sixteenth century it was the *vallum Severi*, the Wall of Severus. The discovery of an inscription of Lollius Urbicus at Balmuildy in 1699 confirmed that the earthworks across the Forth–Clyde isthmus were the remains of the Wall known to have been built by the Emperor Antoninus Pius in Britain. John Horsley correctly ascribed its construction to the Emperor Antoninus Pius in his *Britannia Romana* published in 1732, but called it the Roman Wall in Scotland. William Roy in his *The Military Antiquities of the Roman in Britain*, published in 1793, offered as many as three names. On the title page appears 'The Wall of Antoninus Pius commonly called Grime's Dyke', both names being used inside. However, the heading of Chapter 4 is 'The Roman Wall in Scotland called Grime's Dyke'. Sometimes the two frontiers, the Antonine Wall and Hadrian's Wall, were differentiated as 'the barrier of the upper isthmus' and 'the barrier of the lower isthmus'. The Caledonian Wall was also occasionally used to distinguish the Antonine Wall from Hadrian's Wall, misleadingly termed the Picts Wall from the sixteenth through to the nineteenth



century. Robert Stuart in his *Caledonia Romana*, published in 1852, called it the Wall of Antoninus Pius. This was amended to the Wall of Antonine in the Antonine Wall report published in 1899, but the name on the book's cover was *The Antonine Wall*. The Society of Antiquaries of Scotland preferred the name the Antonine *vallum* in the reports on its excavations at Castlecary and Rough Castle and Sir George Macdonald entitled his magisterial survey, first published in 1911, *The Roman Wall in Scotland*, although he generally called it the Antonine Wall in the papers recording his work along its line in the *Proceedings of the Society of Antiquaries of Scotland*. It is by that name we now know the frontier constructed by the Romans over 1800 years ago.

This stained glass window of a Roman soldier standing beside the Antonine Wall adorned the former Town Hall of Kirkintilloch throughout most of the nineteenth century.

2.4 Location and boundaries of the proposed World Heritage Site

Geographical co-ordinates to the nearest second

The west end of the Antonine Wall lies at a latitude of 55° 55' 32" north and a longitude of 4° 28' 4" west (National Grid Reference NS 458 730).

The east end of the Antonine Wall lies at latitude of 56° 00' 35" north and a longitude of 3° 33' 8" west (National Grid Reference NT 032 807).

Textual description of the boundaries of the nominated Property

The proposed World Heritage Site consists of the entire length of the Antonine Wall, 60 km/40 Roman miles/37 statute miles long, from Bridgeness at Bo'ness on the Firth of Forth to Old Kilpatrick on the River Clyde. It includes the main linear elements: the rampart, ditch and outer mound, and also the Military Way where it is known. The proposed Site also includes the remains of the 16 surviving forts together with their accompanying annexes and civil settlements and other external features where known, 9 fortlets, 6 expansions, 2 smaller enclosures, and part or all of the 16 surviving labour camps in the vicinity of the Wall. The proposed World Heritage Site does not include those parts of the Antonine Wall which are known to have been destroyed. These sections include small lengths quarried away and narrow sectors removed

in the cuttings for canals, railways and roads. These total only 2 km of the whole length of the Antonine Wall. These stretches are included in the buffer zone.

The World Heritage Site has been defined in the following way. Along the line of the Wall the southern boundary of the World Heritage Site has been placed 5 m to the south of the rampart and then projected 50 m to the north of this line creating a corridor 50 m wide. This corridor includes the three main linear features together with other elements that are likely to lie immediately beyond the known archaeology. The corridor is widened where necessary to include forts, fortlets, the Military Way and other elements of the frontier which are attached to the linear barrier. Camps, usually placed at some distance from the Wall, are defined separately as parts of the proposed Site. The corridor is also widened to incorporate within the proposed World Heritage Site areas protected through scheduling under the *Ancient Monuments and Archaeological Areas Act 1979*: in such circumstances the proposed Site extends to the whole size of the scheduled area except where that area relates to a monument of a different period. The proposed World Heritage Site does not include the modern buildings which lie within its boundaries, but only the underlying Roman archaeology. Volume II of the Nomination Document provides a series of maps of the proposed World Heritage Site at different scales.

The proposed World Heritage Site is protected through two primary UK

Map of the Antonine Wall showing the known forts and fortlets.



items of legislation: the *Ancient Monuments and Archaeological Areas Act 1979* and the *Town and Country Planning (Scotland) Act 1997*. The former Act in the main protects those parts of the Antonine Wall sitting in countryside or within open ground in urban settings. All sections of the Antonine Wall scheduled under the 1979 Act, including its associated camps, form part of the proposed World Heritage Site. Within urban contexts, the five local authorities along the line of the Antonine Wall all have policies which protect the Antonine Wall under the provisions of the *Town and Country Planning (Scotland) Act 1997*.

Through the use of these two pieces of primary legislation the surviving 58 km of the original total length of 60 km of the Antonine Wall are provided with robust legal protection for their inclusion in the proposed World Heritage Site. The 2 km of the Wall which have been destroyed, mainly through quarrying, canals, roads and railways, are included in the buffer zone. In this way, the linear integrity of the monument will be maintained. This approach is in keeping with the definition of the German section of the Frontiers of the Roman Empire World Heritage Site. The Hadrian's Wall part of the Frontiers of the Roman Empire World Heritage Site, however, consists only of the scheduled sections of the monument. As a result, much of the Wall in urban areas is excluded from the Site. This reflects the conditions pertaining in the early 1990s when its boundary was defined. Since then protection of archaeological remains through the spatial planning system has become an integral part of the UK approach to conservation. The current Hadrian's Wall World Heritage Site Management Plan states that it is the intention to seek to extend the boundaries of the Site to include surviving but unscheduled stretches in the urban areas on the same basis as is proposed for the Antonine Wall part of the World Heritage Site.

The proposed World Heritage Site is defined in relation to existing information. As knowledge about the Antonine Wall grows, the areas of protection will change

and, as past experience demonstrates, may be expanded. This, in turn, may lead to small-scale amendments to the boundaries of the proposed World Heritage Site.

The boundaries of the buffer zones

The buffer zone along the Antonine Wall has been defined in relation to local circumstances, including the landscape and modern features such as towns and villages, roads and railways. The aim, as with all buffer zones, is to protect the setting of the monument and, in this case, continue to allow understanding of why the Antonine Wall was erected in a particular location. The protection of amenity zones to each side of the Wall has been an important element of central government's protection for the monument for the last 50 years. These amenity zones, already incorporated into the development control strategies of the five local authorities along the line of the Antonine Wall, form the basis of the buffer zones now proposed.

The size and location of the buffer zones have been considered as part of the exercise of preparing this nomination document. These horizontal buffer zones have been defined only in relation to the archaeological remains in the countryside: within urban areas vertical buffer zones have been defined (see below). Those sections of the Wall which have been destroyed are included in the buffer zone even where they occur in urban areas in order to maintain the linearity of the monument. The buffer zones surrounding the Antonine Wall are protected through UK legislation. All separate parts of the proposed World Heritage Site buffer zone are already zoned under the *Town and Country Planning (Scotland) Act 1997* as countryside or green belt by the five local authorities along the line of the Antonine Wall. Within the terms of the World Heritage Committee 2005 decision concerning the nature of the Frontiers of the Roman Empire (Germany) World Heritage Site, medieval and modern buildings within the proposed World Heritage Site serve as an overlying or vertical buffer zone.

2.5 Proposed Statement of Outstanding Universal Significance of the proposed World Heritage Site

The Antonine Wall is a physical and visual testimony to the former extent of one of the world's greatest states, the Roman empire. It formed part of a frontier system which surrounded and protected that empire.

The Antonine Wall has a particular value in being the most highly developed frontier of the Roman empire: it stands at the end of a long period of development over the previous hundred years and therefore facilitates a better understanding of the development of Roman frontiers in Britain and beyond. It is one of only three artificial barriers along the 5000 km European, North African and Middle Eastern frontiers of the Roman empire. These systems are unique to Britain and Germany, though more fragmentary linear barriers are known in Algeria and Romania. Built following an invasion of what is now Scotland during 139-142 and occupied for possibly only 20 years, it served as the most northerly frontier

of the Roman empire at the high point of its power and influence in the ancient world. It has many unique features which demonstrate the versatility of the Roman army, while its short life is of considerable value in offering a snap-shot of a Roman frontier in its most advanced state.

The Antonine Wall has a distinctive value as a unique physical testimony to the nature of the constitution of the Roman empire and the requirement of the emperor for military prestige. The abandonment of Hadrian's Wall and the construction of a new northern frontier at the behest of a new emperor reflects the realities of power politics in Rome during Edward Gibbon's "Golden Age". It also stands as a physical manifestation of the statements of writers flourishing during the reign of Antoninus Pius about the measures which Rome took to protect its inhabitants, even those living in its most distant province.

The Antonine Wall is of significant value in terms of its rarity, scale, preservation, and historical and archaeological value; the engineering and planning skills of its builders; the understanding of Roman frontier policy and management, and its influence on

The temple erected in the forum in Rome to the Emperor Antoninus Pius and his wife Faustina.



the landscape and history of local peoples during the Roman period and beyond; and also in terms of its contribution to the economic, educational and social values of today's society.

2.5.1 Archaeological and Historical Values

Historical values

The Antonine Wall displays the power and influence of the Roman empire when it was at the height of its civilisation as recognised by its own citizens. The monument is the most important and distinctive feature of the Roman presence in Scotland and is significant as the last to be constructed, most advanced and northernmost of the linear frontier systems of the empire. It represents a key period in the history of Scotland and elsewhere when the peripheries of northern Europe were directly linked into a Mediterranean based world-power. The response of local Iron Age peoples to this process ultimately led to formation of the large kingdom of the Picts which is the acknowledged forerunner of the modern state of Scotland.

Archaeological values

This monument is unique in the archaeological resource of Scotland. Academic investigation of this monument

over the last 100 years and more has demonstrated the vast logistical, engineering and surveying feat involved in the construction of the frontier system. Moreover, excavations of the forts, annexes and other military installations have provided a wealth of information on the design, function and organisation of the Roman army at the height of its power. In addition, the evidence from the investigation of bath-houses, finds such as dedicatory altars, combined with other artefacts, provide data on the cultural lifestyles of the Roman officers and soldiers.

Therefore, the monument has excellent potential to provide high quality archaeological evidence for the structure, function, management and development of Roman frontier systems. The value of this archaeological resource is enhanced by its good preservation and known historical period of use.

The Antonine Wall has a major significance as an eco-monument. The environmental history contained its structures forms a dated horizon across Scotland against which events before and after can be measured. This is clearly demonstrated by the environmental survey of the Antonine Wall corridor commissioned in relation to this Management Plan (see Tipping and Tinsdale 2005 cited in the bibliography).



The base of the Column of Antoninus Pius erected in the Campus Martius in Rome: it shows Antoninus and Faustina ascending into heaven.

The particular role of the Antonine Wall as a dated horizon helps us understand the development of the Scottish landscape, and also the monuments within it.

2.5.2 Natural Values

The Antonine Wall sits within an open landscape with spectacular views to the north throughout much of its length. Its central sector uses the Midland Valley of Scotland, a rift valley between two parallel fault lines, now occupied by tributaries of the River Forth to the east and the River Clyde to the west. The Wall follows the south slope of this valley, overlooking the Rivers Carron and Kelvin. The view to the north is enclosed by the range of hills which are known generically as the Campsie Fells. They comprise a line of rugged moorland, completely uninhabited, and unbroken by hedges and walls stretching as far west as the Blane Gap. They are rendered more imposing by their steep southern escarpment. Within the strong landscape formed by this valley and framed by the Campsie Fells, modern buildings, whether towns, villages, or farms, all blend into the background.

Through its eastern 7 km the Wall runs along the northern edge of the Bo'ness Coastal Hills overlooking the Bo'ness Flats, now partly occupied by the petro-chemical works at Grangemouth. The views here are so extensive at this point that the modern industry is over-shadowed by the wide vistas and further mountains.

At Balmuildy, the River Kelvin crosses the Wall and moves into a different landscape, of particular geomorphological interest. This is a landscape dominated by drumlins, formed by glacial deposition during the last ice age. In the absence of stronger topographical features, the Wall utilises the drumlins, jumping from one high point to another.

The western 4 km of the Wall are dominated by another range of hills, the Kilpatrick Hills. Here the steep south-facing slopes of these hills to the north of the Wall create a unique landscape setting for the frontier, the lie of the land being against the Romans.

2.5.3 Contemporary Values

Economic

The central belt of Scotland is one of the most industrialised parts of the UK. This area is now undergoing a process of regeneration. The Antonine Wall adds to the tourist value, to the cultural diversity of the area and enhances and deepens understanding the heritage of the area. In particular, it can be an excellent foil to the modern attractions such as the Falkirk Wheel.

The existence of the Antonine Wall has helped secure the openness of the landscape in its vicinity and this wider area in the vicinity of the Wall is now used for a variety of purposes including forestry and golf courses in addition to the traditional pursuits of agriculture.

Recreational and educational value

The educational value of the Antonine Wall is high. Among its value as an educational tool are:

- the monument itself
- its place within the historical, cultural and landscape change of central Scotland
- its international status which is a springboard for the teaching and discussion of heritage values
- the history and role of world empires
- culture change
- heritage and general environmental conservation

These values are enhanced by its accessible location, all parts of the monument being within one hour's reach of the two largest conurbations within Scotland which together contain about 80% of the population of Scotland.

The proposed World Heritage Site has a high recreational value:

- as area of green space and trees close to urban areas

- 🌀 a leisure area for walkers with linkages to access routes, waterways such as the Forth and Clyde Canal and parks in towns
- 🌀 it provides areas to act as green gyms
- 🌀 it furnishes the open land for golf courses

These activities are enhanced by a good combination of pleasant woodland settings usually with striking views to the north.

Social and political values

Local communities place great value on the location of sections of an internationally important Roman monument within their own town or its vicinity and take great pride in the existence of the Antonine Wall. It is recognised as adding value to the wider cultural and historical interest of the area. Communities also value the added benefits that designation such as its protection through national legislation and World Heritage Site status can bring. Its integration into developed areas creates a close daily relationship with communities, with several clearly visible stretches in urban areas. The Wall is therefore very much a living monument.

Its place in history is recognised through its appearance on the coat-of-arms of Kirkintilloch, its preservation in street names such as Grahamsdyke Road and Grahamsdyke Lane in Bo'ness, Grahamsdyke Street in Laurieston, Roman Road in Bearsden and in more modern developments such as Antonine Court and Antonine Road in Bearsden and in the names of hotels and pubs such as the Roman Bar in Falkirk.

The Antonine Wall is also an evocative reminder of Scotland's long relationship to Europe as well as to its split inheritance lying, as it does, astride the frontier, one part of the country never conquered by Rome.

The Antonine Wall thus forms a powerful education tool, not just for local communities but also for all Scots.

2.5.4 World Heritage Values

World Heritage Sites are inscribed under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage because they are recognised to be of 'outstanding universal value'. The Antonine Wall is proposed as a World Heritage Site under three different criteria:

(ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: "taken as a whole, the frontiers of the Roman Empire show the development of Roman military architecture from temporary camps through winter quarters for whole armies to the establishment of permanent forts and fortresses. These show through time a development from simple defences to much more complex arrangements."

The Antonine Wall is the most complex and developed of all Roman frontiers: it marks the apogee of Roman frontier construction, and, as the most developed Roman frontier, is a unique example of this type of ensemble. It is therefore an exceptional testimony to the monumental arts of one of the world's greatest states.

The short span of occupation allows significant conclusions to be reached about the nature of Roman frontiers. This is of especial importance as the Antonine Wall can be compared to Hadrian's Wall as well as to the German *Limes*. The Antonine Wall appears to have been planned as a replica of Hadrian's Wall, with some minor changes. At least two significant amendments to the Antonine Wall during its construction resulted in a very different frontier, with a density of structures – and soldiers – not paralleled on any other Roman frontier. The Antonine Wall marks a particular limit in the development of Roman frontiers and was not repeated on any later frontier:

certainly not on Hadrian's Wall re-occupied on the abandonment of the Antonine Wall. The short life of the Antonine Wall allows this particular stage in frontier development, by one of the world's greatest armies, to be studied more cogently than on longer-occupied frontiers where all the evidence cannot be so sifted out from the hundred or more years of continuous occupation.

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: "the Roman frontier is the largest monument of the Roman Empire, one of the greatest of the world's pre-industrial empires. The physical remains of the frontier line, of the forts and fortresses along it, as well as of the cities, towns and settlements associated with it, and dependent upon it, demonstrate the complexities of Roman culture and the spread of Roman culture across Europe and the Mediterranean world. Unlike the great monuments from the urban centres around the Mediterranean already inscribed as World Heritage Sites, the frontiers show a more mundane aspect of Roman culture, both military and civilian. As such they are evidence of the spread of Roman culture and its adoption by the Empire's subject peoples. Inscriptions and other evidence demonstrate the extent to which the frontier led to an interchange of peoples across the Empire. To a large extent, this was the result of the movement of military units (e.g. British units in Romania, or Iraqi boatmen in northern Britain) but there is also strong evidence of civilian movement (e.g. merchants from the Middle East who settled in Britain, Germany and Hungary). The frontiers also acted as the base for the movement of Roman goods (and presumably ideas) to pass well beyond the Empire."

As the most northerly frontier of the Roman empire, the Antonine Wall reflects the wish of Rome to rule the world, as Virgil and other Augustan poets stated. Yet, at the same time, it has mundane features in that many of the elements which made up the frontier can be found elsewhere. Inscriptions and sculpture from the Antonine Wall both emphasise its links to the rest of the empire and, at the same time, underline its unique qualities. These include the distance slabs found along this frontier.

Scotland lay on the edge of the Roman empire and most of the Roman remains within the country, and certainly all visible remains, are military in origin. They include camps, fortresses, forts, fortlets, towers, and the largest of all, the Antonine Wall. This frontier is the physical manifestation of this phenomenon, the edge of empire.

The erection of the Antonine Wall is also a physical manifestation of a change in Roman imperial foreign policy following the death of the emperor Hadrian in 138. Almost immediately, his successor determined on a new frontier policy, abandoning Hadrian's Wall, moving northwards into Scotland and building a new Wall, this time of turf (*Historia Augusta, Life of Antoninus Pius*). The distance slabs found on the Antonine Wall underline the significance of this event. They all bear the name of the emperor who ordered the advance of the frontier in Britain and display the events of the campaign: the sacrifice to Roman gods, fighting, the defeat and submission of the enemy, the Roman victory blessed by the gods. These items of sculpture are unique to the Antonine Wall and are not replicated on any other Roman frontier.

(iv) be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates a significant stage in human history

The Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site states: "the physical remains of the frontiers of the Roman Empire demonstrate the power and might

and civilization of the Romans. As such they are evidence of the development of the Roman Empire and its spread across much of Europe and parts of Asia and Africa. They therefore illustrate the spread of classical culture and of Romanisation which shaped much of the subsequent development of Europe.”

The Antonine Wall was constructed at the time when writers were extolling the virtues of Roman frontiers. During the reign of Antoninus, Appian started to write his History of Rome. He wrote, “... in general, possessing by good government the most important parts of land and sea, they prefer to preserve their empire rather than extend it indefinitely to poor and profitless barbarian peoples. I have seen embassies from some of these in Rome offering themselves as subjects, and the emperor refusing them, on the grounds that they would be of no use to him. For other peoples, limitless in number, the emperors appoint the kings, not requiring them for the empire.... They surround the empire with a circle of great camps and guard so great an area of land and sea like an estate.” The Antonine Wall was the physical manifestation of that statement.

The Antonine Wall also bears an exceptional testimony to the military traditions of Rome which helped the empire survive so long. It demonstrates the flexibility of the Roman military mind in the complicated history of its construction, indicating how the army responded to problems as they developed. It is an exceptional example of the methods developed by the Roman to protect their empire and of the methods of frontier control deployed by the Roman empire to enforce the regulations which it imposed on those who wished to enter their empire.

In itself, the Antonine Wall forms a historical landscape and bears witness to the imposition of a Roman protective system upon the landscape of the Midland Valley of Scotland. In that way, it also represents the triumph of human endeavour over the landscape. Many parts of the Wall are visible today as testimony to this triumph.



The Antonine Wall was built by legionaries such as this soldier: Drawn by Peter Connolly.

THE ANTONINE WALL

The North-West Frontier of the Roman Empire



Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport, signs a joint concordat for the better protection of the Antonine Wall together with colleagues from the five local authorities along the line of the Antonine Wall, East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire.

III BODIES INVOLVED IN THE ANTONINE WALL

Central and local government

Central and local government – in this case East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire Councils – work together to protect the historic environment. They utilise UK and Scottish legislation together with Guidelines issued by central government and Supplementary Planning Guidelines prepared by local government to protect all ancient monuments, including the Antonine Wall. Below, the main distinction made is between the proposed World Heritage Site and its buffer zones rather than the agency of protection as these elements are so inter-twinned.

3.1 The proposed World Heritage Site

National Planning Policy Guideline 18, Planning and the Historic Environment (The Scottish Office Development Department 1999) acknowledges the significance of World Heritage Sites: “The World Heritage Convention, adopted by UNESCO in 1972 and ratified by the United Kingdom, provides for the identification, conservation and preservation of cultural and natural sites of outstanding universal value for inclusion in a world heritage list. Historic Scotland provides the Secretary of State with advice, on which cultural sites should be included from Scotland on the UK’s tentative list, which is the first step in the nomination procedure. ... Responsibility for the nomination and subsequent protection and management of sites lies with national governments. No additional statutory

controls result from designation but a combination of a clear policy framework and comprehensive management plan should be established to assist in maintaining and enhancing the quality of these areas. The impact of proposed development upon a World Heritage Site will be a key material consideration in determining planning applications.”

All the archaeological remains, the line and the setting of the Antonine Wall forming the proposed World Heritage Site and its buffer zone are protected by UK national statutes, supplemented by National Planning Policy Guidelines, which together form a coherent framework for the protection of the whole of the proposed World Heritage Site and its buffer zone. These laws and guidelines are operated by both central and local government bodies who co-operate through formal mechanisms to ensure that all laws and regulations are correctly administered. In general, those parts of the Wall and its associated features which lie in the countryside are protected by the statutes administered by central government while those sections in urban environments together with the buffer zones are protected by the five local authorities along the line of the Antonine Wall.

The principal national statutes providing protective measure are:

- **Ancient Monuments and Archaeological Areas Act 1979**

This Act provides the statutory framework under which a Schedule (i.e. a list) of ancient monuments deemed to be of national importance is created and

maintained, as well as forming the basis for protecting these monuments and controlling works to them through the formal system of Scheduled Monument Consent. The Act is administered in Scotland by Historic Scotland acting on behalf of Scottish Ministers.

- **Town and Country Planning (Scotland) Act 1997**

This Act provides the legislative framework for development control throughout Scotland. Through Structure and Local Plans provision is made for the protection of ancient monuments and archaeological sites, including the Antonine Wall.

The whole of the Antonine Wall where unencumbered by modern development or not destroyed is protected under the **Ancient Monuments and Archaeological Areas Act 1979**. About two-thirds of the original length of the Wall is protected in this way.

Historic Scotland and its predecessors have sought to ensure the survival of the Antonine Wall through scheduling the monument under the provisions of the Ancient Monuments Acts over the past 80 years. The first sections of the Antonine Wall were scheduled in the 1920s. Following the preparation of an internal report in 1957, a scheduling programme was undertaken to embrace all these parts of the frontier which were considered worthy of protection. The Antonine Wall was re-scheduled in the 1970s and again in the 1990s. These successive programmes of work have been undertaken to ensure that the Antonine Wall is as fully protected as possible through the use of the *Ancient Monuments and Archaeological Areas Act 1979*. These actions have also been undertaken to reflect changing views on the nature of the protective measures. Before 1957, 12 km of the Wall were either scheduled or in state care. Following 1957, this was increased to 30 km. The total length protected now stands at 40 km. The scheduling of the Antonine Wall continues to be revised as new information comes to light.

The Ancient Monuments and Archaeological Areas Act 1979 also provides for the control of works affecting scheduled monuments. Historic Scotland would normally refuse scheduled monument consent for any actions which were inimical to the Antonine Wall. It supports any actions which lead to the enhancement and improved presentation and interpretation of the Antonine Wall.

Over the last 50 years Historic Scotland and its predecessors have opposed proposals which would have had an adverse effect on the Antonine Wall or its buffer zone, up to and including public enquiries, normally with success. As a result a range of precedents for the protection of the monument have been built up and these underpin the policies and procedures which protect the monument. These are also supported through various National Planning Policy Guidelines and Policy Advice Notes. The relevant documents are **Planning Advice Note 42, Archaeology – the Planning Process and Scheduled Monument Procedures (The Scottish Office Development Department 1994)**, and **National Planning Policy Guideline 5, Archaeology and Planning (The Scottish Office Development Department 1994)**.

NPPG 5 states that the Government seeks to encourage the preservation of our heritage of sites and landscapes of archaeological and historic interest *in situ*, so that they may be enjoyed today and passed on in good order to future generations; to accommodate development without eroding environmental assets, and this includes Scotland's archaeological heritage; that it is important that the integrity of the setting of archaeological sites should be safeguarded; that planning authorities should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes; that structure plans should include relevant general protection policies for nationally important remains and their settings; for unscheduled sites of regional and local

importance and their settings, and also for landscapes of historic importance.

PAN 42 states that well-publicised, successful prosecutions of those who carry out unauthorised work to scheduled monuments can provide a valuable deterrent to the wilful damage or destruction of monuments and it is Historic Scotland's policy to encourage proceedings where it is considered that a good case can be sustained. Historic Scotland keeps a record of reported incidents, and carries out a preliminary investigation, often with police assistance. If there does appear to be a case for prosecution, Historic Scotland will encourage the police to present a case for prosecution to the Procurator Fiscal. The necessity for such legal actions has not arisen to date in relationship to the Antonine Wall.

The **Town and Country Planning (Scotland) Act 1997** is the primary legislation for spatial planning. It provides for the zoning of the landscape into different activities and provides mechanisms for development control. Within the framework of this Act, the five local authorities along the line of the Antonine Wall - East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire - protect nearly 20 km of the proposed World Heritage Site, primarily those sections which lie within urban environments, together with the buffer zones, while also providing additional protection for those sections which are scheduled under the *Ancient Monuments and Archaeological Areas Act 1979*. All five local authorities have policies with a presumption against any development which would have an adverse impact on the proposed World Heritage Site (these are detailed in the nomination document). In addition, all five authorities have agreed uniform planning policies in relation to the Antonine Wall and are in the process of implementing these policies. These policies are:

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

Antonine Wall Policy 1

There will be a presumption against development which would have an adverse impact on the *Frontiers of the Roman Empire (Antonine Wall) World Heritage Site* as defined on the Proposals Map.

Antonine Wall Policy 2

There will be a presumption against development within the *Frontiers of the Roman Empire (Antonine Wall) World Heritage Site* buffer zones which would have an adverse impact on the Site and its setting, unless:

- ✎ mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact;
- ✎ and there is no conflict with other Local Plan policies.

Antonine Wall Policy 3

The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line or within the setting of the Antonine Wall, as defined on the Proposals Map.

Reasoned Justification

These policies have the intention of protecting the archaeological remains, the line and the setting of the Antonine Wall, an ancient monument of international importance and proposed as a World Heritage Site under the UNESCO *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972).

The Council is committed to working with the other four local authorities along the line of the Antonine Wall and with the Scottish Executive, in particular Historic Scotland, in order to achieve the appropriate level of protection for the Antonine Wall.

In urban contexts, the Wall is offered some further protection where it lies within conservation areas, such as at

Falkirk, and when its line is overlain by listed buildings, which occurs in several of the towns and villages along the Wall.

3.2 The Buffer Zone

The purpose of the buffer zone is to protect the landscape setting of the proposed World Heritage Site (see Volume II of the nomination document for maps of the buffer zone). It is recognised that the definition of a buffer zone around a World Heritage Site is particularly important where there is a significant threat of inappropriate development encroaching upon the Site, and affecting the character of the setting within the wider landscape. A buffer zone may also be used more proactively to define where landscape management schemes might be introduced, to improve the setting of the World Heritage Site and to facilitate appreciation and understanding by the public.

The necessity of protecting the setting of the Antonine Wall has long been acknowledged. Historic Scotland's predecessor, the Ministry of Public Building and Works, first initiated a study of amenity zones for the Antonine Wall nearly 50 years ago. The purpose of these zones is not just to protect the amenity of the Antonine Wall, but to preserve, so far as is possible, this unique linear monument within swathes of undeveloped countryside so that it could be better understood. If the ground were to be developed up to the limits of the protected archaeology, it would become impossible to view the monument as a whole or to gain any understanding of the topographical appreciation made by the Roman surveyors. Indeed, the very purpose of the frontier can only properly be understood by appreciating its location within its wider landscape setting. This has been a central plank of the protection policies for the Antonine Wall since 1957. In the 1960s, the necessity for amenity areas, as they were then called, were discussed with the local authorities along the line of the Antonine Wall and they were published in D. N.

Skinner, *The Countryside of the Antonine Wall* (Perth 1973). These amenity zones were incorporated into the designation of the countryside surrounding the Antonine Wall: the amenity zones coincided with land designated as countryside or green belt. Historic Scotland has successfully used this element of protection for the Antonine Wall to oppose developments which would have had an adverse impact on the setting of the Antonine Wall on several occasions over the last 40 years.

As part of the process of defining the buffer zones which should protect the proposed World Heritage Site, Historic Scotland employed Land Use Consultants to advise on their location and extent. The following section is based upon their report.

There is no single established methodology for the definition of buffer zones for World Heritage Sites, particularly as the setting, circumstances and extent of sites is very variable. The Antonine Wall is a linear site, and in a lowland, largely settled, setting. The buffer zone has been identified as "the physical extent of the landscape that is visually and perceptibly linked to the perception of the World Heritage Site and that can still be practically protected or managed". Definition of the buffer zone has therefore been based on visibility to and from the proposed Site, and analysis of the land use setting, including urbanised areas. This has been carried out using available data relating to the proposed World Heritage Site and its surroundings, Geographical Information System (GIS) inter-visibility analysis with the surrounding landscape, and site survey work. The proposed World Heritage Site, taken as the baseline for the study, has been defined elsewhere in this nomination document as the Antonine Wall and associated Roman forts and camps. The visual relationship of the landscape with the proposed World Heritage Site varies according to the land use, topography and also with distance. For the purposes of identifying a buffer zone, three types of visual relationship between the Wall and surrounding areas have been identified:

- ❧ firstly, the area of almost continuous inter-visibility, identified as being generally up to 2 to 3 km from the monument but of differing extents to the north and south depending upon the local topography;
- ❧ secondly, a zone of discontinuous inter-visibility reflecting the fragmenting of views caused by intervening topography – exemplified by the drumlin landscapes around Bearsden; and
- ❧ thirdly, longer distance views to and from key hill areas which are visible from large sections of the Wall or from which extensive sections of the Wall are, in theory at least, visible, for example the Campsie Fells.

The first category has been used as a basis for defining the buffer zone immediately adjacent to the proposed World Heritage Site; the second category has influenced the boundaries of the buffer zones in specific areas; while the third of these categories has also been considered (see below), as these locations aid the understanding of the context of the frontier as an extensive linear feature across the landscape, and allow for greater interpretation of the line for the Antonine Wall chosen by the Romans. The buffer zones are detailed on the maps which accompany the nomination document.

Once these principles had been applied, a draft buffer zone was drawn up, following permanent and defensible boundaries in the landscape, such as roads, railways and established field boundaries. This is necessary to ensure that the boundaries of the buffer zone are easy to define on the ground and will endure, but also means that some areas with no visibility of the Antonine Wall were included. Where defensible man-made boundaries were not available, other readily recognisable features such as streams and rivers were used.

Understanding of the landscape in which the Antonine Wall sits is aided by two landscape projects; the landscape

characterisation assessment undertaken by Scottish Natural Heritage and the Historic Landuse Assessment undertaken by Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. Both are crucially important to understanding the land forms and development of the countryside and therefore inform any future development and management strategies.

A review of Local Plan maps and policies was used to take into account existing proposals for development and boundaries for policies such as greenbelt, nature conservation sites and open space. The boundaries of the buffer area were then refined where appropriate to follow other existing boundaries that would offer additional policy support, and to exclude areas marked for urban expansion. The final boundaries were then confirmed through fieldwork along the length of the Wall.

In addition to the buffer zone, a number of more distant areas were identified as being important for the perception of the wider setting and route of the frontier, and prominent landmarks when viewed from the Wall itself. These viewpoints, identified through inter-visibility analysis and fieldwork, represent the third category of visual relationship discussed above, with long distance views to and from the proposed World Heritage Site.

Following the methodology described above, the buffer zone has been defined as a series of zones along the Wall, up to approximately 1–1.5 km from the Wall to the north and south. These areas are fragmented by existing settlements, roads, and areas marked for urban expansion. Fourteen zones have been described, including small parks or open spaces within settlements, to extensive strips of land between settlements. In order to maintain a general constancy of width, and to create a robust planning boundary that can be more strongly defended, the buffer zones have been defined as tight areas around the archaeological remains, and boundary features include roads, railways and the Forth and Clyde Canal.



The Kelvin Valley and the Campsie Fells from Dullatur looking west.

The main landform features that have influenced the buffer zone definition are the escarpment slope that runs between Bo'ness and Falkirk, the Carron and Kelvin valleys, the drumlin landscape around Bearsden, and the south facing slopes of the Kilpatrick Hills. The main landform feature not encompassed by the buffer zone is the range of hills to the north of the Wall, the Campsie Fells. At over 7 km away, these hills are too far from the Wall to be covered by the focused planning protection measures proposed for the buffer zone.

As a result, fourteen areas of buffer zone have been defined to protect the setting and amenity of the Antonine Wall within the highly developed central belt of Scotland. The definition of each area of buffer zone is based upon the relationship of the archaeological remains to the landform, existing and proposed settlements and built developments and to the existing protection policies along the Antonine Wall. In all cases, these buffer zones conform to existing countryside and greenbelt designations and are therefore already protected against inimical developments. These policies are all listed in the nomination document and enshrined in the new, over-arching

Policy 2 for the protection of the proposed World Heritage Site and its buffer zones. Furthermore, the buffer zones conform closely to the amenity areas for the protection of the environs of the Antonine Wall first published over 30 years ago. The newly defined buffer zones take forward and strengthen the existing protective framework for the setting of the Antonine Wall in the light of new legislation.

It is not practical to define horizontal buffer zones for the urban areas through which the Antonine Wall passes. Nevertheless, the environs of the Antonine Wall, that is to say, its setting, in these sectors receive some protection through the planning policies of the five local authorities along the line of the Wall which seek to prevent any developments which would have an adverse impact on the monument. Further, as noted above, the existing conservation areas and listed historic buildings along the line of the Antonine Wall provide an additional level of protection for the area of the monument in urban areas. The archaeological remains themselves also are protected by the vertical buffer zone provided by the overlying medieval and modern buildings and their associated features.

3.3 Ownership and management

3.3.1 Ownership

Most of the Antonine Wall is in private ownership; this includes these sections in the ownership of corporate bodies such as public utilities and golf clubs. All owners of scheduled sections of the Antonine Wall have been informed of the intention to nominate it as a World Heritage Site, and questions arising from this consultation have been answered.

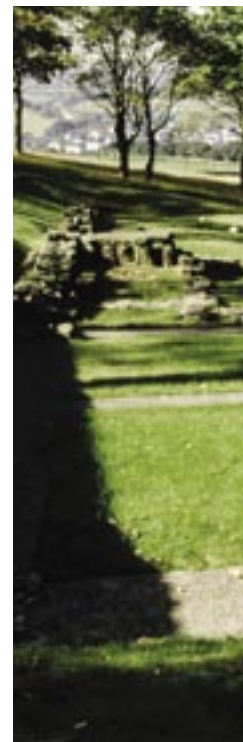
Nearly 7.7 km of the Wall, totalling 72 ha, are in state care being managed by Historic Scotland. The first stretches were taken into care in 1953 and the holding now includes the best stretches of the rampart and ditch, the two visible sections of the Military Way, the four forts which have elements visible, a bath house and latrine, three expansions and the site of one fortlet. All these elements are actively managed and conserved by Historic Scotland mainly through its own monument conservation team.

- 🌀 Kinneil House, Bo'ness: line of Wall and ditch: not visible
- 🌀 Bantaskin, Falkirk: ditch and outer mound
- 🌀 Watling Lodge, Falkirk: best surviving length of ditch
- 🌀 Rough Castle fort, Bonnybridge: best surviving fort earthworks together with annexe; expansion; rampart, ditch and outer mound; Military Way and quarry pits
- 🌀 Seabegs Wood, Bonnybridge: rampart, ditch, outer mound and Military Way
- 🌀 Castlecary fort and annexe
- 🌀 Garnhall: rampart, ditch, outer mound and Military Way: only the ditch is visible
- 🌀 Tollpark: ditch and outer mound
- 🌀 Dullatur: rampart, ditch and Military Way: only the ditch is visible

- 🌀 Croy Hill: rampart, ditch, outer mound, Military Way, fort, fortlet and two expansions and the presumed location of the civil settlement: the main visible features are the ditch and outer mound
- 🌀 Bar Hill, Twechar: fort, rampart, ditch, outer mound, Military Way, Iron Age hill-fort, and the probable location of the civil settlement: the fort, ditch and Iron Age hill-fort are the main visible features
- 🌀 Hillhead, Kirkintilloch: rampart, ditch and outer mound, but none is visible
- 🌀 Bearsden bath-house, latrine, and part of annexe rampart base

Falkirk Council owns 5.4 km/40 ha including the only visible fortlet:

- 🌀 Kinneil House and Country Park, Dean Burn to Upper Kinneil: rampart, ditch and outer mound, fortlet and Military Way: the fortlet and the faint hollow of the ditch are visible
- 🌀 Polmont, River Avon to Millhall Burn, rampart, ditch and upcast mound: a section of the ditch is visible in Polmont Woods
- 🌀 Callendar Park: rampart, ditch, outer mound: the latter two elements are particularly clear



The bath-house at Bar Hill looking west.



The ditch survives well in Callendar Park, Falkirk.

- 🌀 Kemper Avenue: short length of rampart base
- 🌀 Watling Lodge: fortlet
- 🌀 Tamfourhill Road: rampart, ditch and outer mound
- 🌀 Elf Hill: rampart, ditch and outer mound
- 🌀 Seabegs: rampart and ditch; medieval motte
- 🌀 Kinglass: camp
- 🌀 Polmonthill: camp
- 🌀 Little Kerse: camp

North Lanarkshire Council owns 0.6 km/12.5 ha comprising:

- 🌀 Garnhall: rampart, ditch and Military Way (this is in the care of Historic Scotland)

East Dunbartonshire Council owns 2.2 km/17 ha including:

- 🌀 Hillhead, Kirkintilloch: rampart and ditch but not visible
- 🌀 Kirkintilloch: part of the fort; medieval motte
- 🌀 New Kilpatrick Cemetery: two stretches of the stone base
- 🌀 Bearsden: part of fort
- 🌀 Iain Road: length of base, ditch and outer mound

- 🌀 Antonine Road: rampart and ditch, but not visible
- 🌀 Hutcheson Hill: rampart, ditch and outer mound
- 🌀 Twechar: camp

Glasgow City Council owns 0.07 km/0.16 ha at Cleddans Burn

West Dunbartonshire Council owns 0.8 km/4.8 ha including:

- 🌀 Duntocher: rampart and ditch, fort, annexe and fortlet
- 🌀 Beeches Avenue: line of ditch but not visible
- 🌀 Carleith: rampart and ditch but not visible

The total length of the Antonine Wall in the public ownership or guardianship of either central or local government bodies is just over 16 km (bearing in mind that some sections are owned by a local authority and in the care of Historic Scotland) out of a total length for the frontier of 60 km. The remaining 44 km are in private ownership, only one body owning more than 1.5 km length of the Wall.

RIGHT: Map showing those parts of the proposed World Heritage Site in public ownership or care.

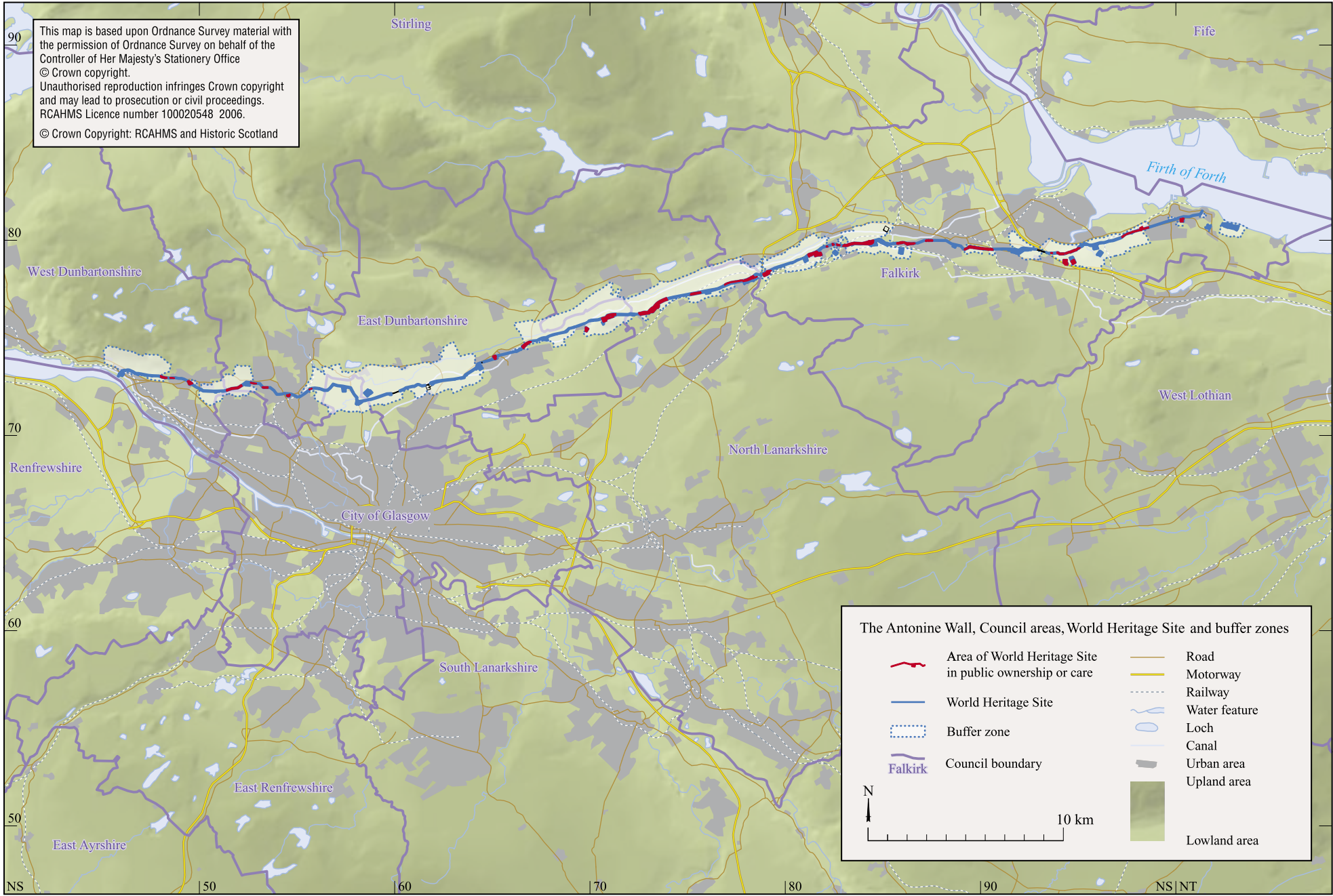
The fort and fortlet on Golden Hill, Duntocher, is faintly visible towards the top of the park.



The stand of trees at Tollpark is a notable landmark. They march along the upcast mound to the north of the ditch.

A section of the Antonine Wall at Iain Road in Bearsden survives within the modern town.





3.3.2 Management

Publicly owned sections

Those parts of the Antonine Wall which are in state care are managed by Historic Scotland on behalf of Scottish Ministers. This work is carried out by a dedicated monument conservation team based at Falkirk. They control the vegetation, maintain the fences, and undertake any necessary repairs. Falkirk, East Dunbartonshire and West Dunbartonshire Councils maintain the sections of the Antonine Wall which they own through a land management regime under the direction of their Parks Departments.

Historic Scotland has erected interpretation panels at all its sites. It has also erected simpler notice boards at other sectors in the care of local authorities. Falkirk Museum has erected notice boards at the sections of the Antonine Wall in its ownership. In addition, Falkirk Museum has published a guide-book to the Antonine Wall, while Historic Scotland has supported the publication of the main guide-book to the Antonine Wall by Anne S. Robertson, edited by Lawrence Keppie. It also features the Wall in its own publications as appropriate.

Private sectors

Most of the Antonine Wall in the countryside lies in farmland; these sections are all scheduled as ancient monuments under the *Ancient Monuments and Archaeological Areas Act 1979*. The state of these scheduled sectors is monitored by Historic Scotland's Monument Wardens as part of their rolling programme of visiting all scheduled monuments whether in public or private ownership and they

are regularly visited by Inspectors of Ancient Monuments. All proposals which might affect the scheduled parts of the Antonine Wall are the subject of Scheduled Monument Consent, administered by Historic Scotland.

Historic Scotland officials participate in many schemes to improve the management of the Antonine Wall. These include removing vegetation, in particular trees and scrub, which grow on the monument and whose roots could damage the underlying archaeology, as well as discouraging ploughing which might disturb the archaeological remains.

Historic Scotland officials work closely with local authorities and with the West of Scotland Archaeology Service which provides advice and information to three of the local authorities along the line of the Wall to improve the protection, management and interpretation of the Antonine Wall.

Information

In order to improve the provision of information which will aid decisions to be taken on all proposals which might affect the protection, management, conservation, presentation and interpretation of the Antonine Wall, the mapping of the monument has been upgraded. The latest complete survey of the Antonine Wall, undertaken by the Ordnance Survey in 1980, has been up-graded and digitised by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). In a separate exercise, undertaken by RCAHMS in conjunction with Historic Scotland, all post-1980 interventions along the line of the Antonine Wall have been digitised, together with all pre-1980 interventions where sufficient information is available to allow the action to be mapped. The map, which will be made available on line, will lead the enquirer through to the RCAHMS on-line data base which will furnish information about each intervention and a bibliography on each site. Further information on the mapping of the Antonine Wall is available in the Appendix.

Historic Scotland employs a team to maintain those sections of the Antonine Wall which are in state care.



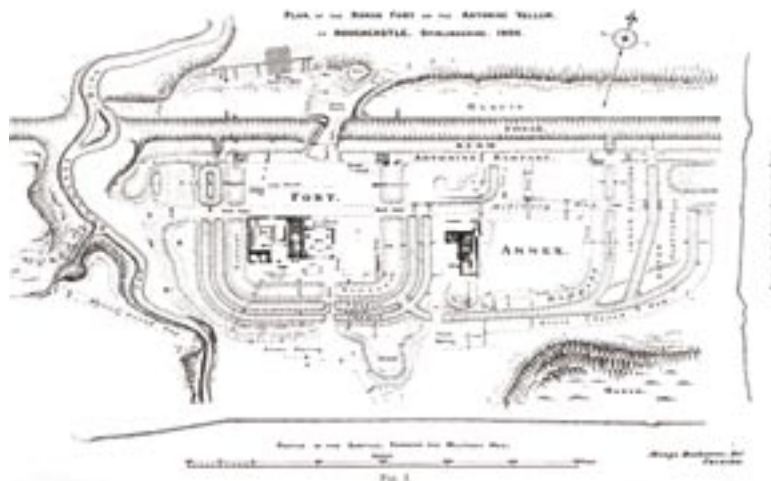
3.4 Research and Scholarship on the Antonine Wall

The Antonine Wall has excited the interest of surveys and antiquarians for many centuries. In the 13th century, Matthew Paris marked the Wall on his map of Britain, and its location was delineated on Timothy Pont's 16th century map of Scotland. It was about the same time that historians started to write about the Wall. Some visited the remains themselves. The most important of these was William Roy. A Scot, born in Carlisle in Lanarkshire, Roy was sent to survey Scotland in the aftermath of the 1745/6 Jacobite Uprising. His interest in the Romans led him to survey the Antonine Wall in 1755. This was eventually published, posthumously, in his *The Military Antiquities of the Romans in Britain* (1793). His map remained the best record of the Wall until the first Ordnance Survey maps were published in the 1860s and it is still a most valuable source of information.

Since then, the Antonine Wall has been the subject of several mapping exercises by the Ordnance Survey, the latest in 1980, and today such records are managed by the Royal Commission on the Ancient and Historical Monuments of Scotland which adds new information as it becomes available.

The era of modern excavation started on the Antonine Wall in the 1890s, as in much of Europe. In 1890 the Glasgow Archaeological Society set out to discover if the Antonine Wall really was of turf and they succeeded, probably beyond their wildest expectations. At the same time, the Society of Antiquaries of Scotland commenced a campaign of excavations on Roman military sites, examining Castlecary in 1902 and Rough Castle in 1903. The Glasgow Society continued in the west with Bar Hill from 1902 to 1905, Balmuildy ten years later and Old Kilpatrick and Cadder between the two World Wars.

Most of these sites were excavated in order to learn more about the Antonine Wall, but others were examined as a result

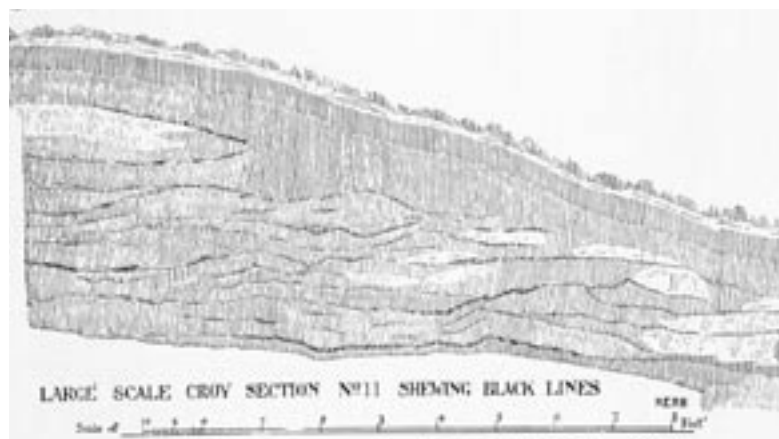


of development pressure arising from the location of the Antonine Wall within the industrial heartland of Scotland. Old Kilpatrick was investigated in advance of the construction of houses while gravel quarrying was the impetus for work at Cadder. This has continued to be the pattern with the fort at Duntocher examined in 1948–51, the annexe at Mumrills shortly after, and the fort and annexe at Bearsden in 1973–82. The Wall was also clipped by roads and pipe-trenches. All are excavated archaeologically with resulting information about the structure and building history of the Wall.

1911 marked a significant year in the study of the Antonine Wall for it saw the publication of George Macdonald's *The Roman Wall in Scotland*. Here, in a monumental work, he brought together all the evidence for the Wall, the testimony of antiquarians and earlier visitors, the physical evidence of the remains themselves and the results of excavations and other studies of the frontier. It has only been surpassed by his own second edition published in 1934.

Plan of the 1903 excavations of the fort at Rough Castle.

A section through the Antonine Wall cut in the 1890s.



To prepare for both editions – and as a result of the thoughts arising from publishing them – Sir George, as he became, carried out excavations all along the Wall aimed at determining its location: this work is still one of the main bases of our mapping of the Antonine Wall. Macdonald also investigated several forts. These included Old Kilpatrick and Rough Castle where he was not content with the conclusions reached by earlier excavators, and Mumrills in advance of the construction of houses, most of which, as it happens, were not built.

New methods of research have proved to be of major benefit to Wall studies. Aerial survey and photography shortly after the Second World War led to the discovery of a new type of structure on the Wall: the fortlet. Although one had been discovered at Watling Lodge in 1894, it was thought to be unique having the specific function of protecting the gate through which the road passed leading north. The new fortlets changed that perception. A suggestion by John Gillam in 1975 that the few known sites were part of a larger plan led to the location of several more.

Aerial survey also led to the discovery of even smaller enclosures on the line of the Wall. “Expansions” – literally small expansions to the rear of the Wall – had long been known and interpreted as beacon-platforms. The new discoveries were entirely different. They are small protected areas attached to the rear of the

Wall. Only one has been excavated to date and it obstinately refused to reveal its function.

The third type of site to have been discovered on the Wall through aerial survey and archaeology is the temporary camp. Many temporary camps are now known along the line of the Antonine Wall, all located as a result of aerial photography over the last 60 years, and none visible today. The fact that we appear to be able to relate the camps to the construction of the Wall, especially when combined with the evidence of the Distance Slabs and the differences in the structure of the Wall itself, is a unique element of the Antonine Wall. The application of various new scientific tools has also helped us understand the Antonine Wall better. Natural sciences, such as botany, enable us to understand the vegetation history of the area, and the diet of the soldiers as well as adding another dimension to our appreciation of the supply logistics of the frontier army. Geophysical and magnetometer survey helps locate the Wall and its structures.

Archaeological research has continued. Perseverance has finally led to the location of the long-lost fort in Falkirk. Sometimes wholly new and unexpected discoveries are made. One of these has been the location of pits on the berm, the space between the rampart and the ditch. These indicate that the Wall was more complex than hitherto understood and, perhaps, they help us understand its function better.

Geophysical survey has revealed new details of the fort plan and annexe at Balmuily.

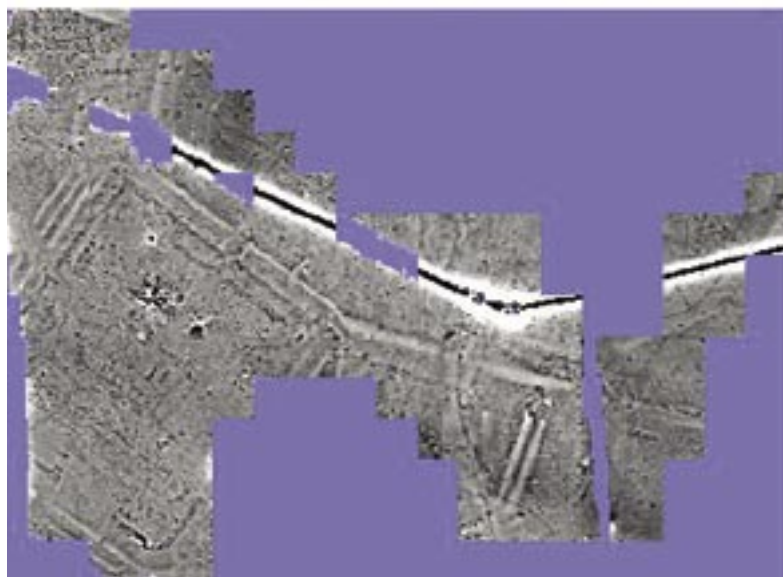


Fig seeds found in the sewage of the latrine at Bearsden: the figs were probably imported from the continent.

The finds from these excavations have been housed in the museums along the line of the Antonine Wall. The Society of Antiquaries founded a museum in Edinburgh in 1783 and has collected material from the eastern sector of the Wall. The Hunterian Museum, established by the University of Glasgow in 1807, is the natural repository for material from the western half of the Wall. Here are housed most of the surviving distance slabs. More recently museums have been formed in Falkirk and Kirkintilloch, housing and displaying material from the Antonine Wall. The artefacts – sculpture, coins, weapons, brooches, pottery, and so on – recovered during excavations have long been studied. The earliest reports from the 1890s contain accounts of these items. The pottery from the Antonine Wall has a particular interest as it is dated to such a short period, the relatively brief life of the Wall. However, pottery can provide other insights as well. It can, for example, inform us about supply too and about the cooking methods of the soldiers and it has thus been realised that some vessels indicate that cooking was undertaken in an African style, with important implications for several different aspects of the occupation of the Antonine Wall.

Two of the major archaeological societies have long shown an interest in research and publication concerning the Antonine Wall. The Society of Antiquaries of Scotland was founded in 1780 and the Glasgow Archaeological Society in 1856. Both societies have conducted many excavations on the frontier and its ancillary works and their journals are the main repository for both excavation reports and discussion articles on the Antonine Wall. Both societies included lectures on the Wall and visits to it in their programmes of activities.

In addition, there are other local societies along the line of the Wall such as the Falkirk Archaeological and Natural History Society, the Falkirk Local History Society, the Bearsden and Milngavie Archaeological and Historical Society, Lanark and District Archaeological Society all of which encourage interest in the Antonine Wall.



Research on the Antonine Wall is also reported in wider fora, to the Society of Antiquaries of London and the Royal Archaeological Institute, for example, and also at the regular meetings of the International Congress of Roman Frontier Studies.

The University of Glasgow has a long interest in the Antonine Wall. It has been collecting inscriptions and sculpture from the frontier since the seventeenth century, maintains the largest museum collection of material culture relating to the frontier in the Hunterian Museum, while its staff include teaching about the Wall in their undergraduate and post-graduate courses. University staff not only teach about the Antonine Wall and direct post-graduate research (in 2006 Rebecca Jones was awarded a PhD by the University of Glasgow for her thesis on Roman camps in Scotland, including a detailed case study of those on the Antonine Wall) but also undertake excavations themselves on the frontier. The university also has a strong interest in botanical sciences and undertaken much research on the material acquired through excavations on the Wall leading to new perspectives on the vegetational history of the area in the Roman period. The University of Stirling has been at the fore-front of research on the environmental history of the Antonine Wall and its environs, publishing important papers which place the monument in its wider environmental setting.

The excavation of the recently located fort at Falkirk.



Pottery found at the fort of Bearsden illustrates the long supply lines which kept the soldiers based there fed and watered.

3.5 The International Community

There has long been an important international dimension to the Antonine Wall. Scholars studying this Scottish frontier have communicated their results and discussed their findings with archaeologists and historians beyond the borders of Scotland. Scottish archaeologists took part in the first International Congress of Roman Frontiers Studies held in 1949 and have participated in every meeting since: the current chairman of the Congress is the author of the nomination document and management plan.

The Bratislava Group

The decision of Scottish Ministers in 2003 to propose the Antonine Wall as a World Heritage Site led to detailed discussions with the UK Government, UNESCO and ICOMOS about the best way forward. It was decided to nominate the Antonine Wall within the framework of the Frontiers of the Roman Empire World Heritage Site created in 2005 as a result of the extension of the existing Hadrian's Wall World Heritage Site to include the German *Limes*. In order to provide specialist advice to the states parties which manage this World Heritage Site, a UK-German inter-governmental committee and a scientific committee were established. Membership of the scientific committee, known as the Bratislava Group, consists of the archaeological co-ordinators of the existing elements of the Frontiers of the Roman Empire World Heritage and those sections which are on their country's Tentative List, and which are therefore potential additions to the Site. To date, the Bratislava Group has met in France, Germany, Hungary, The Netherlands, Slovakia and the UK.

The European Archaeological Association

In 2002 the European Archaeological Association established a Working Party on Roman Frontiers following a round-table discussion at its annual conference held at Thessaloniki that year. The aim of the working party is to create a research

strategy for the Roman frontiers in Europe. The working party formulated 6 modules for action:

- ✎ the creation of an international data base for the European frontiers of the Roman empire;
- ✎ the creation of basic standards of management for the sites on the frontier;
- ✎ the definition of gaps in basic information about the frontiers;
- ✎ the definition of frontier zones;
- ✎ the identification of other potential World Heritage Sites within the European over-arching framework;
- ✎ improved public access to information about Roman frontiers.

The Culture 2000 programme

In 2005 a consortium of bodies in Scotland (Historic Scotland), Germany, Austria, Slovakia, Hungary and Poland was awarded 800,000 euros by the European Union's Culture 2000 programme for the project, The Frontiers of the Roman Empire; the total expenditure of the project is 1.35 m euros. The project has four main tasks:

- ✎ the establishment of a web site for the frontiers of the Roman empire in Europe and the linking of national and local data bases;
- ✎ the creation of an exhibition on Roman frontiers;
- ✎ the improved documentation of Roman frontiers in Europe;
- ✎ the preparation of guide-lines for the protection, management, presentation and interpretation of Roman frontiers.

Work is in progress on all these tasks. The web site is under preparation. A portal has been created and a trial exercise has been undertaken whereby a link is provided through the portal to the National Monuments Record of Scotland housed in the Royal Commission on the Ancient and Historical Monuments of Scotland. In order to aid access to relevant information, the Record has been sifted so that only



Members of the Culture 2000 group meeting in Scotland in 2006.

the Roman material is accessible through the link. The portal is currently being developed, with basic information about the Antonine Wall being provided through the link. The link will also connect the portal to the Hunterian Museum's web-site and to web-sites providing information about tourism.

The exhibition will operate at two levels. A series of panels about all the frontiers of the Roman empire are in the process of preparation. These will be made available to museums, which can then add their own material to render the exhibition relevant in a local context.

Boundary Films have been commissioned to prepare a DVD of the frontiers of the Roman empire in Europe which will be made available through museums along the frontiers and other outlets. This DVD will build on their existing DVDs and videos which focus on the frontiers in Britain and Germany.

The long-term aim of the Roman archaeologists working within this programme is the harmonisation of information. A first step is improved documentation of the military installations along the frontier. This is being undertaken in a variety of ways including the acquisition of new information as well as the improved recording of additional information. An important element is the mapping of the frontier. With harmonisation in mind, guidelines for mapping are being prepared and a thesaurus of military terms is being

created which will also be of use in relation to the web-site.

One important element of the project is the improved protection, preservation, conservation, management, presentation and interpretation of Roman frontiers. Guidelines for the presentation of Roman military sites in Germany have already been published. Attention has now been transferred to the sites themselves where experimental work is underway to improve the marking out of the frontier remains. Guidelines for the improved management and presentation of sites is planned as part of the Culture 2000 programme.

The Culture 2000 programme is important for the Antonine Wall in that the third and fourth elements of the programme will be of material benefit to the better management of the Antonine Wall while the first two tasks will lead to the provision of more and better information about Roman frontiers which should lead, though better public knowledge, to the improved protection of the Antonine Wall.

The project is to run for three years, and already has had considerable success in publishing articles and books, such as *Frontiers of the Roman Empire* by David Breeze, Sonja Jilek and Andreas Thiel, establishing a proto web site, creating a draft thesaurus of Roman military terms as well as funding new research to help document Roman frontiers such as the geophysical surveys undertaken along the Antonine Wall.

3.6 How the Antonine Wall is used and the benefits it offers

Agriculture and forestry

Two-thirds of the Antonine Wall lies in countryside. Here the main activity is agriculture, though there is a significant woodland component to the land use of the Antonine Wall corridor. Most of the land holdings are relatively small. Amongst the farmers and forestry officials knowledge about the Antonine Wall is high. Some small farms are no longer economically viable and there has been an increase in the amount of land abandoned to agriculture: care will have to be taken that such land does not revert to uncontrolled 'natural' woodland. Close relations exist between Historic Scotland and the Forestry Commission over the management of state-owned woodland along the frontier.

No part of the Antonine Wall falls within a Site of Special Scientific Interest, though several sites of significant nature conservation history lie close to the monument, such as Inveravon gorge, Wilderness Plantation and Garscadden Wood.

Recreation

The area of the Antonine Wall forms an important component in the recreational framework of central Scotland. Those sections in public care or ownership are generally treated as public parks used for walking and running; indeed the forts at Kirkintilloch and Duntocher lie within public parks in the centre of towns. There are golf courses along its line at Polmont, Cumbernauld and Bearsden and a ski-slope at Inveravon. The sections of the Wall in public ownership provide well-used areas for walking. There is certainly an opportunity to make more use of the Antonine Wall in this way – in effect forming a green gym. A network of linked paths is being created (see section on Access) and could be extended. In particular, walks along the Wall could be closer associated with the adjacent canal. The Wall and the canal form two linear features which complement each other. The use of the two for walking is already advertised, but more could be done to form an integrated facility. Discussions on this possibility have already taken place between British Waterways and Historic Scotland.

The Antonine Wall at Balmuldy looking east towards Wilderness Plantation. The River Kelvin is visible to the left. The road to the right follows the line of the Antonine Wall.



Tourism

There is a steady flow of visitors to the better known sites along the Antonine Wall such as Rough Castle fort and Bearsden bath-house. Information about the Wall appears in guide-books and other relevant academic publications, and the interlinking of sites is promoted locally through leaflets and information boards: that at Bearsden bath-houses encourages visitors to continue to see the sections of the stone base of the Antonine Wall to the east at New Kilpatrick Cemetery and the ditch and stone base to the west on Iain Road.

Museums along the Antonine Wall contain displays about the monument. Two museums, the Hunterian Museum in the University of Glasgow and Falkirk Museum, both announced plans in 2006 to upgrade their displays and provide more articulation with the remains of the Antonine Wall on the ground. This will be an exciting new development in Falkirk as the Council itself owns several adjacent stretches of the monument.

In 2005 Glasgow University announced that it will create a new Antonine Wall Interpretation Centre at the Hunterian Museum. This will incorporate computer enquiry/study stations to allow scholars, schoolchildren and recreational visitors to access information and images

on the Antonine Wall and other Roman frontiers. Interactive displays will allow any fort site on the Wall to be viewed through QuickTime Virtual Reality, enabling visitors to discover the sites on the Wall where objects on display in the Centre originally came from, thus helping to place the artefacts in context. The Centre will provide audio-guides for exhibition interpretation along with downloadable pod-casts and updated news of site information, events and travel routes etc to assist visitors planning their exploration of the Antonine Wall and associated sites and museums.

Over the last few years many new tourism developments have taken place in Scotland. One of these lies beside the Antonine Wall at Rough Castle: the Falkirk Wheel linking the Forth and Clyde Canal with the Union Canal. There is an existing visitor centre at the Falkirk Wheel and British Waterways, its owner, is in discussions with Historic Scotland about improving the facilities and in particular linking the canals and the Wall both here and at Auchenstarry next to Kilsyth, beside the visually attractive sections of the Wall at Croy Hill and Bar Hill. Integrated information arrangements for visitors will be an important part of these developments.



Jim Devine introduces a group of school children to one of the distance slabs from the Antonine Wall on display in the Hunterian Museum.



Children try on Roman dress at the Hunterian Museum.

Local communities and education

The Antonine Wall crosses one of the most densely settled parts of Scotland. Today, it runs through several towns and villages: Bo'ness, Polmont, Laurieston, Falkirk, Bonny-side, Seabegs, Castlecary, Allandale, Dullatur, Croy, Twechar, Kirkintilloch, Bishopbriggs, Bearsden, Hardgate, Duntocher and Old Kilpatrick. A checkerboard of community councils therefore exists along the line of the Antonine Wall. Many of the inhabitants of these towns and villages use the Antonine Wall for recreation in one form or another. Schools teach the history of the Antonine Wall and undertake visits to its remains.



The Millennium Wheel beside the Antonine Wall is an important visitor attraction in the area.



The coat-of-arms of Kirkintilloch depicts the gate of the fort at this place.

The Wall features in their street names, pub names, and even coats-of-arms.

Looking beyond the line of the Antonine Wall itself, 80% of the population of Scotland live within 30 km of the monument. There is a great opportunity to engage with this public through encouraging more visits to the monument and to the museums which tell its history.

A large number of local schools use the Antonine Wall and the Romans as a focus of classroom-based learning followed up by site and museum visits. For example, in school year 2002/03, the Hunterian Museum received visits from 395 primary and secondary school classes for formal taught sessions; about 60% of the pupils were studying the Romans in Scotland. This pattern is reflected across the museums in Scotland's central belt, clearly indicating the importance of the Antonine Wall as a major schools' curricular learning resource.

3.7 Public Consultation

All local authorities who administer the planning laws affecting the remaining sections of the Wall have advertised the level of protection they provide and the intention to nominate the Wall as a World Heritage Site. A booklet on the proposals was published in 2004 and reprinted in 2005. Over 4,000 copies of the booklet have been distributed along the Wall and beyond. A similar number of copies

of the booklet on the Frontiers of the Roman Empire have also been distributed in Scotland and beyond. Copies of both booklets have been placed in local libraries and museums.

Several research projects on the Antonine Wall have been initiated over the last four years. Two papers have been published in the *Proceedings of the Society of Antiquaries of Scotland* (Linge on mapping and Tipping and Tinsdale on the environment), while a new book has been published on the frontier (Breeze 2006).

Scottish Ministers have hosted several high-profile events about the proposals since 2003. These include:

- ☞ public announcement of the intention to nominate the Antonine Wall as a World Heritage Site
- ☞ launch of the Antonine Wall booklet
- ☞ launch of the Historic Scotland education initiative
- ☞ launch of the Frontiers of the Roman Empire booklet
- ☞ signing of the concordat between the Scottish Executive and the five local authorities on the Antonine Wall.

All these events have been reported widely in Scottish newspapers, particularly those along the line of the Antonine Wall.

Other interviews have been given to newspapers and to radio.

In addition, lectures have been given at many locations along the Wall and in its vicinity about the proposals over the last 4 years. The bodies spoken to include:

- ☞ Society of Antiquaries of Scotland
- ☞ Glasgow Archaeological Society
- ☞ Falkirk Archaeological and Local History Society
- ☞ Falkirk Natural History Society
- ☞ Cramond Local History Association
- ☞ Drymen Historical Society
- ☞ Friends of Kinneil

Further afield, lectures have been given, for example, to the Hadrianic Society and the Royal Archaeological Institute.

The Culture 2000 project, noted above, contains a project which will lead to the creation of a website for Roman frontiers. This will include the Antonine Wall. The National Monuments Record for Scotland was used for the prototype for this project. The website will be launched in 2007 and information on the Antonine Wall, including the new GIS map for the frontier, will then be made available to the general public.



Some of the national and local newspaper coverage of the proposals to nominate the Antonine Wall as a World Heritage Site.



IV MANAGEMENT ISSUES AND ACTIONS

4.1 Identification and Assessment of Key Management Issues

The objective of the Management Plan is to achieve an appropriate balance between conservation, access, sustainable economic development and the interests of the local community.

For the Management Plan to succeed in its objectives, it must sit firmly within the framework of existing protection policies and guidelines for the management of the landscape and activities within it. It should also have cognisance of all other plans and proposals for the nominated World Heritage Site so that an integrated management package is provided and can be better implemented, and should take cognisance of the management requirements and principles set down in the Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site (re-printed as Appendix III in the nomination document and with the relevant paragraphs recorded on page 67 below). The Management Plan must also take account of predicted changes in society and the economy and of government policy.

The Antonine Wall is well protected by the actions of both central and local government operating through existing national legislation and guidelines. The proposed World Heritage Site is protected by scheduling under the *Ancient Monuments and Archaeological Areas Act (1979)* and through the *Town and Country Planning (Scotland) Act 1997*; its buffer zones have long been protected through their designation as countryside or green belt land by the local authorities, operating

within the framework of the Structure and Local Plans as laid down in the *Town and Country Planning (Scotland) Act 1997*.

This Management Plan prepared for the Antonine Wall, the first such Plan, is based on the long experience of Historic Scotland and its predecessors with the Antonine Wall, its knowledge of plans prepared by such as the previous regional authorities, Central Region and Strathclyde Region, the work of central government over the last 50 years in particular, and the involvement of the five local authorities – East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire – in the protection and management of the Antonine Wall over a similar period. Although prepared by Historic Scotland, the Plan is the result of the active involvement of all parties. The Management Plan seeks to identify all the issues, and the methods by which they might be addressed. In doing so, it is acknowledged that this is but the first step on a long journey.

4.2 Protecting the proposed World Heritage Site

Issue 1: The boundaries of the World Heritage Site and its buffer zones.

The boundary of the proposed World Heritage Site was defined as part of the nomination process. It was determined that the Site should be a corridor 50 m wide, except where those scheduled parts of the monument extended beyond this corridor and at such points the boundaries of the Site should be coeval with the limits of the scheduled areas. Included within the boundaries of the proposed World

LEFT: The Antonine Wall survives in the former Bantaskin Estate (marked by trees in the foreground) and reappears on the far side of the two tower blocks at Watling Lodge (also in the trees), before running into the open countryside of Tentfield Plantation.

Heritage Site are: the rampart, ditch and upcast mound forming the linear barrier; the Military Way; forts, fortlets, expansions and small enclosures; civil settlements; and labour camps.

Amenity zones to protect the environs of the Antonine Wall were formulated nearly 50 years ago and published in D. Skinner, *The Countryside of the Antonine Wall* (Perth, 1973). As part of the process of nominating the Antonine Wall as part of the Frontiers of the Roman Empire World Heritage Site, Historic Scotland employed Land Use Consultants to advise on the location and extent of the buffer zone required by UNESCO in order to protect the amenity and setting of the monument.

In the case of both the proposed Site and the buffer zone, existing mapped features were used to define all boundaries. Nevertheless, new research and other developments are bound to affect the proposed Site and its buffer zone and accordingly it is necessary to monitor all such developments and amend the boundaries when and where necessary. In particular, the programme of research initiated by the decision to nominate the Antonine Wall as a World Heritage Site may provide additional information on the scale of civil settlements outside forts and location of the Military Way, in addition to the information continually being accrued as a result of archaeological investigations along the line of the Wall. However, it is envisaged that any future amendments to the boundaries of the proposed World Heritage Site would be minor in scale.

Action 1

The boundary of the World Heritage Site and its buffer zone will be kept under review to ensure that its outstanding universal significance is adequately protected.

Issue 2: The legislative and regulatory process of protection of the proposed World Heritage Site and its buffer zone.

The proposed World Heritage Site is protected by a combination of two existing mechanisms:

- scheduling of all known archaeological remains under the *Ancient Monuments and Archaeological Areas Act 1979*; and
- the *Town and Country Planning (Scotland) Act 1997* which protects the remaining sections of the Antonine Wall and its buffer zone.

The first mechanism is administered by central government, represented, on behalf of Scottish Ministers, by Historic Scotland. The second mechanism is administered by the five local authorities along the line of the Antonine Wall. The Acts and supporting guidance are discussed above in sections 3.1 and 3.2. An important step forward has been the decision of all five local authorities to standardise their planning policies for the protection of the Antonine Wall.

It is essential that the protection of the proposed World Heritage Site is kept under review. The scheduling of the Antonine Wall has been re-assessed by every generation over the last 50 years – in the late 1950s, the 1970s and again in the 1990s – to take account of increasing knowledge about the Roman frontier and changes in the approach to cultural resource management. Planning policies are generally reviewed every five years.

All these mechanisms operate on the basis of a presumption against proposals which would have a deleterious effect on the Antonine Wall. Historic Scotland and its predecessors have a long history of opposition to proposals which would affect both the monument itself and its environs and has pursued its objections to the open court of public local enquiries for the last 50 years, usually in conjunction with the relevant local authority, and usually with success.

Where there is a possibility that a development might affect the Antonine Wall, an evaluation must be undertaken within the framework of the *National Planning Policy Guideline 5 for Archaeology and Planning* before any decision is taken. If the proposed development is likely to have a significant effect, it must now be subject to an assessment under the Strategic Planning Review framework.

Historic Scotland have recently undertaken a project to review all historic buildings within the proposed World Heritage Site and its buffer zone and list historic buildings which it is now considered are worthy of protection.

Action 2

The World Heritage Site will be taken into account in the preparation and implementation of all planning, regulatory and policy documents, whether by central or local government, which might affect it.

Action 3

Supplementary Planning Guidance for the Antonine Wall will be prepared to support the uniform planning policies formulated for the Antonine Wall.

Issue 3: The need for risk preparedness

The Antonine Wall is an earthwork monument and is relatively robust. Historic Scotland is undertaking a review to assess the possible threat from agricultural activities and if necessary take action to seek to restrict the damage caused by such activities. The grass cover which protects the visible remains could also be affected by over-visiting. A visitor plan is being prepared to provide a framework for managing visitors. Both aspects will be monitored by a combination of Historic Scotland's monument conservation staff, inspectors and monument wardens in co-operation with landowners and occupiers along the Wall.

The very location of the Antonine Wall in central Scotland, a heavily populated area, is, in many ways, the greatest threat. Roads and other forms of transport communications, pipelines and overhead cables, and other such facilities of modern life, often have to cross the Antonine Wall. Steps are taken to ensure that appropriate mitigatory measures are in place to ensure that as little as possible, or no, damage takes place. The very proximity of the Antonine Wall to several towns and villages ensures that it will remain under threat from new housing. However, new

housing developments are now placed at some distance from the Wall.

A major new tool in the protection and management of the Antonine Wall is the new GIS-based map and record of the Antonine Wall which has been created by the Royal Commission on the Ancient and Historical Monuments of Scotland (see Appendix).

The Antonine Wall does not lie in an area which suffers from earthquakes or other natural disasters such as flooding and erosion.

Action 4

All site managers will continue to monitor their sites, consider potential risks and maintain appropriate plans to counter these.

4.3 Conserving the proposed World Heritage Site

Issue 4: The conservation of the landscape character of the proposed World Heritage Site and its buffer zones while managing change.

The Antonine Wall crosses central Scotland from the modern town of Bo'ness on the Firth of Forth to Old Kilpatrick on the River Clyde. Approximately 35 km of the total 60 km length of the Antonine Wall, including 11 forts, seven fortlets and six expansions, lie on farmland in the countryside, and are protected through scheduling. With the exception of two consolidated buildings at Bar Hill, the Antonine Wall survives as an earthwork.

The remainder of the Antonine Wall is in urban environments. This includes the several visible sections of the stone base, the bath-house and latrine at Bearsden, five forts and two fortlets. Five km of the Antonine Wall in urban areas are scheduled.

Excavation over the last 120 years has demonstrated the good state of preservation of the archaeological remains of the Antonine Wall even where nothing is visible on the surface today. This has been underlined by both aerial survey and geophysical survey, both of which have revealed many new sites since 1945 or provided new information on known

elements of the frontier. The various elements which make up the Antonine Wall can survive in the most unlikely and unpropitious circumstances. The ditch is obviously the most difficult feature to destroy. Elsewhere the stone rampart base, often surmounted by some turf or clay, is preserved. Excavation too has indicated the survival of the slighter Military Way in many areas. The excavation of forts where there is no visible above ground trace today has furnished proof of internal buildings, in the case of the bath-house at Bearsden remaining up to eight courses high below the lawn of a nineteenth century villa. The fortlets and small enclosures, none visible and many revealed originally through aerial survey and photography, have, where excavated, provided considerable evidence of planning, chronology and history as well as environmental evidence.

Remarkably, the Antonine Wall continues to reveal new information. Since 1945, 20 labour camps have been located, a sequence of fortlets recognised, small enclosures discovered, pits on the berm found, field systems planned, an altar recording the name of a fort uncovered and various other features revealed. The existence of none of these was appreciated earlier. There can be no doubt that other features remain to be discovered and that these will change our perception of the Antonine Wall. It is therefore essential that the surviving remains are properly conserved, whether they survive in urban or rural environments.

The present state of knowledge

Considerable information exists about the state of survival of the Antonine Wall. The Royal Commission on the Ancient and Historical Monuments of Scotland maintains the national archaeological data-base for Scotland and within that all national records relating to the Antonine Wall, all now GIS based. The last state-funded full terrestrial survey of the Antonine Wall in 1980 has been digitised and up-dated. All interventions on the line of the Antonine Wall, whether survey, evaluation or excavation, have

been digitised and related to the map. It is now possible to use the map as a tool for investigating the location of all such interventions and capturing basic textual information about each intervention. A bibliography provides access to more detailed sources of information.

This is already an invaluable tool for archaeological heritage management and for research on the monument. Consideration is being given to extending the information embedded in this GIS based record through, for example, the provision of details about the depth of top soil which will improve the predictive modelling of all possible actions which might affect underlying archaeological deposits.

A second archive exists in the Hunterian Museum of the University of Glasgow. This includes the records of excavations and surveys on the line of the Antonine Wall supported by a library. The museum also contains artefacts from the frontier, as do other museums along the Wall.

The landscape through which the Antonine Wall runs has been subject to landscape characterisation assessment by Scottish Natural Heritage (the reports are listed in the bibliography). This work provides a valuable framework for assessing the conservation of the general landscape setting of the Wall and in particular the buffer zones. Landscape characterisation assessment has been complemented by the Historic Landuse Assessment project undertaken by Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. The project places the current landuse within an historical perspective and is an important tool for detailing the landuse history of the Antonine Wall which is the essential precursor of planning its management in the future. In addition, the ancient town of Kirkintilloch, which sits astride the Antonine Wall has been the subject of a detailed historical assessment which will be published in the Burgh Survey series.

The Antonine Wall passes through a varied landscape. Through the eastern

7.5 km, the modern town of Bo'ness largely obscures the location of the frontier on the former raised beach overlooking the Firth of Forth. The sector from Kinneil House to Inveravon is, however, free of modern development and the position of the Antonine Wall can be readily appreciated. From Falkirk to the crossing of the River Kelvin at Balmuilty the Wall lies towards the front of the southern slope of the Midland Valley of Scotland. In two locations in particular, over Croy Hill and Bar Hill, the Wall passes through particularly attractive scenery, with spectacular views towards the Campsie Fells to the north. The countryside of the western 13 km is very different being a combination of well-cultivated farmland and small towns.

In general, modern developments within the countryside through which the Antonine Wall runs are relatively small-scale and do not intrude into views from the Wall. This open outlook is protected through the application of the *Town and Country Planning Act (Scotland) 1997*. Under this Act, the buffer zones are designated as countryside or green belt land.

Three main activities have affected the landscape of the Antonine Wall in the countryside: the traditional rural activities of agriculture and forestry and the peri-urban golf courses.

As farming is no longer so financially viable, some fields along the line of the Antonine Wall have fallen out of cultivation. This is one aspect of the management and conservation of the monument and its landscape which needs to be taken into consideration by Historic Scotland together with Scottish Natural Heritage and the Scottish Executive. Uncontrolled growth of scrub and the spread of bracken would have a serious affect on the buried archaeological deposits through the actions of roots and rhizomes, as well as both obscuring the monument and therefore making it prey to accidental damage. Changes in the Common Agricultural Policy will also have an effect on the countryside through which the Antonine Wall passes and will have to be kept under review.

Most of the forestry along the line of the Antonine Wall was planted about 50 years ago and is now nearing the end of its life. Historic Scotland and the Forestry Commission, together with significant private owners, are discussing the future of this woodland in order to ensure an integrated and consensual approach. One element of this programme already underway is the thinning of woodland along the Wall in order to open out views from the monument. As other woodland is being considered along the line of the Wall, a landscape strategy which would take account of tree planting is required and manage change while preserving the World Heritage values of the Antonine Wall.

Golf courses provide an additional protection against urban growth. However, they restrict access to the monument and minor amendments to the courses, such as the creation of bunkers and paths, can be damaging. Continual discourse with the managers of the golf courses seek to prevent accidental and un-thinking damage.

In towns, the relationship between the Wall and its landscape is not so clear. In some locations, such as Bo'ness, Kirkintilloch and Duntocher, views from the frontier are still striking and could be maintained through the lack of large modern buildings. In several locations, for example, Bo'ness, Laurieston and Duntocher, modern roads lie on or beside the Wall and these modern linear features should be retained.

The conservation of individual elements of the proposed World Heritage Site

About 8 km of the Antonine Wall, parts of five forts, a fortlet and three expansions are in state care, looked after by Historic Scotland on behalf of Scottish Ministers. Falkirk Council owns about 4 km and a fortlet, while East Dunbartonshire Council owns 2 km including most of Kirkintilloch fort, North Lanarkshire 0.6 km, West Dunbartonshire Council 0.5 km including Duntocher fort and Glasgow City a sliver at Cleddans Burn.

Each body undertakes direct action to manage the earthworks. Historic Scotland

maintains a monument conservation unit to maintain the sections in its care. It also provides support for the preparation and publication of information on the management of earthwork monuments and seeks to act as an exemplar of best practice.

Those sections of the Antonine Wall which are owned by local authorities are generally maintained by their parks authorities. Nothing is visible above ground at Duntocher, but West Dunbartonshire Council have adopted a mowing regime to pick out the ramparts of the fort and fortlet. This offers an example for the display of the monument even when no features are visible on the ground.

Elsewhere, the state of conservation of the scheduled sections of the Antonine Wall is monitored by Historic Scotland's monument wardens. Reports are made to head office on a regular basis and the appropriate inspector of ancient monuments then undertakes the appropriate action. An important element is the continual and sustained contact between Historic Scotland and the owners and occupiers of the Antonine Wall. Casework relating to individual sites forms a large part of the work-load of the inspector.

Action 5

The conservation of the landscape of the proposed World Heritage Site and its Buffer Zones should be guided by an overall conservation framework which should be developed to assist in the management of change in the landscape to the benefit to the long-term conservation of the Antonine Wall and its setting; this could be undertaken within the current frameworks for managing change in the countryside including the Rural Stewardship Scheme administered by the Scottish Executive.

Action 6

The Antonine Wall Management Plan Working Group will ensure that the state of the Antonine Wall and its land use is adequately conserved and regularly monitored; this will entail the development of appropriate monitoring indicators.

Action 7

Woodland and trees form an important part of the landscape of the Antonine Wall and guidance will be developed for the maintenance of this woodland and its enhancement in conjunction with the Forestry Commission.

Action 8

The Antonine Wall Management Plan Working Group will consider whether the level of skills available in central and local government is adequate for the proper management of the Antonine Wall and whether further skills and training are required.

4.4 Using and Enjoying the proposed World Heritage Site

Issue 5: The contribution which the Antonine Wall can make to the local economy.

The Antonine Wall is an important local resource, enjoyed by the communities along its length for its recreational as well as its historical value. It attracts visitors from within Scotland, the remainder of Britain and from abroad. In order to improve visitor numbers, and thereby benefit the local economy, various actions have to be undertaken.

Action 9

A strategy will be developed to improve the tourist potential of the Antonine Wall in a sustainable manner and without compromising its integrity.

Issue 6: Improved visitor facilities within the proposed World Heritage Site.

There is a guide-book to the Antonine Wall and other publications offer historical accounts of the frontier. The Antonine Wall appears in much tourist literature and those sections in state care are advertised by Historic Scotland. Sign-posting tends to be restricted to those roads closest to the frontier.

Interpretative panels are provided at all sections of the Antonine Wall in the care of Historic Scotland and at most of those in the care of Falkirk Council. Elsewhere, simpler metal plates provide basic information. There are no custodians or rangers permanently based on the Antonine Wall. Car parking is available at some sites, for example, Rough Castle, but elsewhere visitors must park in lay-bys, public open ground or on the public highway.

Information about the Antonine Wall is provided at the museums which hold and display artefacts from the frontier:

- 🌀 the Museum of Scotland in Edinburgh
- 🌀 Kinneil Museum in Bo'ness, Falkirk
- 🌀 Callendar House Museum, Falkirk
- 🌀 the Auld Kirk Museum in Kirkintilloch
- 🌀 Kelvingrove Museum in Glasgow
- 🌀 the Hunterian Museum in the University of Glasgow.

The Hunterian Museum provides intellectual access to the Antonine Wall through its website. This will be extended, with the assistance of the Culture 2000 programme, and through its new Antonine Wall Interpretation Centre at the Hunterian Museum, announced by Glasgow University in 2006, and detailed above. In addition, the Antonine Wall also appears in many entries in SCRAN (the Scottish Cultural Resources Access Network), which is based on museum collections and the National Monuments Record of Scotland (part of the Royal Commission on the Ancient and Historical Monuments of Scotland).

The national archaeological database within RCAHMS is available on-line through the programmes CANMORE and CANMAP. In addition, a new web-site is being developed as part of the Culture 2000 programme. A portal offering a link to the Roman entries in the RCAHMS national archaeological data-base has been tested and will go live in 2007.



The policies of the state agencies in the UK are not in favour of reconstruction *in situ*. At present, no elements of the Antonine Wall have been reconstructed; there is no intention to undertake the reconstruction of any element of the Antonine Wall *in situ*.

The interpretative panel to the bath-house and latrine at Bearsden.

Action 10

Visitor facilities and the interpretation of the proposed World Heritage Site will be developed over the next five years at all levels to meet visitor expectations as a means of improving the enjoyment and understanding of visitors and local people and their appreciation of the universal significance and status of the proposed World Heritage Site and its setting within a strategic and sustained approach.

Action 11

Interpretation at individual sites will be enhanced. Appreciation of the linear nature of the monument and its links to other sites, in particular the Forth and Clyde Canal, will be emphasised.

Action 12

Museum authorities with collections relating to the proposed World Heritage Site will consider opportunities for further co-operation and for improving access to their collections. The existing Antonine Wall museum archaeologists forum would provide an appropriate body to initiate such action.

Action 13

Visitor awareness of conservation issues on the Antonine Wall will be raised, in particular in relation to the fragile nature of the monument.

Action 14

Facilities for remote access and interpretation of the Antonine Wall will be enhanced and developed, preferably building on the facilities provided by existing bodies such as the Royal Commission on the Ancient and Historical Monuments of Scotland, the Hunterian Museum and SCRAN.

Issue 7: The improvement of access to the Antonine Wall.

New legislation in the form of the *Land Reform (Scotland) Act 2003* charges local authorities in Scotland to record and extend the network of footpaths in their area. Many footpaths cross or run along the Antonine Wall. The access officers appointed by the local authorities under the new legislation are recording such footpaths and considering where new footpaths are required. The Royal Commission on the Ancient and Historical Monuments of Scotland intend, in conjunction with the Ordnance Survey and Historic Scotland, to publish a map of the Antonine Wall

which, *inter alia*, will record these footpaths. This will draw on the work of the local authorities along the Wall to produce an integrated and consensual approach.

Improved provision of car parks is essential. This will take some time to achieve not least because it will require the acquisition of new land. Historic Scotland is discussing the way forward with the local authorities along the line of the Wall.

Substantially larger numbers of visitors could have a deleterious affect on the earthworks which are vulnerable to over-use. The Scottish Outdoor Access Code (Section 3), which encourages responsible behaviour in relation to the cultural heritage, will be a help in developing a strategy. The Antonine Wall presents a particular challenge in relation to disabled access. Nevertheless, access is possible along much of the Wall and must be developed.

Action 15

A route-way will be created along the Antonine Wall through an enhanced landscape for visitors with signposts, interpretative panels, directions to local museums, car parking, and information on tourist facilities for those who wish to come and explore the Wall without compromising the historical integrity of this potential World Heritage Site linking to other visitor attractions such as the Forth and Clyde Canal.

Action 16

A visitor profile will be developed for each section of the Antonine Wall where public access is permitted in order to ensure the sustainable future of the monument.

Action 17

A disabled access strategy will be developed.

Issue 8: Links between the World Heritage Site and local communities.

There is a strong relationship between the local communities and the Antonine Wall. There are several archaeological and



Local school children are introduced to the Hunterian Museum's web site and computer programmes.

historical societies along the line of the frontier whose activities relate to the Wall through lectures, visits and publications. The Antonine Wall features in the coat-of-arms of the Burgh of Kirkintilloch. Many householders in the various towns and villages along the Wall are proud of their location and some display Roman remains in their gardens. The Antonine Wall is commemorated in many street names, both old and new, along its line. Many sections of the Antonine Wall are used for recreation, including dog-walking and running, while the Wall runs through three golf courses. Some schools particularly appreciate their position on or beside the Roman frontier and incorporate teaching about the monument into their curriculum. Yet, beyond these people and communities immediately living on the Wall line, knowledge and interest could be improved. Such activities would not only raise the profile of the monument, but act as a vehicle for greater understanding about the monument and through that improved protection of the physical remains.

Action 18

The educational use of the Antonine Wall will be optimised through closer contacts between the protection and conservation bodies, museums, schools, universities and other educational bodies. In particular, steps will be taken to strengthen the use of the Antonine Wall in teaching in schools along its line, not just as an historical resource but as part of understanding citizenship in a modern world.

Action 19

Links between the World Heritage Site and local communities will be strengthened to improve their appreciation of the Antonine Wall and create positive partnerships.

Action 20

The proposals to improve the presentation of the Antonine Wall through the signage and enhancement of the line of the Antonine Wall in urban areas will be extended not only to improve local knowledge but through that seek its better protection.

Action 21

The greater use of the Antonine Wall for recreational activities by people of all ages and inclinations will be explored. These could include the use of the Antonine Wall as a 'green gym' to improve health.

4.5 Managing the proposed World Heritage Site

Issue 9: Implementing the Management Plan.

The Antonine Wall is a major feature in the Scottish landscape, being the single largest ancient monument in Scotland. It crosses the boundaries of five local authorities and other bodies concerned with the countryside. It is essential that all plans for the management of the monument offer an integrated approach, dealing with all parts equally. The move towards such an integrated approach has already commenced during the nomination process. This was underpinned by a Steering Committee consisting of members of Historic Scotland, the five local authorities – East Dunbartonshire, Falkirk, Glasgow City, North Lanarkshire and West Dunbartonshire – and Scottish Natural Heritage. This is the first over-arching body that has ever been established to ensure the protection and management of the Antonine Wall. The fruitful experience of working together to prepare the Nomination Document for the Antonine Wall has prepared the way for the next logical step forward. This step, the Steering Committee recognized, is to establish an Antonine Wall Management Plan Working Party to take overall responsibility for the implementation and monitoring of the Management Plan and its further development. Representatives of all relevant bodies in central and local government, land use and land management, museums and educational institutions have been invited to join this Working Party. This new body will subsume many existing partnerships and working relationships and provide a new focus for joint actions.

Proposed membership of the Antonine Wall Management Plan Working Party

- 🔗 Historic Scotland
- 🔗 Falkirk Council Development Services and Museum Service
- 🔗 North Lanarkshire Council Planning Department
- 🔗 East Dunbartonshire Council Planning Department and Museums Service
- 🔗 City of Glasgow Council Planning Department and Museums Service
- 🔗 West Dunbartonshire Council Planning Department
- 🔗 Royal Commission on the Ancient and Historical Monuments of Scotland
- 🔗 Scottish Natural Heritage
- 🔗 Scottish Executive Environment and Rural Affairs Department
- 🔗 Forestry Commission
- 🔗 VisitScotland (Scottish Tourist Board)
- 🔗 Hunterian Museum, University of Glasgow
- 🔗 National Trust for Scotland
- 🔗 British Waterways Board
- 🔗 Department of Archaeology, University of Glasgow
- 🔗 Society of Antiquaries of Scotland
- 🔗 Council for Scottish Archaeology
- 🔗 Glasgow Archaeological Society

Action 22

The Management Plan Working Group will review the Management Plan and oversee its implementation through the co-ordinated actions of the members of this group.

Action 23

In order to achieve the aims of the Management Plan, the existing partnerships will be reviewed and extended to encompass additional bodies in order to improve the protection, management, presentation and enjoyment of the Antonine Wall.

Action 24

The Management Plan Working Group will be expected to engage with local communities along the line of the Antonine Wall.

Action 25

A first task of the Management Plan Working Party will be to prioritise the list of actions detailed in this Plan and assign resources, determining control and monitoring mechanisms.

Issue 10: The maintenance and enhancement for resources to implement the Management Plan.

Ms Patricia Ferguson, MSP, Minister for Tourism, Culture and Sport, representing the Scottish Executive on 20 June 2006 signed a concordat with representatives of the five local authorities whereby all six bodies pledged themselves to undertake the necessary actions to protect and manage the Antonine Wall. All six bodies have already placed resources at the disposal of the project in a variety of ways, through the

provision of staff to prepare the nomination document, to undertake specific actions to improve the protection of the Antonine Wall, to conserve the monument and to improve access to those sections in public care or ownership. All have committed further funds to continue this work.

In addition, the Royal Commission on the Ancient and Historical Monuments of Scotland has undertaken a long and complex programme to upgrade all its archive relating to the Antonine Wall. It has digitized the last survey of the frontier undertaken in 1980 and added information relating to all known interventions on the monument: this information will be available on the internet in 2007. In addition, RCAHMS has agreed to maintain this body of information and host the Frontiers of the Roman Empire web-site.


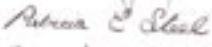

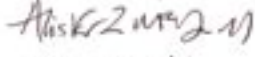
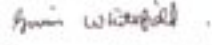
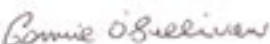
The University of Glasgow has made funds available for the creation of a new gallery devoted to the display of the Hunterian Museum's internationally important collection of Roman material. This will also house the expanded and enhanced Antonine Wall Interpretation Centre providing, *inter alia*, intellectual

THE ANTONINE WALL

The Antonine Wall is the most important ancient monument from the Roman era to survive in Scotland. It is a monument of international importance. It crosses Scotland from Bu'ness on the Firth of Forth to Old Kilpatrick on the River Clyde and survives remarkably well as a visible and valued feature in the landscape in view of its location in Scotland's industrial heartland.

We, the representatives of the Scottish Ministers, East Dunbartonshire, Falkirk, Glasgow, North Lanarkshire and West Dunbartonshire Councils state our support for the nomination of the Antonine Wall as a World Heritage Site and confirm that all parties are committed to working together to achieve recognition of the appropriate place of the Antonine Wall in the cultural heritage of Scotland and its wider international context. Further, all parties confirm that they will work together to improve the protection, management, presentation and interpretation of the Antonine Wall.

Signed on behalf of:

	Scottish Ministers
	East Dunbartonshire Council
	Falkirk Council
	City of Glasgow Council
	North Lanarkshire Council
	West Dunbartonshire Council



access to the sites and artifacts associated with the frontier. Falkirk Museum Service is reviewing its displays with the intention of creating a new display relating to the Antonine Wall at Callendar House immediately beside a visible section of the Antonine Wall ditch.

The level of commitment of resources to the improved protection, conservation, management, presentation and interpretation of the monument at national and local level is impressive. It is already very clear that the steps taken in relation to the proposed nomination of the Antonine Wall as a World Heritage Site has released funds and other types of support as part of a long-running programme of activity on the Antonine Wall.

Action 26

Historic Scotland and Falkirk Museum Service have already agreed to provide the secretariat for the new body. Historic Scotland and the five local authorities have agreed to finance the preparation of Supplementary Planning Guidance for the Wall. Both Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland have confirmed that they will maintain their enhanced level of financial support for the projects relating to the Antonine Wall.

The Antonine Wall is specifically noted as a target site in the Historic Scotland Business Plan. Scottish Ministers recognize that successful nomination will mean that the Scottish Executive, through Historic Scotland, will need to continue its commitment to making a dedicated investment in the Antonine Wall, as it has with other World Heritage Sites in Scotland, and that a designated coordinator post will be established. Historic Scotland recognizes that such investment will need to embrace not only funding for work undertaken directly by itself, but also by local authorities and, as appropriate, private owners. Ministers will expect Historic Scotland to work closely with other partners to maximize the potential for complementary and shared investment in the Site.

Issue 11: The need for adequate and improved information and understanding of the history, development, post-Roman and present use of the proposed World Heritage Site and its buffer zones.

There is a long and respectable history of research on the Antonine Wall, from the sixteenth century to the present day. Visitors and antiquarians recorded their experiences and knowledge of this northern frontier was incorporated into books such as John Horsley's *Britannia Romana* (London, 1732). A major step forward came with the mapping of the Antonine Wall by William Roy in 1755, to be published in his *Military Antiquities of the Romans in Britain* (London, 1793).

The era of modern research began in the 1890s and has continued, amplified by new techniques, since that date. Aerial photography, which commenced in the 1930s, considerably extended knowledge, and it has now been joined by geophysical survey as well as the contribution of natural sciences. As a result, much is known about the structure, plan and history of the Antonine Wall. Yet, research in the study as much as the field and chance discoveries have provided considerable new information about the Antonine Wall over recent years, amplifying and complicating our understanding. There seems to be every probability that such discoveries will continue to be made.

Action 27

A framework for research on the Antonine Wall will be prepared. This will be taken forward in conjunction with all bodies undertaking research on the Antonine Wall in universities, museums, archaeological societies and commercial archaeological units.

Action 28

Awareness and understanding of the archaeological, historical and other values of the Antonine Wall and of the significance of its potential value as a

World Heritage Site will be improved. This can be undertaken through publications of all types, the media, museums, on site interpretation and so on.

Action 29

The Management Plan Working Group will ensure that the information provided about the Antonine Wall is accurate and to the highest standards.

Issue 12: Develop the international connections of the Antonine Wall.

The Antonine Wall is a monument of international importance in its own right. It is also part of a wider monument: the frontiers of the Roman empire which stretched for over 5000 km from the Atlantic Ocean to the Black Sea, from Trabzon to the Red Sea, from Egypt to the Atlantic coast of Africa. As already noted, Historic Scotland is part of a three-year European Union Culture 2000 programme to disseminate information about the Frontiers of the Roman Empire and encourage research.

The management mechanisms for this proposed extension of the Frontiers of the Roman Empire World Heritage Site also have to be considered within the framework of the coordinated management of the separate components of the Site. UNESCO have already agreed (Summary Nomination Statement for the Frontiers of the Roman Empire World Heritage Site) that:

“4.1 Responsibility for the management of individual parts of the World Heritage Site must rest with the individual State Parties and be carried out by each in accordance with their legislative and management systems. Equally, it is essential that individual parts of the World Heritage Site are managed within an overall framework of cooperation to achieve common standards of identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier, above and below ground,

in an inter-disciplinary manner and within a sustainable framework.”

“4.3 The United Kingdom government and the German authorities have undertaken to work with each other to develop this ... framework... As further States Parties propose parts of the frontier for inclusion in the World Heritage Site, the United Kingdom government and the German authorities will discuss with them possibilities of a more formal structure for international cooperation.

4.4 The United Kingdom government and the German authorities will be supported in the development of the Roman Frontiers World Heritage Site by the Bratislava Group.

4.5 This international group was created in 2003. So-called after the city in which it first met, it is made up of experts of the history and archaeology of the Roman Frontiers and of those involved in its management. It currently has members from the United Kingdom, Germany, Austria, Slovakia and Hungary, but could be expanded to include experts from ICOMOS and the World Heritage Centre as well as from further countries which intend to nominate future sections of the World Heritage Site.

Action 30

Appropriate international links will be maintained and enhanced.

Action 31

Appropriate actions will be taken to ensure that the Antonine Wall retains and enhances its position within the study of the Frontiers of the Roman Empire.

Action 32

A set of management principles for the use of the international community on the identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier will be created.

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V MANAGEMENT VISIONS

Two visions for the proposed World Heritage Site are required, a medium term and long term vision.

5.1 Aims for the management of the Antonine Wall during the next 5 years, 2007-2012

The following aims are offered for the management of the Antonine Wall over the next five years:

- 🌀 improve the management of the Antonine Wall, in particular through the actions of Historic Scotland and the five local authorities along the line of the Wall;
- 🌀 create an access strategy which would encompass sign-posting, car and cycle routes and car-parking; consideration would have to be given to potential visitor numbers at each site and part of the strategy might be to provide additional land in order to spread the load and provide space for car parks;
- 🌀 improve the presentation of all those parts of the Antonine Wall which are in the care of ownership of public bodies such as Historic Scotland and the local authorities;
- 🌀 formulate an integrated interpretation and education strategy encompassing Historic Scotland, the five local authorities along the line of the Wall and all museums holding artefacts from the Antonine Wall;
- 🌀 prepare a landscape strategy which would seek to enhance the environment within which the Wall sits including improved management of the woodland through which the Wall runs;

- 🌀 achieve co-operation with other facilities in the area, including the Forth-Clyde Canal/Falkirk Wheel;
- 🌀 help create standards for the mapping and documentation of Roman frontiers to enable the Antonine Wall to be studied better within its international framework;
- 🌀 co-operate with international bodies to place the Antonine Wall in its wider historical and tourist setting, for example through the Culture 2000 programme.

5.2 A vision for the management of the Antonine Wall over the next 30 years, 2007-2037

- 🌀 ensure that the strategies and plans for management, landscape, access, presentation and interpretation listed above are implemented;
- 🌀 seek to free all sections of the Antonine Wall from modern developments when such opportunities occur;
- 🌀 improve the immediate environs of the Antonine Wall and the access points to it;
- 🌀 following the implementation of the access strategy, raise the profile of the Antonine Wall in the public consciousness;
- 🌀 place teaching about the Antonine Wall firmly within the Scottish History curriculum, not just in its own right, but also as a method of teaching about international citizenship;
- 🌀 pursue a research programme for the Antonine Wall within its international framework.

LEFT: The goddess Victory places a laurel wreath in the beak of the legion's eagle on the Hutcheson Hill distance slab.

THE ANTONINE WALL

DAVID J. BREZE



THE
ROMAN
WALL
IN
SCOTLAND
—
MACDONALD

THE
ROMAN WALL
IN SCOTLAND

MACDONALD

SECOND EDITION



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THE ANTONINE WALL REPORT

R. G. COLLINGWOOD
AND R. P. WRIGHT

THE ROMAN
INSCRIPTIONS
OF BRITAIN

VOLUME I
INSCRIPTIONS
ON STONE



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123, *Central Region landscape character assessment* (1999)

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Acknowledgements

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Professor David Breeze,
Historic Scotland

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Ms Gillian Dick,
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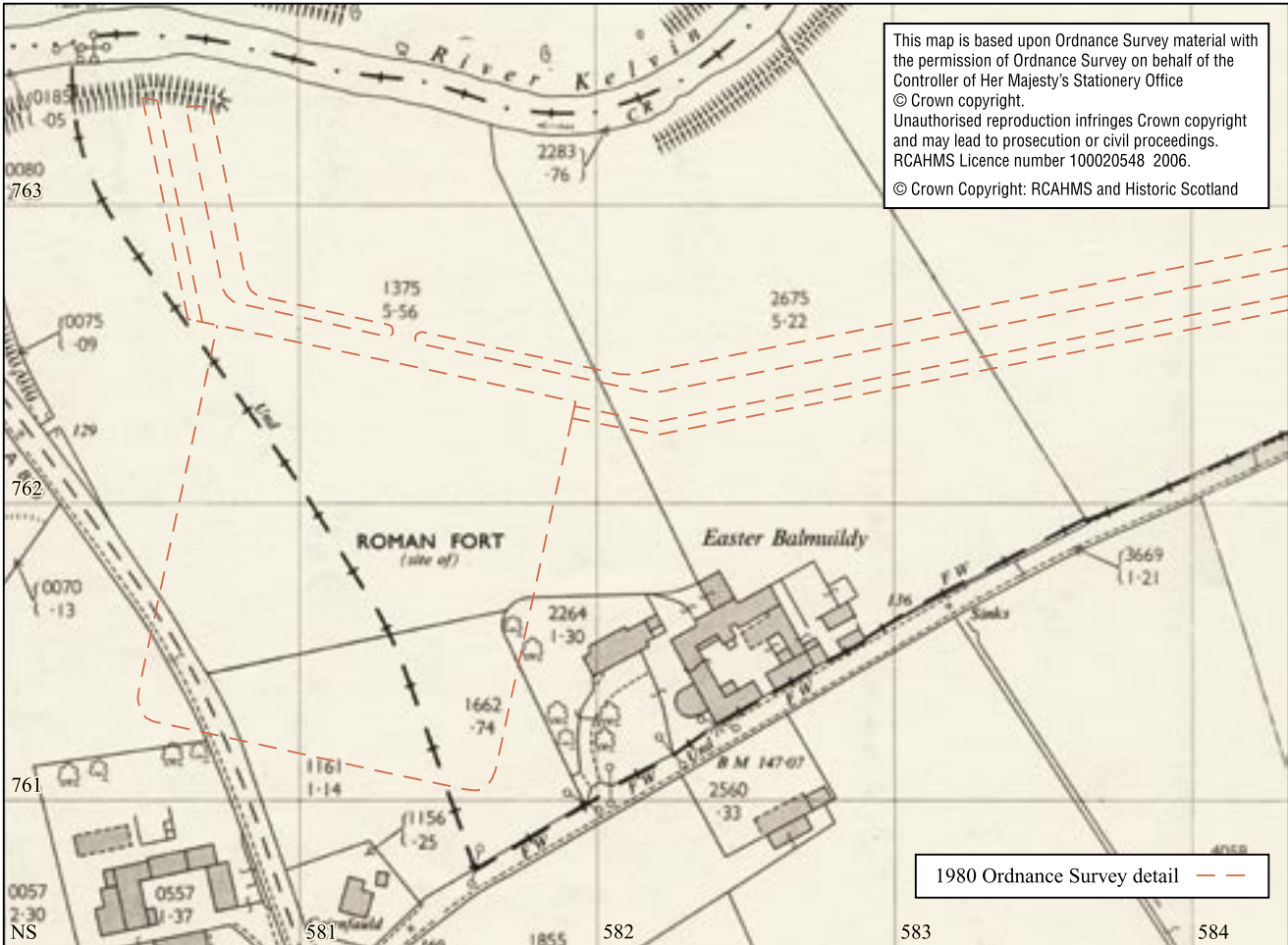
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APPENDIX I

Event mapping along the Antonine Wall

Rebecca Jones

The most recent full survey of the Antonine Wall was undertaken by the former Archaeology Branch of the Ordnance Survey (OS) in 1980. This baseline survey assessed all the available archaeological evidence at that point to produce a revised suite of maps at scales of 1:1,250 and 1:2,500, now deposited in the RCAHMS archive. Two earlier folios of maps, the Ordnance Survey Working Sheets of 1954–7 and the course supplied by Sir George Macdonald 1931, are also held by RCAHMS.

In the mid 1990s the mapped detail from the 1980 OS survey was digitised by RCAHMS to create a layer in the Geographic Information System (GIS). This digitisation process applied intelligent attributes to the component features of the Wall, the rampart, ditch, outer mound (counterscarp bank), forts, fortlets and other features. It is this line that forms the basis of the World Heritage Site nomination.

The digitisation of the map was followed, between 2004–6, by the digitisation of all archaeological interventions or events along the line of the Antonine Wall from 1980 to the present, thereby updating the existing baseline survey and bringing the documentation up to date. In addition, all events prior to 1980, for which there was sufficient information in the form of locational data and detail, were also mapped.

The project incorporated evidence from a variety of sources including geophysical survey and excavation. This drew together information from published sources as well as unpublished reports and collections of material deposited in the archives of RCAHMS. Site location plans were digitised and geo-referenced to

local mapped detail. Attribute (metadata) tables were created, both at a high level, containing data such as the type, date and director of the intervention, as well as more detailed data recording the individual features found. The project digitised information from excavations, watching briefs and geophysical surveys, recording individual trenches and features, identified by type. By capturing the data in this way, the user is able to cross-search different events to identify similar features across, for example, separate excavation projects.

In addition to this data collection, all available air photographs depicting areas where the Wall is visible as a cropmark were scanned and geo-referenced. The archaeology was transcribed and additional GIS layers created. Further selected field survey data to enhance this resource was also collected in 2006, using a differential Global Positioning System (GPS), to enhance the basic information about upstanding segments of the Wall.

The aerial transcriptions, geophysical survey information, excavation extents and excavation detail created through this project are all available as layers in the GIS. Once in this digital environment, the data can be viewed against a variety of backgrounds and cross interrogated with other datasets. This includes raster datasets such as earlier maps of the monument, and ‘intelligent’ vector data such as the World Heritage Site line and buffer zones, Historic Scotland’s Scheduled Ancient Monuments, Historic Land-use Assessment information, the Macaulay Land-use data, Ordnance Survey height and contour data, nature conservation designations, local authority land-use zones and other data gathered for land-management purposes.

LEFT:

Top: The Ordnance Survey 1:2,500 paper map of the area around the Roman fort at Balmuildy, published in 1967, with additional detail from the 1980 Survey.

Bottom: An extract from the digital map for Balmuildy incorporating the raster Geophysical Survey (Glasgow University 2005), the vector digitised and rectified excavation plan (Miller’s excavations 1912–14), and the RCAHMS vector digitisation of the OS 1980 Survey.

This therefore provides a powerful tool for the management, protection, conservation in interpretation of the monument, and the event-mapping layer will be made available to the local council archaeologists and planners. The RCAHMS database, Canmore, is available online (www.rcahms.gov.uk) and each event created for the project has the RCAHMS unique identification number embedded in the attribute table to enable the user to drill directly into the online information in the national database.

Now that the data collection phase has completed, there is a requirement to consider the on-going maintenance of the map and ensure that data collected in future is in an appropriate format to

enable the smooth incorporation of digital and non-digital data into the existing resource. One mechanism for enabling the smooth update of this dataset is the OASIS (Online AccesS to the Index of archaeological investigationS) project, run by the Archaeology Data Service of the University of York, which manages the flow of information from the archaeological consultants and contractors to the local and national records. This project is being extended to cover Scotland in Autumn 2006. The availability of information on the event mapping work to all those interested in the management and research of the Antonine Wall should aid the requirement for a standardisation of data collection along the Wall.

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Official Revised Edition

Ancient Monuments and Archaeological Areas Act 1979

CHAPTER 46

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 4. Duration, modification and revocation of scheduled monument consent.
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 6. Powers of entry for inspection of scheduled monuments, etc.
 - 6A. Commission's powers of entry in relation to scheduled monuments.
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15. Acquisition and guardianship of land in the vicinity of an ancient monument.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

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16. Acquisition of easements and other similar rights over land in the vicinity of an ancient monument.

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65. Short title, commencement and extent.

SCHEDULES:

Schedule 1—Control of Works Affecting Scheduled Monuments.

Schedule 2—Designation Orders.

Schedule 3—Transitional Provisions.

An Act to consolidate and amend the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters; to provide for the recovery of grants under section 10 of the Town and Country Planning (Amendment) Act 1972 or under section 4 of the Historic Buildings and Ancient Monuments Act 1953 in certain circumstances; and to provide for grants by the Secretary of State to the Architectural Heritage Fund.

[4th April 1979]

PART I

ANCIENT MONUMENTS

Protection of scheduled monuments

1.—(1) The Secretary of State shall compile and maintain for the purposes of this Act (in such form as he thinks fit) a schedule of monuments (referred to below in this Act as “the Schedule”).

Schedule of monuments.

(2) The Secretary of State shall on first compiling the Schedule include therein—

(a) any monument included in the list last published before the commencement of this Act under section 12 of the Ancient Monuments Consolidation and Amendment Act 1913; and 1913 c. 32.

(b) any monument in respect of which the Secretary of State has before the commencement of this Act served notice on any person in accordance with section 6(1) of the Ancient Monuments Act 1931 of his intention to include it in a list to be published under section 12. 1931 c. 16.

(3) Subject to subsection (4) below, the Secretary of State may on first compiling the Schedule or at any time thereafter include therein any monument which appears to him to be of national importance.

[The Secretary of State shall consult the Historic Buildings and Monuments Commission for England (in this Act referred to as “the Commission”) before he includes in the Schedule a monument situated in England.]

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(2)

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(4) The power of the Secretary of State under subsection (3) above to include any monument in the Schedule does not apply to any structure which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

(5) The Secretary of State may—

- (a) exclude any monument from the Schedule; or
- (b) amend the entry in the Schedule relating to any monument (whether by excluding anything previously included as part of the monument or adding anything not previously so included, or otherwise).

[¹In the case of a monument situated in England, the Secretary of State shall consult with the Commission before he makes an exclusion or amendment.]

(6) As soon as may be after—

- (a) including any monument in the Schedule under subsection (3) above;
- (b) amending the entry in the Schedule relating to any monument; or
- (c) excluding any monument from the Schedule;

the Secretary of State shall [²(subject to subsection (6A) below)] inform the owner and (if the owner is not the occupier) the occupier of the monument, and any local authority in whose area the monument is situated, of the action taken and, in a case falling within paragraph (a) or (b) above, shall also send to him or them a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.

[³(6A) Subsection (6) above shall not apply as regards a monument situated in England but, as soon as may be after acting as mentioned in paragraph (a), (b) or (c) of that subsection as regards such a monument, the Secretary of State shall inform the Commission of the action taken and, in a case falling within paragraph (a) or (b) of that subsection, shall also send to the Commission a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.]

(7) [⁴Subject to subsection (7A) below] The Secretary of State shall from time to time publish a list of all the monuments which are for the

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(3)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(4)

³S. 1(6A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(5)(9)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(6)

time being included in the Schedule, whether as a single list or in sections containing the monuments situated in particular areas; but in the case of a list published in sections, all sections of the list need not be published simultaneously.

[¹(7A) Subsection (7) above shall not apply as regards monuments situated in England, but the Secretary of State shall from time to time supply the Commission with a list of all the monuments which are so situated and are for the time being included in the Schedule, whether as a single list or in sections containing the monuments situated in particular areas; but in the case of a list supplied in sections, all sections of the list need not be supplied simultaneously.]

(8) The Secretary of State may from time to time publish amendments of any list published under subsection (7) above, and any such list (as amended) shall be evidence of the inclusion in the Schedule for the time being—

(a) of the monuments listed; and

(b) of any matters purporting to be reproduced in the list from the entries in the Schedule relating to the monuments listed.

[²(8A) The Secretary of State shall from time to time supply the Commission with amendments of any list supplied under subsection (7A) above.]

(9) An entry in the Schedule recording the inclusion therein of a monument situated in England and Wales shall be a local land charge.

(10) It shall be competent to record in the Register of Sasines—

(a) a certified copy of the entry or (as the case may be) the amended entry in the Schedule relating to any monument in Scotland which is heritable; and

(b) where any such monument is excluded from the Schedule and a certified copy of the entry in the Schedule relating to it has previously been so recorded under paragraph (a) above, a certificate issued by or on behalf of the Secretary of State stating that it has been so excluded.

(11) In this Act “scheduled monument” means any monument which is for the time being included in the Schedule.

¹S. 1(7A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(7)

²S. 1(8A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 25(8)

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Part I, ss. 1A, 2

Commission's
functions as to
informing and
publishing.

[¹1A.—(1) As soon as may be after the Commission—

- (a) have been informed as mentioned in section 1(6A) of this Act, and
- (b) in a case falling within section 1(6)(a) or (b) of this Act, have received a copy of the entry or (as the case may be) of the amended entry from the Secretary of State,

the Commission shall inform the owner and (if the owner is not the occupier) the occupier of the monument, and any local authority in whose area the monument is situated, of the inclusion, amendment or exclusion and, in a case falling within section 1(6)(a) or (b), shall also send to him or them a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.

(2) As soon as may be after the Commission receive a list or a section in pursuance of section 1(7A) of this Act, they shall publish the list or section (as the case may be).

(3) The Commission shall from time to time publish amendments of any list published under subsection (2) above, and any such list (as amended) shall be evidence of the inclusion in the Schedule for the time being—

- (a) of the monuments listed; and
- (b) of any matters purporting to be reproduced in the list from the entries in the Schedule relating to monuments listed.]

Control of
works affecting
scheduled
monuments.

2.—(1) If any person executes or causes or permits to be executed any works to which this section applies he shall be guilty of an offence unless the works are authorised under this Part of this Act.

(2) This section applies to any of the following works, that is to say—

- (a) any works resulting in the demolition or destruction of or any damage to a scheduled monument;
- (b) any works for the purpose of removing or repairing a scheduled monument or any part of it or of making any alterations or additions thereto; and
- (c) any flooding or tipping operations on land in, on or under which there is a scheduled monument.

(3) Without prejudice to any other authority to execute works conferred under this Part of this Act, works to which this section applies are authorised under this Part of this Act if—

- (a) the Secretary of State has granted written consent (referred

¹S. 1A inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 26

to below in this Act as "scheduled monument consent") for the execution of the works; and

(b) the works are executed in accordance with the terms of the consent and of any conditions attached to the consent.

(4) Scheduled monument consent may be granted either unconditionally or subject to conditions (whether with respect to the manner in which or the persons by whom the works or any of the works are to be executed or otherwise).

(5) Without prejudice to the generality of subsection (4) above, a condition attached to a scheduled monument consent may require that [the Secretary of State or a person authorised by the Secretary of State]

[¹(a) a person authorised by the Commission (in a case where the monument in question is situated in England), or

(b) the Secretary of State or a person authorised by the Secretary of State (in any other case)]

be afforded an opportunity, before any works to which the consent relates are begun, to examine the monument and its site and carry out such excavations therein as appear to the Secretary of State to be desirable for the purpose of archaeological investigation.

(6) Without prejudice to subsection (1) above, if a person executing or causing or permitting to be executed any works to which a scheduled monument consent relates fails to comply with any condition attached to the consent he shall be guilty of an offence, unless he proves that he took all reasonable precautions and exercised all due diligence to avoid contravening the condition.

(7) In any proceedings for an offence under this section in relation to works within subsection (2)(a) above it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid or prevent damage to the monument.

(8) In any proceedings for an offence under this section in relation to works within subsection (2)(a) or (c) above it shall be a defence for the accused to prove that he did not know and had no reason to believe that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument.

(9) In any proceedings for an offence under this section it shall be a defence to prove that the works were urgently necessary in the interests of safety or health and that notice in writing of the need for the works was given to the Secretary of State as soon as reasonably practicable.

¹Words from "(a) a person" to "other case)" substituted (prosp.) for words from "the Secretary" to "the Secretary of State" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 27

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, ss. 2-4

- (10) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment to a fine.

(11) Part I of Schedule 1 to this Act shall have effect with respect to applications for, and the effect of, scheduled monument consent.

Grant of scheduled monument consent by order of the Secretary of State.

3.—(1) The Secretary of State may by order grant scheduled monument consent for the execution of works of any class or description specified in the order, and any such consent may apply to scheduled monuments of any class or description so specified.

[¹Before granting consent in relation to monuments of a class or description which includes monuments situated in England, the Secretary of State shall consult with the Commission in relation to the monuments so situated.]

(2) Any conditions attached by virtue of section 2 of this Act to a scheduled monument consent granted by an order under this section shall apply in such class or description of cases as may be specified in the order.

(3) The Secretary of State may direct that scheduled monument consent granted by an order under this section, shall not apply to any scheduled monument specified in the direction, and may withdraw any direction given under this subsection.

[²Before making a direction in relation to a monument situated in England, or withdrawing such a direction, the Secretary of State shall consult with the Commission.]

(4) A direction under subsection (3) above shall not take effect until notice of it has been served on the occupier or (if there is no occupier) on the owner of the monument in question.

(5) References below in this Act to a scheduled monument consent do not include references to a scheduled monument consent granted by an order under this section, unless the contrary intention is expressed.

Duration, modification and revocation of scheduled monument consent.

4.—(1) Subject to subsection (2) below, if no works to which a scheduled monument consent relates are executed or started within the period of five years beginning with the date on which the consent was granted, or such longer or shorter period as may be specified for the purposes of this subsection in the consent, the consent shall cease to have effect at the end of that period (unless previously revoked in accordance with the following provisions of this section).

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 28(2)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 28(3)

(2) Subsection (1) above does not apply to a scheduled monument consent which provides that it shall cease to have effect at the end of a period specified therein.

(3) If it appears to the Secretary of State to be expedient to do so, he may by a direction given under this section modify or revoke a scheduled monument consent to any extent he considers expedient.

[¹Where a direction would (if given) affect a monument situated in England, the Secretary of State shall consult with the Commission before he gives such a direction.]

(4) Without prejudice to the generality of the power conferred by subsection (3) above to modify a scheduled monument consent, it extends to specifying a period, or altering any period specified, for the purposes of subsection (1) above, and to including a provision to the effect mentioned in subsection (2) above, or altering any period specified for the purposes of any such provision.

(5) Part II of Schedule 1 to this Act shall have effect with respect to directions under this section modifying or revoking a scheduled monument consent.

5.—(1) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a scheduled monument he may enter the site of the monument and execute those works, after giving the owner and (if the owner is not the occupier) the occupier of the monument not less than seven days' notice in writing of his intention to do so.

Execution of works for preservation of a scheduled monument by Secretary of State in cases of urgency.

(2) Where the Secretary of State executes works under this section for repairing any damage to a scheduled monument—

(a) any compensation order previously made in respect of that damage under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders against convicted persons) in favour of any other person shall be enforceable (so far as not already complied with) as if it had been made in favour of the Secretary of State; and

1973 c. 62.

(b) any such order subsequently made in respect of that damage shall be made in favour of the Secretary of State.

[²(3) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a scheduled monument situated in England, he may (instead of acting as mentioned in subsection (1) above) authorise the Commission to enter the site of the monument and execute such works as are specified in the authorisation.

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para.

²S. 5(3)–(5) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para.

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(4) In that case, the Commission may enter the site and execute the works after giving the owner and (if the owner is not the occupier) the occupier of the monument not less than seven days' notice in writing of their intention to do so.

(5) Where the Secretary of State gives an authorisation under subsection (3) above, subsection (2) above shall have effect with the substitution of "Commission" for "Secretary of State" (in each place) and of "execute" for "executes".]

Powers of entry for inspection of scheduled monuments, etc.

6.—(1) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of inspecting any scheduled monument in, on or under the land with a view to ascertaining its condition and—

- (a) whether any works affecting the monument are being carried out in contravention of section 2(1) of this Act; or
- (b) whether it has been or is likely to be damaged (by any such works or otherwise).

(2) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of inspecting any scheduled monument in, on or under the land in connection with—

- (a) any application for scheduled monument consent for works affecting that monument; or
- (b) any proposal by the Secretary of State to modify or revoke a scheduled monument consent for any such works.

(3) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of—

- (a) observing the execution on the land of any works to which a scheduled monument consent relates; and
- (b) inspecting the condition of the land and the scheduled monument in question after the completion of any such works;

so as to ensure that the works in question are or have been executed in accordance with the terms of the consent and of any conditions attached to the consent.

(4) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land on which any works to which a scheduled monument consent relates are being carried out for the purpose of—

- (a) inspecting the land (including any buildings or other structures on the land) with a view to recording any matters of archaeological or historical interest; and
- (b) observing the execution of those works with a view to

examining and recording any objects or other material of archaeological or historical interest, and recording any matters of archaeological or historical interest, discovered during the course of those works.

(5) Any person duly authorised in writing by the Secretary of State may enter any land in, on or under which a scheduled monument is situated, with the consent of the owner and (if the owner is not the occupier) of the occupier of the land, for the purpose of erecting and maintaining on or near the site of the monument such notice boards and marker posts as appear to the Secretary of State to be desirable with a view to preserving the monument from accidental or deliberate damage.

[¹This subsection does not apply to land in England.]

(6) References in this section to scheduled monument consent include references to consent granted by order under section 3 of this Act.

²6A.—(1) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of inspecting any scheduled monument in, on or under the land with a view to ascertaining whether any works affecting the monument have been or are being carried out in contravention of section 2(1) of this Act and so to enabling the Commission to decide whether to institute proceedings in England for an offence under section 2(1).

Commission's powers of entry in relation to scheduled monuments.

(2) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of—

- (a) observing the execution on the land of any works to which a scheduled monument consent relates; and
- (b) inspecting the condition of the land and the scheduled monument in question after the completion of any such works,

with a view to ascertaining whether the works in question are or have been executed in accordance with the terms of the consent and of any conditions attached to the consent, and so to enabling the Commission to decide whether to institute proceedings in England for an offence under section 2(1) or (6) of this Act.

(3) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of inspecting any scheduled monument in, on or under the land in connection with any consultation made in respect of the monument

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para.

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²S. 6A inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para.

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Part I, ss. 6A, 7

under section 4(3) of this Act or paragraph 3(3)(c) of Schedule 1 to this Act.

(4) Any person duly authorised in writing by the Commission may enter any land which is in England and in, on or under which a scheduled monument is situated, with the consent of the owner and (if the owner is not the occupier) of the occupier of the land, for the purpose of erecting and maintaining on or near the site of the monument such notice boards and marker posts as appear to the Commission to be desirable with a view to preserving the monument from accidental or deliberate damage.

(5) References in this section to scheduled monument consent include references to consent granted by order under section 3 of this Act.]

Compensation
for refusal of
scheduled
monument
consent.

7.—(1) Subject to the following provisions of this section, where a person who has an interest in the whole or any part of a monument incurs expenditure or otherwise sustains any loss or damage in consequence of the refusal, or the granting subject to conditions, of a scheduled monument consent in relation to any works of a description mentioned in subsection (2) below, the Secretary of State [or (where the monument in question is situated in England) the Commission] shall pay to that person compensation in respect of that expenditure, loss or damage.

References in this section and in section 8 of this Act to compensation being paid in respect of any works are references to compensation being paid in respect of any expenditure incurred or other loss or damage sustained in consequence of the refusal, or the granting subject to conditions, of a scheduled monument consent in relation to those works.

(2) The following are works in respect of which compensation is payable under this section—

- (a) works which are reasonably necessary for carrying out any development for which planning permission had been granted (otherwise than by a general development order) before the time when the monument in question became a scheduled monument and was still effective at the date of the application for scheduled monument consent;
- (b) works which do not constitute development, or constitute development such that planning permission is granted therefor by a general development order; and
- (c) works which are reasonably necessary for the continuation of any use of the monument for any purpose for which it was

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 33

in use immediately before the date of the application for scheduled monument consent.

For the purposes of paragraph (c) above, any use in contravention of any legal restrictions for the time being applying to the use of the monument shall be disregarded.

(3) The compensation payable under this section in respect of any works within subsection (2)(a) above shall be limited to compensation in respect of any expenditure incurred or other loss or damage sustained by virtue of the fact that, in consequence of the Secretary of State's decision, any development for which the planning permission in question was granted could not be carried out without contravening section 2(1) of this Act.

(4) A person shall not be entitled to compensation under this section by virtue of subsection (2)(b) above if the works in question or any of them would or might result in the total or partial demolition or destruction of the monument, unless those works consist solely of operations involved in or incidental to the use of the site of the monument for the purposes of agriculture or forestry (including afforestation).

(5) In a case where scheduled monument consent is granted subject to conditions, a person shall not be entitled to compensation under this section by virtue of subsection (2)(c) above unless compliance with those conditions would in effect make it impossible to use the monument for the purpose there mentioned.

(6) In calculating, for the purposes of this section, the amount of any loss or damage consisting of depreciation of the value of an interest in land—

(a) it shall be assumed that any subsequent application for scheduled monument consent in relation to works of a like description would be determined in the same way; but

(b) if, in the case of a refusal of scheduled monument consent, the Secretary of State, on refusing that consent, undertook to grant such consent for some other works affecting the monument in the event of an application being made in that behalf, regard shall be had to that undertaking.

(7) References in this section to a general development order are references to a development order made as a general order applicable (subject to such exceptions as may be specified therein) to all land.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, s. 8

Recovery of compensation under section 7 on subsequent grant of consent.

8.—(1) Subject to the following provisions of this section, this section applies—

- (a) in a case where compensation under section 7 of this Act was paid in consequence of the refusal of a scheduled monument consent, if the Secretary of State subsequently grants scheduled monument consent for the execution of all or any of the works in respect of which the compensation was paid; and
- (b) in a case where compensation under that section was paid in consequence of the granting of a scheduled monument consent subject to conditions, if the Secretary of State subsequently so modifies that consent that those conditions, or any of them, cease to apply to the execution of all or any of the works in respect of which the compensation was paid or grants a new consent in respect of all or any of those works free from those conditions, or any of them.

(2) This section does not apply in any case unless—

- (a) the compensation paid exceeded £20; and
- **(b)* the Secretary of State has caused notice of the payment of compensation to be deposited with the local authority of each area (in Scotland) or with the council of each district or London borough (in England and Wales) in which the monument in question is situated or (where it is situated in the City of London, the Inner Temple or the Middle Temple) with the Common Council of the City of London.

**Next following s. 8(2)(b) substituted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 34(2)(5)*

[¹*(b)* the requirement mentioned in subsection (2A) below is fulfilled]

[²(2A) The requirement is that—

- (a) where the monument in question is situated in England, the Commission have caused notice of the payment of compensation to be deposited with the council of each district or London borough in which the monument is situated or (where it is situated in the City of London, the Inner Temple or the Middle Temple) with the Common Council of the City of London;
- (b) where the monument in question is situated in Scotland, the Secretary of State has caused such notice to be deposited

¹S. 8(2)(b) substituted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 34(2)(5)

²S. 8(2A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 34(3)(5).

with the local authority of each area in which the monument is situated;

- (c) where the monument in question is situated in Wales, the Secretary of State has caused such notice to be deposited with the council of each district in which the monument is situated.]

(3) In granting or modifying a scheduled monument consent in a case to which this section applies the Secretary of State may do so on terms that no works in respect of which the compensation was paid are to be executed in pursuance of the consent until the recoverable amount has been repaid to the Secretary of State or secured to his satisfaction. [or (as the case may be) has been repaid to the Commission or secured to their satisfaction]

Subject to subsection (4) below, in this subsection “the recoverable amount” means such amount (being an amount representing the whole of the compensation previously paid or such part thereof as the Secretary of State thinks fit) as the Secretary of State may specify in giving notice of his decision on the application for scheduled monument consent or (as the case may be) in the direction modifying the consent.

(4) Where a person who has an interest in the whole or any part of a monument is aggrieved by the amount specified by the Secretary of State as the recoverable amount for the purposes of subsection (3) above, he may require the determination of that amount to be referred to the Lands Tribunal or (in the case of a monument situated in Scotland) to the Lands Tribunal for Scotland; and in any such case the recoverable amount for the purposes of that subsection shall be such amount (being an amount representing the whole or any part of the compensation previously paid) as that Tribunal may determine to be just in the circumstances of the case.

(5) A notice deposited under subsection (2)(b) above shall specify the decision which gave rise to the right to compensation, the monument affected by the decision, and the amount of the compensation.

(6) A notice so deposited in the case of a monument situated in England and Wales shall be a local land charge; and for the purposes of the Local Land Charges Act 1975 the council with whom any such notice is deposited shall be treated as the originating authority as respects the charge thereby constituted. 1975-c. 76.

(7) A notice so deposited in the case of any monument situated in Scotland which is heritable may be recorded in the Register of Sasines.

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 34(4)(5)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, s. 9

Compensation where works affecting a scheduled monument cease to be authorised.

9.—(1) Subject to the following provisions of this section, where any works affecting a scheduled monument which were previously authorised under this Part of this Act cease to be so, then, if any person who has an interest in the whole or any part of the monument—

- (a) has incurred expenditure in carrying out works which are rendered abortive by the fact that any further works have ceased to be so authorised; or
- (b) has otherwise sustained loss or damage which is directly attributable to that fact;

the Secretary of State [¹or (where the monument in question is situated in England) the Commission] shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) Subsection (1) above only applies where the works cease to be authorised under this Part of this Act—

- (a) by virtue of the fact that a scheduled monument consent granted by order under section 3 of this Act ceases to apply to any scheduled monument (whether by virtue of variation or revocation of the order or by virtue of a direction under subsection (3) of that section); or
- (b) by virtue of the modification or revocation of a scheduled monument consent by a direction given under section 4 of this Act; or
- (c) in accordance with paragraph 8 of Schedule 1 to this Act, by virtue of the service of a notice of proposed modification or revocation of a scheduled monument consent under paragraph 5 of that Schedule.

(3) A person shall not be entitled to compensation under this section in a case falling within subsection (2)(a) above unless, on an application for scheduled monument consent for the works in question, consent is refused, or is granted subject to conditions other than those which previously applied under the order.

(4) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out those works.

(5) Subject to subsection (4) above, no compensation shall be paid under this section in respect of any works carried out before the grant of the scheduled monument consent in question, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that consent.

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 35

Acquisition of ancient monuments

10.—(1) The Secretary of State may acquire compulsorily any ancient monument for the purpose of securing its preservation. [¹; but, where the monument in question is situated in England, he shall consult with the Commission before making a compulsory purchase order.] Compulsory acquisition of ancient monuments.

(2) The [²Acquisition of Land Act 1981] shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in England and Wales . . . ³ 1981 c. 67.

(3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in Scotland as it applies to a compulsory acquisition by another Minister or by the Secretary of State under section 58 of the National Health Service (Scotland) Act 1972 in a case falling within section 1(1) of the said Act of 1947. 1947 c. 42.
1972 c. 58.

(4) For the purpose of assessing compensation in respect of any compulsory acquisition under this section of a monument which, immediately before the date of the compulsory purchase order, was scheduled, it shall be assumed that scheduled monument consent would not be granted for any works which would or might result in the demolition, destruction or removal of the monument or any part of it.

11.—(1) The Secretary of State may acquire by agreement any ancient monument [⁴but, where the monument in question is situated in England, he shall consult with the Commission before doing so.] Acquisition by agreement or gift of ancient monuments.

[⁵(1A) With the consent of the Secretary of State, the Commission may acquire by agreement any ancient monument situated in England.]

(2) Any local authority may acquire by agreement any ancient monument situated in or in the vicinity of their area.

(3) The Secretary of State or any local authority may accept a gift (whether by deed or will) of any ancient monument [⁶; but, where the monument in question is situated in England, the Secretary of State shall consult with the Commission before accepting]

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 36

²Words substituted by Acquisition of Land Act 1981 (c. 67), Sch. 4 para. 1 Table

³Words repealed by Acquisition of Land Act 1981 (c. 67), Sch. 6 Pt. I

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 37(2)

⁵S. 11(1A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 37(3)

⁶Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 37(4)

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[¹(3A) With the consent of the Secretary of State, the Commission may accept a gift (whether by deed or will) of any ancient monument situated in England.]

1965 c. 56.

(4) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply in relation to any acquisition under subsection (1) or (2) above of an ancient monument situated in England and Wales.

(5) For the purpose of any acquisition under subsection (1) or (2) above of any ancient monument situated in Scotland which is heritable—

1845 c. 33.

(a) the Lands Clauses Acts (with the exception of the provisions excluded by subsection (6) below) and sections 6 and 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) shall be incorporated with this section; and

1923 c. 20.

(b) in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the Secretary of State or the local authority acquiring the monument shall be deemed to be the promoter of the undertaking or company (as the case may require).

(6) The provisions of the Lands Clauses Acts excluded from being incorporated with this section are—

(a) those which relate to the acquisition of land otherwise than by agreement;

(b) those which relate to access to the special Act; and

1845 c. 19.

(c) sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845.

Guardianship of ancient monuments

Power to place ancient monument under guardianship.

12.—(1) Subject to subsection (4) below, a person who has—

(a) an interest of any description mentioned in subsection (3) below in an ancient monument situated in England and Wales; or

(b) any heritable interest in an ancient monument situated in Scotland;

may, with the consent of the Secretary of State, constitute him by deed guardian of the monument.

[²Where the monument in question is situated in England, the Secretary of State shall consult with the Commission before he so consents.]

¹S. 11(3A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 37(5)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(2)

[¹(1A) Subject to subsection (4) below, a person who has an interest of any description mentioned in subsection (3) below in an ancient monument situated in England may, with the consent of the Commission, given after obtaining the consent of the Secretary of State, constitute the Commission by deed guardian of the monument.]

(2) Subject to subsection (4) below, a person who has any such interest in an ancient monument may with the consent of any local authority in or in the vicinity of whose area the monument is situated constitute that authority by deed guardians of the monument.

(3) The interests in an ancient monument situated in England and Wales which qualify a person to establish guardianship of the monument under subsection (1) [²or (1A)] or (2) above are the following—

- (a) an estate in fee simple absolute in possession;
- (b) a leasehold estate or interest in possession, being an estate or interest for a term of years of which not less than forty-five are unexpired or (as the case may be) renewable for a term of not less than forty-five years; and
- (c) an interest in possession for his own life or the life of another, or for lives (whether or not including his own), under any existing or future trust for sale under which the estate or interest for the time being subject to the trust falls within paragraph (a) or (b) above.

(4) A person who is not the occupier of an ancient monument may not establish guardianship of the monument under this section unless the occupier is also a party to the deed executed for the purposes of subsection (1) [²(1A)] or (2) above.

(5) Any person who has an interest in an ancient monument may be a party to any such deed in addition to the person establishing the guardianship of the monument and (where the latter is not the occupier) the occupier.

(6) In relation to any monument of which the Secretary of State [³or the Commission] or any local authority have been constituted the guardians under this Act, references below in this Act to the guardianship deed are references to the deed executed for the purposes of subsection (1) or [⁴(as the case may be) subsection (2) above] [⁴(1A) or (2) above (as the case may be)]

¹S. 12(1A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(3)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(4)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(5)

⁴Words from "(1A) or" to "may be" substituted (prosp.) for words from "(as the" to "above" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(5)

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Part I, ss. 12, 13

(7) A guardianship deed relating to any ancient monument situated in England and Wales shall be a local land charge.

(8) A guardianship deed relating to any ancient monument situated in Scotland may be recorded in the Register of Sasines.

(9) Every person deriving title to any ancient monument from, through or under any person who has executed a guardianship deed shall be bound by the guardianship deed unless—

(a) in the case of a monument in England and Wales, he derives title by virtue of any disposition made by the person who executed the deed before the date of the deed; or

(b) in the case of a monument in Scotland, he is a person who in good faith and for value acquired right (whether completed by infertment or not) to his interest in the monument before the date of the deed.

(10) The Secretary of State [¹or the Commission] or a local authority shall not consent to become guardians of any structure which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

(11) Except as provided by this Act, any person who has any estate or interest in a monument under guardianship shall have the same right and title to, and estate or interest in, the monument in all respects as if the Secretary of State or [²(as the case may be) the local authority in question] [²the Commission or the local authority in question (as the case may be)] had not become guardians of the monument.

Effect of guardianship.

13.—(1) The Secretary of State [³and the Commission] and any local authority shall be under a duty to maintain any monument which is under their guardianship by virtue of this Act.

(2) The Secretary of State [³and the Commission] and any local authority shall have full control and management of any monument which is under their guardianship by virtue of this Act.

(3) With a view to fulfilling their duty under subsection (1) above to maintain a monument of which they are the guardians, the Secretary of State [⁴or the Commission] or any local authority shall have power to do all such things as may be necessary for the maintenance of the monument and for the exercise by them of proper control and management with respect to the monument.

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(6)

²Words from "the Commission" to "may be)" substituted (prosp.) for words from "(as the" to "question" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 38(7)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 39(2)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 39(3)

(4) Without prejudice to the generality of the preceding provisions of this section, the Secretary of State [¹or the Commission] or any local authority shall have power—

- (a) to make any examination of a monument which is under their guardianship by virtue of this Act;
- (b) to open up any such monument or make excavations therein for the purpose of examination or otherwise; and
- (c) to remove the whole or any part of any such monument to another place for the purpose of preserving it.

(5) The Secretary of State [¹or the Commission] or any local authority may at any reasonable time enter the site of a monument which is under their guardianship by virtue of this Act for the purpose of exercising any of their powers under this section in relation to the monument (and may authorise any other person to exercise any of those powers on their behalf).

(6) Subsections (2) to (4) above are subject to any provision to the contrary in the guardianship deed.

(7) In this Part of this Act “maintenance” includes fencing, repairing, and covering in, of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and “maintain” shall be construed accordingly.

14.—(1) Subject to the following provisions of this section, where the Secretary of State [²or the Commission] or a local authority have become guardians of any monument under this Act, they may by agreement made with the persons who are for the time being immediately affected by the operation of the guardianship deed—

Termination of guardianship.

- (a) exclude any part of the monument from guardianship; or
- (b) renounce guardianship of the monument;

but except as provided above the monument shall remain under guardianship (unless it is acquired by its guardians) until an occupier of the monument who is entitled to terminate the guardianship gives notice in writing to that effect to the guardians of the monument.

An occupier of a monument is entitled to terminate the guardianship of the monument if—

- (a) he has any interest in the monument which would qualify him to establish guardianship of the monument under section 12 of this Act; and

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 39(3)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 40(2)

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Part I, ss. 14, 15

(b) he is not bound by the guardianship deed.

(2) A local authority shall consult with the Secretary of State before entering into any agreement under this section.

[¹Where the monument in question is situated in England, the Secretary of State shall consult with the Commission before entering into any such agreement.

The Commission shall consult with the Secretary of State before entering into any such agreement.]

(3) Neither the Secretary of State [²nor the Commission] nor a local authority may enter into any such agreement unless he or they are satisfied with respect to the part of the monument or (as the case may be) with respect to the whole of the monument in question—

(a) that satisfactory arrangements have been made for ensuring its preservation after termination of the guardianship; or

(b) that it is no longer practicable to preserve it (whether because of the cost of preserving it or otherwise).

(4) An agreement under this section must be made under seal in the case of a monument situated in England and Wales.

(5) Where in the case of a monument situated in Scotland the guardianship deed has been recorded in the Register of Sasines in accordance with section 12 of this Act an agreement under this section relating to that monument may also be so recorded.

*Acquisition and guardianship of land in the vicinity
of an ancient monument, etc.*

Acquisition and guardianship of land in the vicinity of an ancient monument.

15.—(1) References in sections 10 to 12 of this Act to an ancient monument shall include references to any land adjoining or in the vicinity of an ancient monument which appears to the Secretary of State [³or the Commission] or a local authority to be reasonably required for any of the following purposes, that is to say—

(a) the maintenance of the monument or its amenities;

(b) providing or facilitating access to the monument;

(c) the exercise of proper control or management with respect to the monument;

(d) the storage of equipment or materials for the purpose mentioned in paragraph (a) above; and

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 40(3)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 40(4)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 41(2)

(e) the provision of facilities and services for the public for or in connection with affording public access to the monument; (and one of those purposes shall accordingly be sufficient to support the compulsory acquisition of any such land under section 10(1) of this Act, instead of the purpose there mentioned).

[¹Land may be acquired, or taken into guardianship, by the Commission by virtue of this section only if the land is situated in England.]

(2) Land may be acquired or taken into guardianship by virtue of this section for any of the purposes relating to an ancient monument mentioned in subsection (1) above either at the same time as the monument or subsequently.

(3) The Secretary of State [²and the Commission] and any local authority shall have full control and management of any land which is under their guardianship by virtue of this Act after being taken into guardianship by virtue of this section for a purpose relating to any ancient monument, and shall have power to do all such things as may be necessary—

- (a) for the exercise by them of proper control and management with respect to the land; and
- (b) for the use of the land for any of the purposes relating to the monument mentioned in subsection (1) above.

(4) The Secretary of State [²and the Commission] and any local authority may at any reasonable time enter any land which is under their guardianship by virtue of this Act for the purpose of exercising their power under subsection (3) above (and may authorise any other person to do so, and to exercise that power, on their behalf).

(5) Section 14(1) and (2) of this Act shall apply in relation to any land taken into guardianship by virtue of this section for any purpose relating to an ancient monument as they apply in relation to a monument, but, apart from any termination of guardianship by virtue of that section, any such land shall also cease to be under guardianship if the monument in question ceases to be under guardianship otherwise than by virtue of being acquired by its guardians or ceases to exist.

(6) References below in this Act, in relation to any monument of which the Secretary of State [³or the Commission] or a local authority are the owners or guardians by virtue of this Act, to land associated with that monument (or to associated land) are references to any land acquired or taken into guardianship by virtue of this section for a

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 41(2)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 41(3)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 41(4)

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purpose relating to that monument, or appropriated for any such purpose under a power conferred by any other enactment.

Acquisition of easements and other similar rights over land in the vicinity of an ancient monument.

16.—(1) The Secretary of State may acquire, by agreement or compulsorily, over land adjoining or in the vicinity of any monument which is under his ownership by virtue of this Act, any easement which appears to him to be necessary—

- (a) for any of the purposes relating to that monument mentioned in section 15(1) of this Act; or
- (b) for the use of any land associated with that monument for any of those purposes.

[¹Where the land in question is situated in England, the Secretary of State shall consult with the Commission before entering into the agreement or making the compulsory purchase order (as the case may be).]

[²(1A) The Commission may by agreement acquire over land which is situated in England, and which adjoins or is in the vicinity of any monument under their ownership by virtue of this Act, any such easement as the Secretary of State may acquire by virtue of subsection (1) above.]

(2) A local authority may by agreement acquire over land adjoining or in the vicinity of any monument which is under their ownership by virtue of this Act any such easement as the Secretary of State may acquire by virtue of subsection (1) above.

(3) The power of acquiring an easement under subsection (1) [³or (1A)] or (2) above shall include power to acquire any such easement by the grant of a new right.

(4) The Secretary of State [⁴or the Commission] or any local authority may acquire, for the benefit of any monument or land under his or their guardianship by virtue of this Act, a right of any description which he or they would be authorised to acquire under any of the preceding provisions of this section if the monument or land was under his or their ownership by virtue of this Act, and those provisions shall apply accordingly in any such case.

(5) Any right to which subsection (4) above applies—

- (a) shall be treated for the purposes of its acquisition under this

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 42(2)

²S. 16(1A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 42(3)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 42(4)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 42(5)

section and in all other respects as if it were a legal easement;
and

- (b) may be enforced by the guardians for the time being of the monument or land for whose benefit it was acquired as if they were the absolute owner in possession of that monument or land.

(6) Any right to which subsection (4) above applies which is acquired by agreement under this section for a purpose relating to any monument under guardianship, or for the use of any land associated with any such monument for any purpose relating to that monument—

- (a) subject to any provision to the contrary in the agreement under which it was acquired, may be revoked by the grantor; and
- (b) may be revoked by any successor in title of the grantor as respects any of the land over which it is exercisable in which he has an interest;

if the monument ceases to be under guardianship otherwise than by virtue of being acquired by its guardians or ceases to exist.

(7) References above in this section to an easement or (as the case may be) to a legal easement shall be construed in relation to land in Scotland as references to a servitude.

(8) Any right to which subsection (4) above applies—

- (a) shall be a local land charge, if it relates to land in England and Wales; and
- (b) may be recorded in the Register of Sasines, if it relates to land in Scotland.

(9) The [¹Acquisition of Land Act 1981] shall apply to any compulsory acquisition by the Secretary of State under this section of any easement over land in England and Wales . . .² 1981 c. 67.

(10) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory acquisition by the Secretary of State under this section of any servitude over land in Scotland as it applies to a compulsory acquisition by another Minister or by the Secretary of State under section 58 of the National Health Service (Scotland) Act 1972 in a case falling within section 1(1) of the said Act of 1947. 1947 c. 42. 1972 c. 58.

(11) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply in relation to any acquisition by agreement under this section of any easement over land in England and Wales. 1965 c. 56.

¹Words substituted by Acquisition of Land Act 1981 (c. 67), Sch. 4 para. 1 Table
²Words repealed by Acquisition of Land Act 1981 (c. 67), Sch. 6 Pt. 1

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(12) For the purposes of any acquisition by agreement under this section of any servitude over land in Scotland—

1845 c. 33. (a) the Lands Clauses Acts (with the exception of the provisions excluded by subsection (13) below) and sections 6 and 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) shall be incorporated with this section; and

1923 c. 20.

(b) in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the Secretary of State or the local authority acquiring the servitude shall be deemed to be the promoter of the undertaking or company (as the case may require).

(13) The provisions of the Lands Clauses Acts excluded from being incorporated with this section are—

1845 c. 19.

- (a) those which relate to the acquisition of land otherwise than by agreement;
- (b) those which relate to access to the special Act; and
- (c) sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845.

Agreements concerning ancient monuments, etc.

Agreements concerning ancient monuments and land in their vicinity.

17.—(1) The Secretary of State may enter into an agreement under this section with the occupier of an ancient monument or of any land adjoining or in the vicinity of an ancient monument.

[¹(1A) The Commission may enter into an agreement under this section with the occupier of an ancient monument situated in England or of any land so situated which adjoins or is in the vicinity of an ancient monument so situated.]

(2) A local authority may enter into an agreement under this section with the occupier of any ancient monument situated in or in the vicinity of their area or with the occupier of any land adjoining or in the vicinity of any such ancient monument.

(3) Any person who has an interest in an ancient monument or in any land adjoining or in the vicinity of an ancient monument may be a party to an agreement under this section in addition to the occupier.

(4) An agreement under this section may make provision for all or any of the following matters with respect to the monument or land in question, that is to say—

¹S. 17(1A) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 43(2)

- (a) the maintenance and preservation of the monument and its amenities;
- (b) the carrying out of any such work, or the doing of any such other thing, in relation to the monument or land as may be specified in the agreement;
- (c) public access to the monument or land and the provision of facilities and information or other services for the use of the public in that connection;
- (d) restricting the use of the monument or land;
- (e) prohibiting in relation to the monument or land the doing of any such thing as may be specified in the agreement; and
- (f) the making by the Secretary of State or [¹(as the case may be) by the local authority] [¹the Commission or the local authority (as the case may be)] of payments in such manner, of such amounts and on such terms as may be so specified (and whether for or towards the cost of any work provided for under the agreement or in consideration of any restriction, prohibition or obligation accepted by any other party thereto);

and may contain such incidental and consequential provisions as appear to the Secretary of State or [¹(as the case may be) to the local authority [¹the Commission or the local authority (as the case may be)]] to be necessary or expedient.

(5) Where an agreement under this section expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising thereunder is to be binding on the successors of any party to the agreement (but not otherwise), then, as respects any monument or land in England and Wales, every person deriving title to the monument or land in question from, through or under that party shall be bound by the agreement, or (as the case may be) by that restriction, prohibition or obligation, unless he derives title by virtue of any disposition made by that party before the date of the agreement.

(6) An agreement under this section relating to any monument or land in Scotland and containing any such provision as is mentioned in subsection (5) above may be recorded in the Register of Sasines, and that subsection shall apply to any such agreement which is so recorded or (as the case may be) to any restriction, prohibition or obligation to which that provision relates.

¹Words from "the Commission" to "may be" substituted (prosp.) for words from "(as the)" to "authority" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 43(3)

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(7) Neither—

- 1925 c. 20. (a) section 84 of the Law of Property Act 1925 (power of Lands Tribunal to discharge or modify restrictive covenants); nor
- 1970 c. 35. (b) sections 1 and 2 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (power of Lands Tribunal for Scotland to vary or discharge land obligations);

shall apply to an agreement under this section.

(8) Nothing in any agreement under this section to which the Secretary of State is a party shall be construed as operating as a scheduled monument consent.

[¹(9) References to an ancient monument in subsection (1A) above, and in subsection (3) above so far as it applies for the purposes of subsection (1A), shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

Powers of limited owners

Powers of limited owners for purposes of sections 12, 16 and 17.

18.—(1) Subject to section 12 of this Act, a person may establish guardianship of any land under subsection (1) [²or (1A)] or (2) of that section or join in executing a guardianship deed for the purposes of that section notwithstanding that he is a limited owner of the land.

(2) A person may—

- (a) grant any easement, servitude or other right over land which the Secretary of State [³or the Commission] or any local authority are authorised to acquire under section 16 of this Act; or
- (b) enter into an agreement under section 17 of this Act with respect to any land;

notwithstanding that he is a limited owner of the land.

(3) For the purposes of this section—

- (a) a body corporate or corporation sole is a limited owner of any land in which it has an interest; and
- (b) any other persons are limited owners of land in which they

¹S. 17(9) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 43(4)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 44(2)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 44(3)

have an interest only if they hold that interest in one or other of the capacities mentioned in subsection (4) below.

(4) The capacities referred to in subsection (3)(b) above are the following—

- (a) as tenant for life or statutory owner within the meaning of the Settled Land Act 1925; 1925 c. 18.
- (b) as trustees for sale within the meaning of the Law of Property Act 1925; 1925 c. 20.
- (c) as liferenter or heir of entail in possession (in Scotland); and
- (d) as trustees for charities or as commissioners or trustees for ecclesiastical, collegiate or other public purposes.

(5) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 of that Act (general powers of trustees) there were included a power to do any of the following acts in relation to the trust estate or any part of it, that is to say— 1921 c. 58.

- (a) to execute a guardianship deed;
- (b) to grant any servitude or other right which the Secretary of State or any local authority are authorised to acquire under section 16 of this Act; and
- (c) to enter into an agreement under section 17 of this Act.

(6) Subject to subsection (7) below, where a person who is a limited owner of any land by virtue of holding an interest in the land in any of the capacities mentioned in subsection (4) above executes a guardianship deed in relation to the land the guardianship deed shall bind every successive owner of any estate or interest in the land.

(7) Where the land to which a guardianship deed relates is at the date of the deed subject to any incumbrance not capable of being overreached by the limited owner in exercise of any powers of sale or management conferred on him by law or under any settlement or other instrument, the deed shall not bind the incumbrancer.

(8) Subject to subsection (9) below, where an agreement under section 17 of this Act to which a limited owner is a party expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising thereunder is to be binding on his successors (but not otherwise), subsections (6) and (7) above shall apply to the agreement or (as the case may be) to the restriction, prohibition or obligation in question as they apply to a guardianship deed.

(9) Subsection (8) above does not apply to an agreement relating to any land in Scotland unless it is recorded in the Register of Sasines.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, s. 19

Public access to monuments under public control

Public access to monuments under public control.

19.—(1) Subject to the following provisions of this section, the public shall have access to any monument under the ownership or guardianship of the Secretary of State [¹or the Commission] or any local authority by virtue of this Act.

(2) The Secretary of State [²and the Commission] and any local authority may nevertheless control the times of normal public access to any monument under their ownership or guardianship by virtue of this Act and may also, if they consider it necessary or expedient to do so in the interests of safety or for the maintenance or preservation of the monument, entirely exclude the public from access to any such monument or to any part of it, for such period as they think fit:

Provided that—

- (a) the power of a local authority under this subsection to control the times of normal public access to any monument shall only be exercisable by regulations under this section; and
- (b) the power of a local authority under this subsection entirely to exclude the public from access to any monument with a view to its preservation shall only be exercisable with the consent of the Secretary of State.

(3) The Secretary of State and any local authority may by regulations under [³this section] [³this subsection] regulate public access to any monument, or to all or any of the monuments, under their ownership or guardianship by virtue of this Act and any such regulations made by the Secretary of State may also apply to any monument, or to all or any of the monuments, under his control or management for any other reason.

[⁴The Secretary of State shall consult with the Commission before he makes any regulations under this subsection in relation only to monuments situated in England.]

(4) Without prejudice to the generality of subsection (3) above, regulations made by the Secretary of State or a local authority under [⁵this section] [⁵that subsection] may prescribe the times when the public are to have access to monuments to which the regulations apply and

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(2)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(3)

³Words "this subsection" substituted (prosp.) for words "this section" by National Heritage Act 1983 (c.47), s. 41, Sch. 4 para. 45(4)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(4)

⁵Words "that subsection" substituted (prosp.) for words "this section" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(5)

may make such provision as appears to the Secretary of State or to the local authority in question to be necessary for—

- (a) the preservation of any such monument and its amenities or of any property of the Secretary of State or local authority; and
- (b) prohibiting or regulating any act or thing which would tend to injure or disfigure any such monument or its amenities or to disturb the public in their enjoyment of it;

and may prescribe charges for the admission of the public to any such monument or to any class or description of monuments to which the regulations apply.

[¹(4A) The Secretary of State may by regulations under this subsection make such provision as appears to him necessary for prohibiting or regulating any act or thing which would tend to injure or disfigure any monument under the ownership or guardianship of the Commission by virtue of this Act or the monument's amenities or to disturb the public in their enjoyment of it.

(4B) The Secretary of State shall consult with the Commission before he makes any regulations under subsection (4A) above.]

(5) Without prejudice to subsections (3) and (4) above, the Secretary of State [²and the Commission] and any local authority shall have power to make such charges as they may from time to time determine for the admission of the public to any monument under their ownership or guardianship by virtue of this Act or (in the case of the Secretary of State) to any monument otherwise under his control or management.

(6) Notwithstanding subsection (1) above, any person authorised in that behalf by the Secretary of State [³or by the Commission] or by a local authority may refuse admission—

- (a) to any monument under the ownership or guardianship of the Secretary of State or [⁴(as the case may be) of that local authority] [⁴the Commission or that local authority (as the case may be)] by virtue of this Act; or
- (b) (in the case of the Secretary of State) to any monument otherwise under his control or management;

¹S. 19(4A)(4B) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(6)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(7)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(8)

⁴Words from "the Commission" to "may be)" substituted (prosp.) for words from "(as the" to "authority" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 45(8)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, ss. 19, 20

to any person he has reasonable cause to believe is likely to do anything which would tend to injure or disfigure the monument or its amenities or to disturb the public in their enjoyment of it.

(7) If any person contravenes or fails to comply with any provision of any regulations under this section, he shall be liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [¹level 2 on the standard scale].

(8) Regulations made by a local authority under this section shall not take effect unless they are submitted to and confirmed by the Secretary of State, and the Secretary of State may confirm any such regulations either with or without modifications.

(9) In relation to any monument under guardianship, subsection (1) above is subject to any provision to the contrary in the guardianship deed.

Provision of facilities for the public in connection with ancient monuments.

20.—(1) The Secretary of State [²and the Commission] and any local authority may provide such facilities and information or other services for the public for or in connection with affording public access—

(a) to any monument under their ownership or guardianship by virtue of this Act; or

(b) (in the case of the Secretary of State) to any monument otherwise under his control or management;

as appear to them to be necessary or desirable.

(2) Facilities and information or other services for the public may be provided under this section in or on the monument itself or on any land associated with the monument.

(3) The Secretary of State [³and the Commission] and any local authority shall have power to make such charges as they may from time to time determine for the use of any facility or service provided by them for the public under this section.

¹Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 46(2)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 46(3)

Transfer of ownership and guardianship of ancient monuments

21.—(1) Subject to subsection (2) below, the Secretary of State [¹and the Commission] and any local authority may, in respect of any monument of which they are the owners or guardians by virtue of this Act or any land associated with any such monument, enter into and carry into effect any agreements for the transfer—

Transfer of ancient monuments between local authorities and Secretary of State.

- (a) from the Secretary of State to the local authority;
- (b) from the local authority to the Secretary of State; or
- (c) from the local authority to another local authority;
- (d) from the Secretary of State to the Commission; or
- (e) from the Commission to the Secretary of State; or
- (f) from the Commission to the local authority; or
- (g) from the local authority to the Commission;]

of that monument or land or (as the case may be) of the guardianship of that land. [¹or

(2) Where the Secretary of State [²or the Commission] or the local authority in question are guardians of a monument or associated land, they may not enter into an agreement under this section with respect to that monument or land without the consent of the persons who are for the time being immediately affected by the operation of the guardianship deed.

[³(3) The Commission may not enter into an agreement under subsection (1) above in respect of a monument or land not situated in England.

(4) The Secretary of State may not enter into an agreement mentioned in subsection (1)(a) or (b) above in respect of a monument or land situated in England without consulting the Commission.

(5) The Commission may not enter into an agreement mentioned in subsection (1)(f) above without consulting the Secretary of State.

(6) The Commission may not enter into an agreement mentioned in subsection (1)(g) above without the consent of the Secretary of State.]

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 47(2)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 47(3)

³S. 21(3)–(6) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 47(4)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, s. 22

Ancient Monuments Boards

Ancient
Monuments
Boards.

1913 c. 32.

22.—(1) The advisory boards constituted under section 15 of the Ancient Monuments Consolidation and Amendment Act 1913 shall continue to exist under the names by which they were respectively known immediately before the commencement of this Act, that is to say—

- *(a) the Ancient Monuments Board for England;
- (b) the Ancient Monuments Board for Scotland; and
- (c) the Ancient Monuments Board for Wales.

*(2) The Ancient Monuments Board for England shall consist of members representing the following bodies, that is to say—

- The Royal Commission on Historical Monuments (England)
- The Society of Antiquaries of London
- The Royal Academy of Arts
- The Royal Institute of British Architects
- The Trustees of the British Museum
- The British Academy

and of such other members as the Secretary of State may appoint.

(3) The Ancient Monuments Board for Scotland shall consist of members representing the following bodies, that is to say—

- The Royal Commission on the Ancient and Historical Monuments of Scotland
- The Royal Incorporation of Architects in Scotland
- The Society of Antiquaries of Scotland

and of such other members as the Secretary of State may appoint.

(4) The Ancient Monuments Board for Wales shall consist of members representing the following bodies, that is to say—

- The Royal Commission on Ancient and Historical Monuments (Wales)
- The National Museum of Wales
- The Cambrian Archaeological Association
- The Royal Institute of British Architects

and of such other members as the Secretary of State may appoint.

(5) References in this Act and in any other enactment to the Ancient Monuments Board shall be construed—

- **(a)* in relation to England, as references to the Ancient Monuments Board for England;
- (b)* in relation to Scotland, as references to the Ancient Monuments Board for Scotland; and
- (c)* in relation to Wales, as references to the Ancient Monuments Board for Wales.

(6) It shall be the function of the Ancient Monuments Board to advise the Secretary of State with respect to the exercise of his functions under this Act, whether generally or in relation to any particular case or classes of case.

(7) Without prejudice to the generality of subsection (6) above the Ancient Monuments Board may advise the Secretary of State with respect to any of the following, that is to say—

- (a)* the inclusion of any monument in the Schedule under section 1(3) of this Act;
- (b)* the exclusion of any monument from the Schedule;
- (c)* the amendment of the entry in the Schedule relating to any monument;
- (d)* the termination of guardianship by an agreement under section 14 of this Act; and
- (e)* the disposal (in accordance with section 30 of this Act) of any land acquired under section 10, 11 or 21 of this Act.

(8) The Secretary of State may by regulations under this section amend subsection (2), (3) or (4) above.

¹*S. 22(1)(a), (2), (5)(a) repealed (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 6*

23. [The Ancient Monuments Board for England], the Ancient Monuments Board for Scotland and the Ancient Monuments Board for Wales shall each, before such date in every year as the Secretary of State may fix, send to the Secretary of State a report on the discharge by them of their functions during the previous year, and the Secretary of State shall lay a copy of each such report before each House of Parliament.

Annual reports of Ancient Monuments Boards.

¹Words repealed (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 6

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, ss. 24, 25

Miscellaneous and supplemental

Expenditure by Secretary of State or local authority on acquisition and preservation of ancient monuments, etc.

24.—(1) [¹Subject to subsection (3A) below] The Secretary of State may defray or contribute towards the cost of the acquisition by any person of any ancient monument.

(2) [¹Subject to subsection (3A) below] The Secretary of State may undertake, or assist in, or defray or contribute towards the cost of the removal of any ancient monument or of any part of any such monument to another place for the purpose of preserving it, and may at the request of the owner undertake, or assist in, or defray or contribute towards the cost of the preservation, maintenance and management of any ancient monument.

(3) [¹Subject to subsection (3A) below] The Secretary of State may contribute towards the cost of the provision of facilities or services for the public by a local authority under section 20 of this Act.

[²(3A) As respects a monument situated in England, subsections (1) to (3) above shall apply as if “Commission” were substituted for “Secretary of State”.

(3B) References to an ancient monument in subsections (1) and (2) above, as amended by subsection (3A) above, shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

(4) Any local authority may at the request of the owner undertake, or assist in, or defray or contribute towards the cost of the preservation, maintenance and management of any ancient monument situated in or in the vicinity of their area.

(5) No expenses shall be incurred by the Secretary of State [³or the Commission] or any local authority under this section in connection with any monument which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

Advice and superintendence by Secretary of State.

25.—(1) [⁴Subject to subsection (3A) below] The Secretary of State may give advice with reference to the treatment of any ancient monument.

(2) [⁴Subject to subsection (3A) below] The Secretary of State may also, if in his opinion it is advisable, superintend any work in connection with any ancient monument if invited to do so by the owner, and shall

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 48(2)

²S. 24(3A)(3B) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 48(3)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 48(4)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 49(2)(4)(5)

superintend any such work, whether required to do so by the owner or not, in connection with any scheduled monument, if in his opinion it is advisable.

(3) [Subject to subsection (3A) below] The Secretary of State may make a charge for giving advice and superintendence under this section or may give it free of charge, as he thinks fit.

[²(3A) As respects a monument situated in England, subsections (1) to (3) above shall apply as if “Commission” were substituted for “Secretary of State”, “their” for “his” (in each place) and “they think” for “he thinks”.

(3B) References to an ancient monument in subsections (1) and (2) above, as amended by subsection (3A) above, shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

26.—(1) A person duly authorised in writing by the Secretary of State may at any reasonable time enter any land in, on or under which the Secretary of State knows or has reason to believe there is an ancient monument for the purpose of inspecting the land (including any building or other structure on the land) with a view to recording any matters of archaeological or historical interest.

Power of entry on land believed to contain an ancient monument.

(2) Subject to subsection (3) below, a person entering any land in exercise of the power conferred by subsection (1) above may carry out excavations in the land for the purpose of archaeological investigation.

(3) No excavation shall be made in exercise of the power conferred by subsection (2) above except with the consent of every person whose consent to the making of the excavation would be required apart from this section.

27.—(1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 5 of the Land Compensation Act 1961 or, in relation to land in Scotland, the rules set out in section 12 of the Land Compensation (Scotland) Act 1963 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

General provisions as to compensation for depreciation under Part I. 1961 c. 33. 1963 c. 51.

(2) This section applies to any compensation payable under section 7 or 9 of this Act in respect of any loss or damage consisting of depreciation of the value of an interest in land.

(3) Where an interest in land is subject to a mortgage—

(a) any compensation to which this section applies, which is

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 49(2)(4)(5)

²S. 25(3A)(3B) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 49(3)–(5)

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payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage;

- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
- (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

Offence of
damaging
certain ancient
monuments.

28.—(1) A person who without lawful excuse destroys or damages any protected monument—

- (a) knowing that it is a protected monument; and
- (b) intending to destroy or damage the monument or being reckless as to whether the monument would be destroyed or damaged;

shall be guilty of an offence.

(2) This section applies to anything done by or under the authority of the owner of the monument, other than an act for the execution of excepted works, as it applies to anything done by any other person.

In this subsection “excepted works” means works for which scheduled monument consent has been given under this Act (including any consent granted by order under section 3).

(3) In this section “protected monument” means any scheduled monument and any monument under the ownership or guardianship of the Secretary of State [¹or the Commission] or a local authority by virtue of this Act.

(4) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 50

29. Where the owner or any other person is convicted of an offence involving damage to a monument situated in England and Wales which was at the time of the offence under the guardianship of the Secretary of State [¹or the Commission] or any local authority by virtue of this Act, any compensation order made under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders against convicted persons) in respect of that damage shall be made in favour of the Secretary of State or [²(as the case may require) in favour of the local authority in question] [²the Commission or the local authority in question (as the case may require)].

Compensation orders for damage to monuments under guardianship in England and Wales. 1973 c. 62.

30.—(1) Subject to the following provisions of this section, the Secretary of State [¹or the Commission] or any local authority may dispose of any land acquired by them under section 10, 11 or 21 of this Act.

Disposal of land acquired under Part I.

[⁴(1A) The Secretary of State shall consult with the Commission before disposing of any land situated in England under this section.

(1B) The Commission shall consult with the Secretary of State before disposing of any land under this section.]

(2) A local authority shall consult with the Secretary of State before disposing of any land under this section.

(3) Subject to subsection (4) below, where the land in question is or includes a monument, the Secretary of State or [(³as the case may be) the local authority] [³the Commission or the local authority (as the case may be)] may only dispose of it on such terms as will in their opinion ensure the preservation of the monument.

(4) Subsection (3) above does not apply in any case where the Secretary of State or [³(as the case may be) the local authority] [³the Commission or the local authority (as the case may be)] are satisfied that it is no longer practicable to preserve the monument (whether because of the cost of preserving it or otherwise).

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 51

²Words from "the Commission" to "require" substituted (prosp.) for words from "(as the" to the end by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 51

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 52(2)

⁴S. 30(1A)(1B) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 52(3)

⁵Words from "the Commission" to "may be" substituted (prosp.) for words from "(as the" to "authority" by National Heritage Act 1983 (c.47), s. 41, Sch. 4 para. 52(4)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part I, ss. 31, 32
Part II s. 33

Voluntary contributions towards expenditure under Part I.

31. The Secretary of State or any local authority may receive voluntary contributions for or towards the cost of any expenditure incurred by them under this Part of this Act (whether in relation to any particular monument or land or otherwise).

Interpretation of Part I.

1971 c. 78.
1972 c. 52.

32.—(1) In this Part of this Act “maintenance” and “maintain” have the meanings given by section 13(7) of this Act, and expressions to which a meaning is given for the purposes of the Town and Country Planning Act 1971 or (as regards Scotland) for the purposes of the Town and Country Planning (Scotland) Act 1972 have the same meaning as in the said Act of 1971 or (as the case may require) as in the said Act of 1972.

(2) References in this Part of this Act to a monument, in relation to the acquisition or transfer of any monument (whether under a power conferred by this Part of this Act or otherwise), include references to any interest in or right over the monument.

(3) For the purposes of this Part of this Act the Secretary of State [¹or the Commission] or a local authority are the owners of a monument by virtue of this Act if the Secretary of State or [²(as the case be) the local authority] [³the Commission or the local authority (as the case may be)] have acquired it under section 10, 11 or 21 of this Act.

PART II

ARCHAEOLOGICAL AREAS

Designation of areas of archaeological importance.

33.—(1) The Secretary of State may from time to time by order designate as an area of archaeological importance any area which appears to him to merit treatment as such for the purposes of this Act [³; but, where the area in question is situated in England, he shall consult with the Commission before doing so.]

(2) A local authority may from time to time by order designate as an area of archaeological importance any area within the area of that local authority which appears to them to merit treatment as such for the purposes of this Act [⁴; but, where the area in question is situated in England, the authority shall first notify the Commission of their intention to do so.]

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 53

²Words from “the Commission” to “may be)” substituted (prosp.) for words from “(as the” to “authority” by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 53

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 54(2)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 54(3)

- **(a)* in relation to England, as references to the Ancient Monuments Board for England;
- (b)* in relation to Scotland, as references to the Ancient Monuments Board for Scotland; and
- (c)* in relation to Wales, as references to the Ancient Monuments Board for Wales.

(6) It shall be the function of the Ancient Monuments Board to advise the Secretary of State with respect to the exercise of his functions under this Act, whether generally or in relation to any particular case or classes of case.

(7) Without prejudice to the generality of subsection (6) above the Ancient Monuments Board may advise the Secretary of State with respect to any of the following, that is to say—

- (a)* the inclusion of any monument in the Schedule under section 1(3) of this Act;
- (b)* the exclusion of any monument from the Schedule;
- (c)* the amendment of the entry in the Schedule relating to any monument;
- (d)* the termination of guardianship by an agreement under section 14 of this Act; and
- (e)* the disposal (in accordance with section 30 of this Act) of any land acquired under section 10, 11 or 21 of this Act.

(8) The Secretary of State may by regulations under this section amend subsection (2), (3) or (4) above.

*S. 22(1)(a), (2), (5)(a) repealed (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 6

23. [The Ancient Monuments Board for England], the Ancient Monuments Board for Scotland and the Ancient Monuments Board for Wales shall each, before such date in every year as the Secretary of State may fix, send to the Secretary of State a report on the discharge by them of their functions during the previous year, and the Secretary of State shall lay a copy of each such report before each House of Parliament.

Annual reports of Ancient Monuments Boards.

¹Words repealed (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 6

(3) An order under this section designating an area as an area of archaeological importance (whether made by the Secretary of State or by a local authority) is referred to below in this Act as a designation order.

(4) The Secretary of State may at any time by order vary or revoke a designation order, but his power to vary such an order is confined to reducing the area designated by the order.

[¹The Secretary of State shall consult with the Commission before varying or revoking an order relating to an area situated in England.]

(5) A designation order relating to an area in England and Wales shall be a local land charge.

(6) Schedule 2 to this Act shall have effect with respect to the making, and with respect to the variation and revocation, of designation orders.

34.—(1) The Secretary of State may at any time appoint any person whom he considers to be competent to undertake archaeological investigations to exercise in relation to any area of archaeological importance the functions conferred by the following provisions of this Part of this Act on the investigating authority for an area of archaeological importance, and any such appointment shall be on such terms and for such period as the Secretary of State thinks fit.

Investigating
authorities for
areas of
archaeological
importance.

[²The Secretary of State shall consult with the Commission before making an appointment under this subsection in relation to an area situated in England.]

(2) A person's appointment as investigating authority may be cancelled at any time by the Secretary of State [³; but, where the appointment was made in relation to an area situated in England, he shall consult with the Commission before cancelling the appointment.]

(3) On appointing or cancelling the appointment of any person as investigating authority for an area of archaeological importance, the Secretary of State shall notify each local authority in whose area the area of archaeological importance in question is wholly or partly situated.

(4) Where there is for the time being no person holding appointment under this section as the investigating authority for an area of archaeological importance, the functions of the investigating authority for that area under this Part of this Act shall be exercisable by the

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 54(4)

²Words inserted (prosp.) by National Heritage Act 1983 (c.47), s. 41, Sch. 4 para. 55(2)

³Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 55(3)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part II, ss. 34, 35

[¹Secretary of State] [¹Commission (in the case of an area situated in England) or the Secretary of State (in any other case)].

(5) A person duly authorised in writing by any person by whom the functions of an investigating authority under this Part of this Act are for the time being exercisable may act on his behalf in the exercise of those functions.

Notice required of operations in areas of archaeological importance.

35.—(1) Subject to section 37 of this Act, if any person carries out, or causes or permits to be carried out, on land in an area of archaeological importance any operations to which this section applies—

- (a) without having first served a notice relating to those operations which complies with subsections (4) and (5) below; or
- (b) within six weeks of serving such a notice;

he shall be guilty of an offence.

(2) Subject to section 37 of this Act, this section applies to any of the following operations, that is to say—

- (a) operations which disturb the ground;
- (b) flooding operations; and
- (c) tipping operations.

(3) In this Part of this Act the person carrying out or proposing to carry out any operations is referred to, in relation to those operations, as “the developer”, and a notice complying with subsections (4) and (5) below is referred to as an “operations notice”.

(4) A notice required for the purposes of this section—

- (a) shall specify the operations to which it relates, the site on which they are to be carried out, the date on which it is proposed to begin them and, where the operations are to be carried out after clearance of the site, the developer’s estimated date for completion of the clearance operations;
- (b) shall be accompanied by a certificate in the prescribed form which satisfies the requirements of section 36 of this Act; and
- (c) shall be in the prescribed form.

(5) A notice required for the purposes of this section shall be served by the developer—

- (a) in the case of land in England and Wales, on the district council or London borough council or (as the case may be) on each district council or London borough council in whose area the site of the operations is wholly or partly situated;

¹Words from “Commission” to “other case)” substituted (prosp.) for words “Secretary of State” by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 55(4)

Transfer of ownership and guardianship of ancient monuments

21.—(1) Subject to subsection (2) below, the Secretary of State [and the Commission] and any local authority may, in respect of any monument of which they are the owners or guardians by virtue of this Act or any land associated with any such monument, enter into and carry into effect any agreements for the transfer—

Transfer of ancient monuments between local authorities and Secretary of State.

- (a) from the Secretary of State to the local authority;
- (b) from the local authority to the Secretary of State; or
- (c) from the local authority to another local authority;
- (d) from the Secretary of State to the Commission; or
- (e) from the Commission to the Secretary of State; or
- (f) from the Commission to the local authority; or
- (g) from the local authority to the Commission;]

of that monument or land or (as the case may be) of the guardianship of that land. [¹or

(2) Where the Secretary of State [²or the Commission] or the local authority in question are guardians of a monument or associated land, they may not enter into an agreement under this section with respect to that monument or land without the consent of the persons who are for the time being immediately affected by the operation of the guardianship deed.

[³(3) The Commission may not enter into an agreement under subsection (1) above in respect of a monument or land not situated in England.

(4) The Secretary of State may not enter into an agreement mentioned in subsection (1)(a) or (b) above in respect of a monument or land situated in England without consulting the Commission.

(5) The Commission may not enter into an agreement mentioned in subsection (1)(f) above without consulting the Secretary of State.

(6) The Commission may not enter into an agreement mentioned in subsection (1)(g) above without the consent of the Secretary of State.]

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 47(2)

²Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 47(3)

³S. 21(3)–(6) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 47(4)

(b) in the case of land in Scotland, on the local authority or (as the case may be) on each local authority in whose area the site of the operations is wholly or partly situated; or

(c) in a case where the developer is any such council or local authority, on the Secretary of State.

(6) Regulations made by the Secretary of State may prescribe the steps to be taken by any council or local authority on whom an operations notice is served in accordance with subsection (5) above.

(7) Where an operations notice is served with respect to operations which are to be carried out after clearance of any site, the developer shall notify the investigating authority for the area of archaeological importance in question of the clearance of the site immediately on completion of the clearance operations.

(8) If in a case falling within subsection (7) above the developer carries out, or causes or permits to be carried out, any of the operations to which the operations notice relates without having first notified the investigating authority of the clearance of the site in accordance with that subsection, this section shall have effect in relation to those operations as if the operations notice had not been served.

(9) A person guilty of an offence under this section shall be liable—

(a) on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

(10) Without prejudice to section 222 of the Local Government Act 1972, any such council as is mentioned in subsection (5)(a) above may institute proceedings for an offence under this section in respect of operations on any site situated partly in their area notwithstanding that the operations are confined to a part of the site outside their area; and if it appears to any such council or, in Scotland, to any local authority—

(a) that any operations are being, or are about to be, carried out in contravention of this section on any site situated wholly or partly in their area; and

(b) that the site contains or is likely to contain anything of archaeological or historical interest which will be disturbed, damaged, destroyed or removed without proper archaeological investigation if operations are carried out on the site without regard for the provisions of this Part of this Act;

that council or local authority may take proceedings in the High Court or, in Scotland, in any court of competent jurisdiction for the purpose of securing an injunction or interdict prohibiting those operations from being carried out in contravention of this section.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part II, ss. 36, 37

Certificate to accompany operations notice under section 35.

1965 c. 56.

1947 c. 42.

36.—(1) A person is qualified to issue a certificate for the purposes of section 35(4)(b) of this Act if he either—

- (a) has an interest in the site of the operations which (apart from any restrictions imposed by law) entitles him to carry out the operations in question; or
- (b) has a right to enter on and take possession of that site under section 11(1) or (2) of the Compulsory Purchase Act 1965 (powers of entry on land subject to compulsory purchase) or, in the case of a site in Scotland, under paragraph 3(1) of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

(2) Statutory undertakers are qualified to issue a certificate for the purposes of section 35(4)(b) of this Act if they are entitled by or under any enactment to carry out the operations in question.

(3) Any such certificate—

- (a) shall be signed by or on behalf of a person or persons qualified in accordance with subsection (1) or (2) above to issue it;
- (b) shall state that the person issuing the certificate has an interest within paragraph (a) or (as the case may be) a right within paragraph (b) of subsection (1) above or, in the case of a certificate issued by statutory undertakers, shall state that it is so issued and specify the enactment by or under which they are entitled to carry out the operations in question; and
- (c) if the person issuing the certificate is not the developer, shall state that he has authorised the developer to carry out the operations.

(4) If any person issues a certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [level 3 on the standard scale].

Exemptions from offence under section 35.

37.—(1) Section 35 of this Act does not apply to any operations carried out with the consent of the investigating authority for the area of archaeological importance in question.

(2) The Secretary of State may by order direct that section 35 shall not apply to the carrying out, or to the carrying out by any class or description of persons specified in the order, of operations of any class

¹Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

or description so specified; and an exemption conferred by an order under this subsection may be either unconditional or subject to any conditions specified in the order.

(3) The Secretary of State may direct that any exemption conferred by an order under subsection (2) above shall not apply to the carrying out on any land specified in the direction, or to the carrying out on any land so specified by any class or description of persons so specified, of operations of any class or description so specified, and may withdraw any direction given under this subsection.

[The Secretary of State shall consult with the Commission before giving or withdrawing a direction under this subsection in relation to land situated in England.]

(4) A direction under subsection (3) above shall not take effect until notice of it has been served on the occupier or (if there is no occupier) on the owner of the land in question.

(5) In any proceedings for an offence under section 35 consisting in carrying out, or causing or permitting to be carried out, any operations which disturb the ground, it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid or prevent disturbance of the ground.

(6) In any proceedings for an offence under section 35 it shall be a defence for the accused to prove either—

- (a) that he did not know and had no reason to believe that the site of the operations was within an area of archaeological importance;
- (b) that the operations were urgently necessary in the interests of safety or health and that notice in writing of the need for the operations was given to the Secretary of State as soon as reasonably practicable.

38.—(1) Where an operations notice is served with respect to any operations, the investigating authority for the area of archaeological importance in which the site of the operations is situated shall thereupon have a right to enter, at any reasonable time, the site and any land giving access to the site, for either or both of the following purposes, that is to say—

- (a) for the purpose of inspecting the site (including any buildings or other structures on the site) with a view to recording any matters of archaeological or historical interest and determining whether it would be desirable to carry out any excavations in the site; and

Powers of investigating authority to enter and excavate site of operations covered by an operations notice.

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 56

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part II, s. 38

- (b) for the purpose of observing any operations carried out on the site with a view to examining and recording any objects or other material of archaeological or historical interest, and recording any matters of archaeological or historical interest, discovered during the course of those operations.

(2) Where—

- (a) an operations notice is served with respect to any operations; and
- (b) the investigating authority for the area of archaeological importance in which the site of the operations is situated serves notice in accordance with subsection (3) below of its intention to excavate the site;

the investigating authority shall have a right to carry out excavations in the site for the purpose of archaeological investigation at any time during the period allowed for excavation in accordance with subsection (4) below.

(3) The investigating authority shall only have a right to excavate the site of any operations in accordance with subsection (2) above if before the end of the period of four weeks beginning with the date of service of the operations notice the authority—

- (a) serves notice in the prescribed form of its intention to excavate on the developer; and
- (b) serves a copy of that notice on any council (in England and Wales) or local authority (in Scotland) served with the operations notice and also (unless the functions of the investigating authority are for the time being exercisable by the Secretary of State) on the Secretary of State. [¹and
- (c) where the site in question is situated in England, serves a copy of that notice on the Commission (unless the investigating authority is for the time being the Commission).]

(4) The period allowed for excavation under subsection (2) above is the period of four months and two weeks beginning—

- (a) with the date immediately following the end of the period of six weeks beginning with the date of service of the operations notice; or
- (b) where the operations specified in the operations notice are to be carried out after clearance of the site, with the date of receipt of the notification of clearance of the site required under section 35(7) of this Act or with the date first mentioned in paragraph (a) above (whichever last occurs); or

¹S. 38(3)(c) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 57(2)(5)

(c) with any earlier date agreed between the investigating authority and the developer.

(5) Where—

(a) the investigating authority has served notice of its intention to excavate the site in accordance with subsection (3) above; and

(b) the period of six weeks beginning with the date of service of the operations notice has expired;

the investigating authority shall have a right to carry out excavations in the site for the purpose of archaeological investigation notwithstanding that the period allowed for excavation in accordance with subsection (4) above has not yet begun, but only if the authority does not thereby obstruct the execution on the site by the developer of clearance operations or any other operations to which section 35 of this Act does not apply.

(6) The investigating authority may at any reasonable time enter the site and any land giving access to the site for the purpose of exercising a right to excavate the site in accordance with subsection (2) or (5) above.

(7) If operations to which the operations notice relates are carried out on the site at a time when the investigating authority has a right to excavate the site in accordance with subsection (2) or (5) above section 35 of this Act shall have effect in relation to those operations as if the operations notice had not been served (subject, however, to any exemption or defence conferred by or under section 37 of this Act).

(8) The Secretary of State may at any time direct—

(a) that an investigating authority shall comply with any conditions specified in the direction in exercising any of its powers under the preceding provisions of this section in relation to any site; or

(b) that any such power shall cease to be exercisable by an investigating authority in relation to the whole or any part of any site;

and may vary or revoke any direction given under paragraph (a) above.

[¹The Secretary of State shall consult with the Commission before giving, varying or revoking a direction under this subsection in relation to a site situated in England.]

¹Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 57(3)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part II, ss. 38, 39

(9) On giving a direction under subsection (8) above the Secretary of State shall serve a copy of the direction on each of the following persons, that is to say—

- (a) the investigating authority;
- (b) any council (in England and Wales) or local authority (in Scotland) served with the operations notice in question;
- (c) the developer; and
- (d) any person other than the developer by whom the certificate accompanying the operations notice in accordance with section 35(4)(b) of this Act was issued;

and on varying or revoking any such direction the Secretary of State shall notify the same persons (giving particulars of the effect of any variation).

[¹(10) On giving a direction under subsection (8) above in relation to a site situated in England the Secretary of State shall send a copy of the direction to the Commission (if the investigating authority is not the Commission).

(11) On varying or revoking a direction given under subsection (8) above in relation to a site situated in England the Secretary of State shall notify the Commission (giving particulars of the effect of any variation) if the investigating authority is not the Commission.]

Power of investigating authority to investigate in advance of operations notice any site which may be acquired compulsorily.

39.—(1) If an authority possessing compulsory purchase powers notifies the investigating authority for any area of archaeological importance that it proposes to carry out, or to authorise someone else to carry out, on any site in the area, any operations of a description mentioned in section 35(2) of this Act (other than exempt operations), the investigating authority shall thereupon have a right to enter, at any reasonable time, the site and any land giving access to the site, for the purpose mentioned in section 38(1)(a) of this Act.

In this subsection “exempt operations” means operations excluded from the application of section 35 by an order under section 37 of this Act.

(2) The right of an investigating authority to enter any site by virtue of subsection (1) above shall cease at the end of the period of one month beginning with the day on which it is first exercised.

(3) Section 38(8) of this Act shall apply in relation to the power of entry under this section as it applies in relation to the powers of an investigating authority under that section.

(4) Section 38(9) of this Act shall not apply in relation to a direction under section 38(8) with respect to the exercise of the power of entry

¹S. 38(10)(11) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 57(4)

under this section, but on giving any such direction the Secretary of State shall serve a copy of the direction on each of the following persons, that is to say—

- (a) the investigating authority;
- (b) the authority possessing compulsory purchase powers; and
- (c) the owner and (if the owner is not the occupier) the occupier of the site in question; [¹and
- (d) where the site in question is situated in England, the Commission (if the investigating authority is not the Commission);]

and on varying or revoking any such direction the Secretary of State shall notify the same persons (giving particulars of the effect of any variation).

(5) In this section “authority possessing compulsory purchase powers” means any person or body of persons who could be or have been authorised to acquire an interest in land compulsorily.

40. Where an operations notice is served with respect to any operations—

Other powers of entry on site of operations covered by an operations notice.

- (a) any person duly authorised in writing by the Secretary of State may at any reasonable time enter the site of the operations for the purpose of inspecting the site (including any building or other structure on the site) and recording any matters of archaeological or historical interest observed in the course of that inspection; and
- (b) any person duly authorised in writing by the Royal Commission on Historical Monuments may at any reasonable time enter the site for the purpose of inspecting any building or other structure on the site and recording any matters of archaeological or historical interest observed in the course of that inspection.

41.—(1) In this Part of this Act—

Interpretation of Part II.

- (a) “the developer” and “operations notice” have the meanings respectively given by section 35(3) of this Act;
- (b) references to a London borough council include references to the Common Council of the City of London;
- (c) references to operations on any land include references to operations in, under or over the land in question;
- (d) references to the clearance of any site are references to the

¹S. 39(4)(d) inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 58

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part II, s. 41

Part III, s. 42

demolition and removal of any existing building or other structure on the site and the removal of any other materials thereon so as to clear the surface of the land (but do not include the levelling of the surface or the removal of materials from below the surface); and

(e) references to clearance operations are references to operations undertaken for the purpose of or in connection with the clearance of any site.

(2) For the purposes of this Part of this Act, the investigating authority for an area of archaeological importance is the person for the time being holding appointment as such under section 34 of this Act or (if there is no such person) the [¹Secretary of State] [¹Commission (in a case where the area is situated in England) or the Secretary of State (in any other case)].

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Restrictions on use of metal detectors

Restrictions on
use of metal
detectors.

42.—(1) If a person uses a metal detector in a protected place without the written consent of the [²Secretary of State] [²Commission (in the case of a place situated in England) or of the Secretary of State (in any other case)] he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [³level 3 on the standard scale].

(2) In this section—

“metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground; and

“protected place” means any place which is either—

(a) the site of a scheduled monument or of any monument under the ownership or guardianship of the Secretary of State [⁴or the Commission] or a local authority by virtue of this Act; or

(b) situated in an area of archaeological importance.

¹Words from “Commission” to “other case” substituted (prosp.) for words “Secretary of State” by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 59

²Words from “Commission” to “other case” substituted (prosp.) for words “Secretary of State” by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 60(2)(6)

³Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

⁴Words inserted (prosp.) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 60(3)(6)

(3) If a person without [¹the written consent of the Secretary of State] [¹written consent] removes any object of archaeological or historical interest which he has discovered by the use of a metal detector in a protected place he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

[²The reference in this subsection to written consent is to that of the Commission (where the place in question is situated in England) or of the Secretary of State (in any other case)]

(4) A consent granted by the Secretary of State [³or the Commission] for the purposes of this section may be granted either unconditionally or subject to conditions.

(5) If any person—

(a) in using a metal detector in a protected place in accordance with any consent granted by the Secretary of State [³or the Commission] for the purposes of this section; or

(b) in removing or otherwise dealing with any object which he has discovered by the use of a metal detector in a protected place in accordance with any such consent;

fails to comply with any condition attached to the consent, he shall be guilty of an offence and liable, in a case falling within paragraph (a) above, to the penalty provided by subsection (1) above, and in a case falling within paragraph (b) above, to the penalty provided by subsection (3) above.

(6) In any proceedings for an offence under subsection (1) above, it shall be a defence for the accused to prove that he used the metal detector for a purpose other than detecting or locating objects of archaeological or historical interest.

(7) In any proceedings for an offence under subsection (1) or (3) above, it shall be a defence for the accused to prove that he had taken all reasonable precautions to find out whether the place where he used the metal detector was a protected place and did not believe that it was.

Powers of entry

43.—(1) Any person authorised under this section may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that or any other land under this Act or in connection with any claim for

Power of entry for survey and valuation.

¹Words “written consent” substituted (*prosp.*) for words from “the written” to “State” by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 60(4)(6)

²Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 60(4)(6)

³Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 60(5)(6)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part III, ss. 43, 44

compensation under this Act in respect of any such acquisition or for any damage to that or any other land.

(2) A person is authorised under this section if he is an officer of the Valuation Office of the Inland Revenue Department or a person duly authorised in writing by the Secretary of State or other authority proposing to make the acquisition which is the occasion of the survey or valuation or (as the case may be) from whom in accordance with this Act compensation in respect of the damage is recoverable.

(3) Subject to section 44(9) of this Act, the power to survey land conferred by this section shall be construed as including power to search and bore for the purposes of ascertaining the nature of the subsoil or the presence of minerals therein.

Supplementary provisions with respect to powers of entry.

44.—(1) A person may not in the exercise of any power of entry under this Act, other than that conferred by section 43, enter any building or part of a building occupied as a dwelling house without the consent of the occupier.

(2) Subject to the following provisions of this subsection, a person may not in the exercise of any power of entry under this Act demand admission as of right to any land which is occupied unless prior notice of the intended entry has been given to the occupier—

(a) where the purpose of the entry is to carry out any works on the land (other than excavations in exercise of the power under section 26 or 38 of this Act), not less than fourteen days before the day on which admission is demanded; or

(b) in any other case, not less than twenty-four hours before admission is demanded.

This subsection does not apply in relation to the power of entry under section 5 of this Act.

(3) A person seeking to enter any land in exercise of any power of entry under this Act shall, if so required by or on behalf of the owner or occupier thereof, produce evidence of his authority before entering.

(4) Any power of entry under this Act shall be construed as including power for any person entering any land in exercise of the power of entry to take with him any assistance or equipment reasonably required for the purpose to which his entry relates and to do there anything reasonably necessary for carrying out that purpose.

(5) Without prejudice to subsection (4) above, where a person enters any land in exercise of any power of entry under this Act for the purpose of carrying out any archaeological investigation or examination of the land, he may take and remove such samples of any description as appear to him to be reasonably required for the purpose of archaeological analysis.

(6) Subject to subsection (7) below, where any works are being carried out on any land in relation to which any power of entry under this Act is exercisable, a person acting in the exercise of that power shall comply with any reasonable requirements or conditions imposed by the person by whom the works are being carried out for the purpose of preventing interference with or delay to the works.

(7) Any requirements or conditions imposed by a person by whom any works are being carried out shall not be regarded as reasonable for the purposes of subsection (6) above if compliance therewith would in effect frustrate the exercise of the power of entry or the purpose of the entry; and that subsection does not apply where the works in question are being carried out in contravention of section 2(1) or (6) or 35 of this Act.

(8) Any person who intentionally obstructs a person acting in the exercise of any power of entry under this Act shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [¹level 3 on the standard scale].

(9) Where under section 43 of this Act a person proposes to carry out any works authorised by virtue of subsection (3) of that section—

- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by subsection (2)(a) above; and
- (b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the Secretary of State.

Financial provisions

45.—(1) The Secretary of State may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land [²(other than land in England)] which he considers may contain an ancient monument or anything else of archaeological or historical interest.

Expenditure on archaeological investigation.

[³(1A) The Commission may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land in England which they consider may contain an ancient monument

¹Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

²Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 61(2)

³S. 45(1A) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 61(3)

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (c. 46)

Part III, ss. 45, 46

or anything else of archaeological or historical interest; and the reference to an ancient monument in this subsection shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

(2) Any local authority may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land in or in the vicinity of their area, being land which they consider may contain an ancient monument or anything else of archaeological or historical interest.

(3) The Secretary of State [¹or the Commission] or any local authority may publish the results of any archaeological investigation undertaken, assisted, or wholly or partly financed by them under this section in such manner and form as they think fit.

(4) Without prejudice to the application, by virtue of section 53 of this Act, of any other provision of this Act to land which is not within Great Britain, the powers conferred by this section shall be exercisable in relation to any such land which forms part of the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Great Britain [²(or, as regards the powers mentioned in subsection (1A) above, England)].

Compensation
for damage
caused by
exercise of
certain powers
under this Act.

46.—(1) Subject to subsection (2) below, where, in the exercise in relation to any land of any power to which this section applies, any damage has been caused to that land or to any chattels on that land, any person interested in that land or those chattels may recover compensation in respect of that damage from the Secretary of State [³or the Commission] or other authority by or on whose behalf the power was exercised.

(2) Where any such damage is caused in the exercise of any such power by or on behalf of any person for the time being holding appointment as the investigating authority for an area of archaeological importance under section 34 of this Act, compensation shall be recoverable in accordance with this section from the [⁴Secretary of State instead of from that person [⁴Commission (if the area in question is situated in England) or from the Secretary of State (in any other case).]

(3) This section applies to any power to enter, or to do anything, on any land under any of the following sections of this Act, that is to say, sections 6, [⁵6A] 26, 38, 39, 40 and 43.

¹Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 61(4)

²Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 61(5)

³Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 62(2)

⁴Words from "Commission" to "other case" substituted (*prosp.*) for words from "Secretary" to "person" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 62(3)(5)

⁵Word inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 62(4)

(4) References in subsection (1) above to chattels shall be construed in relation to Scotland as references to moveables.

47.—(1) Any claim for compensation under this Act shall be made within the time and in the manner prescribed.

General provisions with respect to claims for compensation under this Act.

(2) Any question of disputed compensation under this Act shall be referred to and determined by the Lands Tribunal or (in the case of any land situated in Scotland) by the Lands Tribunal for Scotland.

(3) In relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 or (as the case may be) of sections 9 and 11 of the Land Compensation (Scotland) Act 1963 shall apply, but the references in section 4 of the Act of 1961 and section 11 of the Act of 1963 to the acquiring authority shall be construed as references to the authority by whom the compensation claimed is payable under this Act.

1961 c. 33.
1963 c. 51.

48.

49.—(1) The Secretary of State may make grants to the [¹institution registered under the Charities Act 1960 under the name of the Architectural Heritage Fund] [¹Architectural Heritage Fund].

Grants to the Architectural Heritage Fund. 1960 c. 58.

[²(1A) The Commission may make grants to the Architectural Heritage Fund for the purpose of enabling it to perform its functions in, or in relation to, England.]

(2) A grant under this section may be made subject to such conditions as the Secretary of State [³or the Commission (as the case may be)] may think fit to impose.

[⁴(3) In this section “the Architectural Heritage Fund” means the institution registered under that name under the Charities Act 1960.]

1960 c. 58.

Application to special cases

50.—(1) Notwithstanding any interest of the Crown in Crown land, but subject to the following provisions of this section—

Application to Crown land.

- (a) a monument which for the time being is Crown land may be included in the Schedule; and
- (b) any restrictions or powers imposed or conferred by any of the provisions of this Act shall apply and be exercisable in relation to Crown land and in relation to anything done on

¹Words “Architectural Heritage Fund” substituted (*prosp.*) for words from “institution” to the end by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 63(2)
²S. 49(1A) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 63(3)
³Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 63(4)
⁴S. 49(3) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 63(5)

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Crown land otherwise than by or on behalf of the Crown, but not so as to affect any interest of the Crown therein.

(2) Except with the consent of the appropriate authority—

(a) no power under this Act to enter, or to do anything, on any land shall be exercisable in relation to land which for the time being is Crown land; and

(b) no interest in land which for the time being is Crown land shall be acquired compulsorily under Part I of this Act.

(3) In relation to any operations proposed to be carried out on Crown land otherwise than by or on behalf of the Crown, an operations notice served under section 35 of this Act shall not be effective for the purposes of that section unless it is accompanied by a certificate from the appropriate authority in the prescribed form consenting to the exercise in relation to that land in connection with those operations of the powers conferred by sections 38 and 40 of this Act.

(4) In this section “Crown land” means land in which there is a Crown interest or a Duchy interest; “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland; “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and for the purposes of this section “the appropriate authority”, in relation to any land—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the Government department having the management of that land;

(b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

(c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(d) in the case of land belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, means that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

In this subsection "Government department" includes any Minister of the Crown.

51.—(1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 with respect to notices served under that Act, where under any of the provisions of this Act a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners. Ecclesiastical Property. 1946 c. 49.

(2) Where the fee simple of any ecclesiastical property is in abeyance, the fee simple shall for the purposes of this Act be treated as being vested in the Church Commissioners.

(3) Any sum which under section 7, 9 or 46 of this Act is payable in relation to land which is ecclesiastical property and apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners, to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.

(4) Where any sum is recoverable under section 8 of this Act in respect of land which is ecclesiastical property the Church Commissioners may apply any money or securities held by them in the payment of that sum.

(5) In this section "ecclesiastical property" means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese of the Church of England or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

52. The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order provide for the application to those Isles of the provisions of this Act— Application to the Isles of Scilly.

(a) as if those Isles were a district and the Council of the Isles were the council of that district; and

(b) in other respects subject to such modifications as may be specified in the order.

53.—(1) A monument situated in, on or under the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Great Britain (referred to below in this section as a monument in territorial waters) may be included in the Schedule under section 1(3) of this Act, and the remaining provisions of this Act shall extend accordingly to any such monument which is a scheduled monument (but not otherwise). Monuments in territorial waters.

(2) The entry in the Schedule relating to any monument in territorial waters shall describe the monument as lying off the coast of England,

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or of Scotland, or of Wales; and any such monument shall be treated for the purposes of this Act as situated in the country specified for the purposes of this subsection in the entry relating to the monument in the Schedule.

(3) In relation to any monument in territorial waters which is under the ownership or guardianship of the Secretary of State [¹or the Commission] or any local authority by virtue of this Act, references in this Act to land associated with the monument (or to associated land) include references to any part of the sea bed occupied by the Secretary of State [¹or by the Commission] or by a local authority for any such purpose relating to the monument as is mentioned in section 15(1) of this Act.

(4) Without prejudice to any jurisdiction exercisable apart from this subsection, proceedings for any offence under this Act committed in United Kingdom territorial waters adjacent to the coast of Great Britain may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(5) It is hereby declared that, notwithstanding that by virtue of this section this Act may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

(6) A constable shall on any monument in territorial waters have all the powers, protection and privileges which he has in the area for which he acts as constable.

(7) References in this section to the sea bed do not include the seashore or any other land which, though covered (intermittently or permanently) by the sea, is within Great Britain.

Supplemental

Treatment and preservation of finds.

54.—(1) Where a person enters any land in exercise of any power of entry under this Act for any of the following purposes, that is to say—

- (a) to carry out any excavations in the land or any operations affecting any ancient monument situated in, on or under the land;
- (b) to observe any operations on the land in exercise of the power under section 6(3)(a) or (4)(b) [²or 6A(2) (a)] or 38(1)(b) of this Act; or
- (c) to carry out any archaeological examination of the land;

¹Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 64

²Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 65

he may take temporary custody of any object of archaeological or historical interest discovered during the course of those excavations or operations or (as the case may be) during the course of that examination, and remove it from its site for the purpose of examining, testing, treating, recording or preserving it.

(2) The Secretary of State or other authority by or on whose behalf the power of entry was exercised may not retain the object without the consent of the owner beyond such period as may be reasonably required for the purpose of examining and recording it and carrying out any test or treatment which appears to the Secretary of State or to that other authority to be desirable for the purpose of archaeological investigation or analysis or with a view to restoring or preserving the object.

(3) Nothing in this section shall affect any right of the Crown in relation to treasure trove.

55.—(1) If any person—

- (a) is aggrieved by any order to which this section applies and desires to question the validity of that order, on the grounds that it is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to it; or
- (b) is aggrieved by any action on the part of the Secretary of State to which this section applies and desires to question the validity of that action, on the grounds that it is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to it;

Proceedings for questioning validity of certain orders, etc.

he may, within six weeks from the relevant date, make an application under this section to the High Court or (in Scotland) to the Court of Session.

(2) This section applies to any designation order and to any order under section 33 (4) of this Act varying or revoking a designation order.

(3) This section applies to action on the part of the Secretary of State of either of the following descriptions, that is to say—

- (a) any decision of the Secretary of State on an application for scheduled monument consent; and
- (b) the giving by the Secretary of State of any direction under section 4 of this Act modifying or revoking a scheduled monument consent.

(4) In subsection (1) above “the relevant date” means—

- (a) in relation to an order, the date on which notice of the making of the order is published (or, as the case may be, first published) in accordance with Schedule 2 to this Act; and

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(b) in relation to any action on the part of the Secretary of State, the date on which that action is taken.

(5) On any application under this section the High Court or (in Scotland) the Court of Session—

(a) may by interim order suspend the operation of the order or action, the validity whereof is questioned by the application, until the final determination of the proceedings;

(b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation thereto, may quash that order or action in whole or in part.

(6) In this section “the relevant requirements” means—

(a) in relation to any order to which this section applies, any requirements of this Act or of any regulations made under this Act which are applicable to that order; and

(b) in relation to any action to which this section applies, any requirements of this Act or of the Tribunals and Inquiries Act 1971 or of any regulations or rules made under this Act or under that Act which are applicable to that action.

1971 c. 62.

(7) Except as provided by this section, the validity of any order or action to which this section applies shall not be questioned in any legal proceedings whatsoever; but nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take a decision on an application for scheduled monument consent.

Service of documents.

56.—(1) Any notice or other document required or authorised to be served under this Act may be served either—

(a) by delivering it to the person on whom it is to be served; or

(b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address; or

(c) by sending it in a pre-paid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode or, in a case where an address for service has been given by that person, at that address; or

(d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a pre-paid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where any such notice or document is required or authorised to be served on any person as being the owner or occupier of any monument or other land—

- (a) it may be addressed to the “owner” or (as the case may require) to the “occupier” of that monument or land (describing it) without further name or description; and
- (b) if the usual or last known place of abode of the person in question cannot be found, it may be served by being affixed conspicuously to the monument or to some object on the site of the monument or (as the case may be) on the land.

57.—(1) For the purpose of enabling the Secretary of State [¹or the Commission] or a local authority to exercise any function under this Act, the Secretary of State [¹or the Commission] or the local authority may require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as a freeholder, owner of the dominium utile, mortgagee, lessee, or otherwise.

Power to require information as to interests in land.

(2) Any person who, having been required under this section to give any information, fails without reasonable excuse to give that information, shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [²level 3 on the standard scale].

(3) Any person who, having been so required to give any information, knowingly makes any mis-statement in respect of it, shall be guilty of an offence and liable—

- (a) on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to a fine.

58.—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

Offences by corporations.

¹Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 66

²Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

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(2) In subsection (1) above the expression “director”, in relation to any body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

Prosecution of offences: Scotland. 1975 c. 21.

59. Notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, summary proceedings in Scotland for an offence under this Act may be commenced at any time within one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings came to his knowledge; and a certificate purporting to be signed by the prosecutor stating that date shall be conclusive.

Regulations and orders.

60.—(1) Any order or regulations made under this Act may make different provision for different cases to which the order or (as the case may be) the regulations apply.

(2) Any power of the Secretary of State to make regulations under this Act, and the power to make orders under sections 3, 37, 52, 61 and 65 of this Act shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations or order, other than one containing regulations under section 19 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

61.—(1) In this Act—

“ancient monument” has the meaning given by subsection (12) below;

“area of archaeological importance” means an area designated as such under section 33 of this Act;

[“the Commission” means the Historic Buildings and Monuments Commission for England;]

“designation order” means an order under that section;

“enactment” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;

“flooding operations” means covering land with water or any other liquid or partially liquid substance;

“functions” includes powers and duties;

“guardianship deed” has the meaning given by section 12(6) of this Act;

¹Definition inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 67(2)

“land” means—

- (a) in England and Wales, any corporeal hereditament;
- (b) in Scotland, any heritable property;

including a building or a monument and, in relation to any acquisition of land, includes any interest in or right over land;

“local authority” means—

(a) in England and Wales, the council of a county or district, the Greater London Council, the council of a London borough, and the Common Council of the City of London; and

(b) in Scotland, the planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973; 1973 c. 65.

“monument” has the meaning given by subsection (7) below;

“owner”, in relation to any land in England and Wales means (except for the purposes of paragraph 2(1) of Schedule 1 to this Act and any regulations made for the purposes of that paragraph) a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let;

“possession” includes receipt of rents and profits or the right to receive rents and profits (if any);

“prescribed” means prescribed by regulations made by the Secretary of State;

“the Schedule” has the meaning given by section 1(1) of this Act;

“scheduled monument” has the meaning given by section 1(11) of this Act and references to “scheduled monument consent” shall be construed in accordance with section 2(3) and 3(5) of this Act;

“the statutory maximum” means—

(a) in England and Wales the prescribed sum within the meaning of [section 32 of the Magistrates’ Courts Act 1980 (that is to say, £1,000 or another sum fixed by order under section 143 of that Act)] to take account of changes in the value of money); 1980 c. 43.
and

(b) in Scotland—

(i) on conviction in the sheriff court, the prescribed sum within the meaning of section 289B of the Criminal

¹Words substituted by Magistrates’ Courts Act 1980 (c. 43), s. 154(1), Sch. 7 para. 190

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1975 c. 21. Procedure (Scotland) Act 1975 (that is to say, £1,000 or another sum fixed by order under section 289D of that Act for that purpose);

(ii) on conviction in the district court, the sum of £200;

“tipping operations” means tipping soil or spoil or depositing building or other materials or matter (including waste materials or refuse) on any land; and

“works” includes operations of any description and, in particular (but without prejudice to the generality of the preceding provision) flooding or tipping operations and any operations undertaken for purposes of agriculture (within the meaning of the Town and Country Planning Act 1971 or, as regards Scotland, the Town and Country Planning (Scotland) Act 1972) or forestry (including afforestation).

1971 c. 78.
1972 c. 52.

(2) In this Act “statutory undertakers” means—

(a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water;

(b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of the Town and Country Planning Act 1971 or of the Town and Country Planning (Scotland) Act 1972; and

(c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.

(3) For the purposes of sections 14(1) and 21(2) of this Act and paragraph 6(1)(b) and (2)(b) of Schedule 3 to this Act a person shall be taken to be immediately affected by the operation of a guardianship deed relating to any land if he is bound by that deed and is in possession or occupation of the land.

(4) For the purposes of this Act “archaeological investigation” means any investigation of any land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and (without prejudice to the generality of the preceding provision) includes in the case of an archaeological investigation of any land—

(a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects

or other material of archaeological or historical interest situated in, on or under the land; and

- (b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any excavations or inspections carried out for the purposes of any such investigation.

(5) For the purposes of this Act, an archaeological examination of any land means any examination or inspection of the land (including any buildings or other structures thereon) for the purpose of obtaining and recording any information of archaeological or historical interest.

(6) In this Act references to land associated with any monument (or to associated land) shall be construed in accordance with section 15(6) of this Act.

(7) "Monument" means (subject to subsection (8) below)—

- (a) any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
- (b) any site comprising the remains of any such building, structure or work or of any cave or excavation; and
- (c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a) above;

and any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.

(8) Subsection (7)(a) above does not apply to any ecclesiastical building for the time being used for ecclesiastical purposes, and subsection (7)(c) above does not apply—

- (a) to a site comprising any object or its remains unless the situation of that object or its remains in that particular site is a matter of public interest;
- (b) to a site comprising, or comprising the remains of, any vessel which is protected by an order under section 1 of the Protection of Wrecks Act 1973 designating an area round the site as a restricted area. 1973 c. 33.

(9) For the purposes of this Act, the site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it which appears to the Secretary of State [or the Commission] or a local authority, in the exercise in relation to that monument of any of their functions under this Act, to be essential for the monument's support and preservation.

¹Words inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 67(3)

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- (10) References in this Act to a monument include references—
 - (a) to the site of the monument in question; and
 - (b) to a group of monuments or any part of a monument or group of monuments.

- (11) References in this Act to the site of a monument—
 - (a) are references to the monument itself where it consists of a site; and
 - (b) in any other case include references to the monument itself.

- (12) “Ancient monument” means—
 - (a) any scheduled monument; and
 - (b) any other monument which in the opinion of the Secretary of State is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it.

(13) In this section “remains” includes any trace or sign of the previous existence of the thing in question.

S. 61(2) extended by British Telecommunications Act 1981 (c. 38), Sch. 3 para. 10(3)(h)

Special provision for Scotland.

62.—(1)—(3)

(4) In this Act, in relation to any land in Scotland, “occupier” means an occupier with an interest in that land which is heritable and, if there is no such occupier, the owner thereof shall be deemed to be the occupier.

- (5) In relation to land in Scotland, any reference in this Act—
 - (a) to a mortgage shall be construed as a reference to a heritable security;
 - (b) to a mortgagee shall be construed as a reference to a creditor in a heritable security; and
 - (c) to a first mortgagee shall be construed as a reference to a creditor in a heritable security which ranks prior to any other heritable security over the same land.

63.

Transitional provisions, consequential amendments and repeals.

64.—(1) Schedule 3 to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law previously in force.

(2), (3)

Short title, commencement and extent.

65.—(1) This Act may be cited as the Ancient Monuments and Archaeological Areas Act 1979.

(2) This Act shall come into force on such day as may be appointed

by order of the Secretary of State, and different days may be appointed for different purposes; and a reference in any provision of this Act to the commencement of this Act is a reference to the day appointed for the coming into force of that provision.

(3) This Act does not extend to Northern Ireland.

Power of appointment conferred by s. 65(2) partly exercised: S.I. 1979/786, 1981/1300, 1981/1466 and 1982/362

SCHEDULES

Sections 2 and 4.

SCHEDULE 1

CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

PART I

APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

1.—(1) Provision may be made by regulations under this Act with respect to the form and manner in which applications for scheduled monument consent are to be made, the particulars to be included therein and the information to be provided by applicants or (as the case may be) by the Secretary of State in connection therewith.

(2) Any scheduled monument consent (including scheduled monument consent granted by order under section 3 of this Act) shall (except so far as it otherwise provides) enure for the benefit of the monument and of all persons for the time being interested therein.

2.—(1) The Secretary of State may refuse to entertain an application for scheduled monument consent unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

- (a) a certificate stating that, at the beginning of the period of twenty-one days ending with the application, no person other than the applicant was the owner of the monument;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons other than the applicant who, at the beginning of that period, were owners of the monument;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) above as are specified in the certificate, that he has taken such steps as are reasonably open to him to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) above, that he has taken such steps as are reasonably open to him to ascertain the names and addresses of the persons mentioned in paragraph (b) above and that he has been unable to do so.

(2) Any certificate issued for the purposes of sub-paragraph (1) above—

- (a) shall contain such further particulars of the matters to which the certificate relates as may be prescribed by regulations made for the purposes of this paragraph; and
- (b) shall be in such form as may be so prescribed;

and any reference in that sub-paragraph to the requisite notice is a reference to a notice in the form so prescribed.

(3) Regulations made for the purposes of this paragraph may make provision as to who, in the case of any monument, is to be treated as the owner for those purposes.

(4) If any person issues a certificate which purports to comply with the requirements of this paragraph and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [¹level 3 on the standard scale].

[²2A. As soon as practicable after receiving an application for scheduled monument consent in relation to a monument situated in England, the Secretary of State shall send a copy of the application to the Commission.]

3.—(1) The Secretary of State may grant scheduled monument consent in respect of all or any part of the works to which an application for scheduled monument consent relates.

(2) Before determining whether or not to grant scheduled monument consent on any application therefor, the Secretary of State shall either—

- (a) cause a public local inquiry to be held; or
- (b) afford to the applicant, and to any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Before determining whether or not to grant scheduled monument consent on any application therefor the Secretary of State—

- (a) shall in every case consider any representations made by any person with respect to that application before the time when he considers his decision thereon (whether in consequence of any notice given to that person in accordance with any requirements of regulations made by virtue of paragraph 2 above or of any publicity given to the application by the Secretary of State, or otherwise); and
- (b) shall also, if any inquiry or hearing has been held in accordance with sub-paragraph (2) above, consider the report of the person who held it. [³and
- (c) shall, if the monument in question is situated in England, consult with the Commission.]

(4) The Secretary of State shall serve notice of his decision with respect to the application on the applicant and on every person who has made representations to him with respect to the application.

4.—(1) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 3(2) above in relation to a monument situated in England and Wales as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section. 1972 c. 70.

¹Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

²Para. 2A inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 68(2)

³Para. 3(3)(c) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 68(3)

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1973 c. 65. (2) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (evidence and expenses at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 3(2) above in relation to a monument situated in Scotland as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section.

PART II

MODIFICATION AND REVOCATION OF SCHEDULED MONUMENT CONSENT

5.—(1) Before giving a direction under section 4 of this Act modifying or revoking a scheduled monument consent the Secretary of State shall serve a notice of proposed modification or revocation on—

- (a) the owner of the monument and (if the owner is not the occupier) the occupier of the monument; and
- (b) any other person who in the opinion of the Secretary of State would be affected by the proposed modification or revocation.

[¹(1A) Where the monument in question is situated in England, the Secretary of State shall consult with the Commission before serving a notice under this paragraph, and on serving such a notice he shall send a copy of it to the Commission.]

(2) A notice under this paragraph shall—

- (a) contain a draft of the proposed modification or revocation and a brief statement of the reasons therefor; and
- (b) specify the time allowed by sub-paragraph (5) below for making objections to the proposed modification or revocation and the manner in which any such objections can be made.

(3) Where the effect of a proposed modification (or any part of it) would be to exclude any works from the scope of the scheduled monument consent in question or in any manner to affect the execution of any of the works to which the consent relates, the notice under this paragraph relating to that proposed modification shall indicate that the works affected must not be executed after the receipt of the notice or (as the case may require) must not be so executed in a manner specified in the notice.

(4) A notice of proposed revocation under this paragraph shall indicate that the works to which the scheduled monument consent in question relates must not be executed after receipt of the notice.

(5) A person served with a notice under this paragraph may make an objection to the proposed modification or revocation at any time before the end of the period of twenty-eight days beginning with the date on which the notice was served.

6.—(1) If no objection to a proposed modification or revocation is duly made by a person served with notice thereof in accordance with paragraph 5 above, or if all objections so made are withdrawn, the Secretary of State may give a direction under section 4 of this Act modifying or revoking the scheduled monument consent in question in accordance with the notice.

¹Para. 5(1A) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 68(4)

(2) If any objection duly made as mentioned in sub-paragraph (1) above is not withdrawn, then, before giving a direction under section 4 of this Act with respect to the proposed modification or revocation, the Secretary of State shall either—

- (a) cause a public local inquiry to be held; or
- (b) afford to any such person an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Secretary of State shall afford to each other person served with notice of the proposed modification or revocation in accordance with paragraph 5 above, and to any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of being heard on the same occasion.

(4) Before determining in a case within sub-paragraph (2) above whether to give a direction under section 4 of this Act modifying or revoking the scheduled monument consent in accordance with the notice, the Secretary of State—

- (a) shall in every case consider any objections duly made as mentioned in sub-paragraph (1) above and not withdrawn; and
- (b) shall also, if any inquiry or hearing has been held in accordance with sub-paragraph (2) above, consider the report of the person who held it.

(5) After considering any objections and report he is required to consider in accordance with sub-paragraph (4) above the Secretary of State may give a direction under section 4 of this Act modifying or revoking the scheduled monument consent either in accordance with the notice or with any variation appearing to him to be appropriate.

7. As soon as may be after giving a direction under section 4 of this Act the Secretary of State shall send a copy of the direction to each person served with notice of its proposed effect in accordance with paragraph 5 above and to any other person afforded an opportunity of being heard in accordance with paragraph 6(3) above.

8.—(1) Where in accordance with sub-paragraph (3) of paragraph 5 above a notice under that paragraph indicates that any works specified in the notice must not be executed after receipt of the notice, the works so specified shall not be regarded as authorised under Part I of this Act at any time after the relevant service date.

(2) Where in accordance with that sub-paragraph a notice under that paragraph indicates that any works specified in the notice must not be executed after receipt of the notice in a manner so specified, the works so specified shall not be regarded as authorised under Part I of this Act if executed in that manner at any time after the relevant service date.

(3) Where in accordance with sub-paragraph (4) of paragraph 5 above a notice under that paragraph indicates that the works to which the scheduled monument consent relates must not be executed after receipt of the notice, those works shall not be regarded as authorised under Part I of this Act at any time after the relevant service date.

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(4) The preceding provisions of this paragraph shall cease to apply in relation to any works affected by a notice under paragraph 5 above—

- (a) if within the period of twenty-one months beginning with the relevant service date the Secretary of State gives a direction with respect to the modification or revocation proposed by that notice in accordance with paragraph 6 above, on the date when he gives that direction;
- (b) if within that period the Secretary of State serves notice on the occupier or (if there is no occupier) on the owner of the monument that he has determined not to give such a direction, on the date when he serves that notice; and
- (c) in any other case, at the end of that period.

(5) In this paragraph “the relevant service date” means, in relation to a notice under paragraph 5 above with respect to works affecting any monument, the date on which that notice was served on the occupier or (if there is no occupier) on the owner of the monument.

1972 c. 70.

9.—(1) Subject to sub-paragraph (2) below, subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 6(2) above as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section.

(2) Subsection (4) of that section (costs of the Minister causing the inquiry to be held to be defrayed by such local authority or party to the inquiry as the Minister may direct) shall not apply except in so far as the Secretary of State is of opinion, having regard to the object and result of the inquiry, that his costs should be defrayed by any party thereto.

1973 c. 65.

(3) In the application of this paragraph to Scotland, in sub-paragraph (1) for the words “subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries)” there shall be substituted the words “subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (evidence and expenses at local inquiries)”, and in sub-paragraph (2) for the words “subsection (4) of that section (costs)” there shall be substituted the words “subsection (7) of that section (expenses)”.

Section 33.

SCHEDULE 2

DESIGNATION ORDERS

Designation orders by the Secretary of State

1.—(1) A designation order made by the Secretary of State shall describe by reference to a map the area affected.

(2) The map shall be to such a scale, and the order in such form, as the Secretary of State considers appropriate.

2. Before making a designation order the Secretary of State shall—

(a) consult each of the local authorities concerned; and

[¹(aa) consult with the Commission (if the area which would be designated by the order is situated in England); and]

¹Para. 2(aa) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 69(2)

(b) publish notice of his proposal to make the order;
in accordance with paragraph 3 below.

3.—(1) The [¹consultation required by sub-paragraph (a)] [¹consultations required by subparagraphs (a) (aa)] of paragraph 2 above shall precede the publication of the notice required by sub-paragraph (b) of that paragraph.

(2) The notice required by paragraph 2(b) above—

(a) shall be published in two successive weeks in the London Gazette and in one or more local newspapers circulating in the locality in which the area affected is situated;

(b) shall state that the Secretary of State proposes to make the order, describing the area affected and the effect of the order; and

(c) shall indicate where (in accordance with paragraphs 4 and 5 below) a copy of the draft order and of the map to which it refers may be inspected.

4. Copies of the draft order and of the map to which it refers—

(a) shall be deposited with each of the local authorities concerned on or before the date on which notice of the Secretary of State's proposal to make the order is first published in accordance with paragraph 3(2)(a) above; and

[²(aa) shall be sent to the Commission (if the area which would be designated by the order is situated in England); and]

(b) shall be kept available for public inspection by each of those authorities, free of charge, at reasonable hours and at a convenient place, until the Secretary of State makes the order or notifies the local authority in question that he has determined not to make it.

5. Copies of the draft order and of the map to which it refers shall similarly be kept available by the Secretary of State, until he makes the order or determines not to make it.

6. The Secretary of State may make the order, either without modifications or with such modification only as consists in reducing the area affected, at any time after the end of the period of six weeks beginning with the date on which notice of his proposal to make the order is first published in accordance with paragraph 3(2)(a) above.

7. On making the order, the Secretary of State shall—

(a) publish notice in two successive weeks in the London Gazette and in one or more local newspapers circulating in the locality in which the area affected is situated, stating that the order has been made and describing the area affected and the effect of the order; and

(b) deposit a copy of the order and of the map to which it refers with each local authority concerned. [³and

(c) send to the Commission a copy of the order and of the map to which it refers (if the area designated is situated in England).]

¹Words from "consultations" to "(aa)" substituted (*prosp.*) for words from "consultations" to "(a)" by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 69(3)

²Para. 4(aa) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 69(4)

³Para. 7(c) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 69(5)

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Designation orders by a local authority

8.—(1) A designation order made by a local authority shall describe by reference to a map the area affected.

(2) The map shall be to such a scale, and the order in such form as may be prescribed.

9. Before making a designation order a local authority shall—

(a) consult any other local authority concerned; and

(b) publish notice of their proposal to make the order;

in accordance with paragraph 10 below.

[¹9A. Before making a designation order a local authority shall notify the Commission of their proposal to make the order, if the area which would be designated by the order is situated in England.]

10.—(1) The consultation required by sub-paragraph (a) of paragraph 9 above shall precede the publication of the notice required by sub-paragraph (b) of that paragraph.

(2) The notice required by paragraph 9(b) above shall be in the prescribed form and shall otherwise comply with paragraph 3(2) above (with the necessary modifications).

11. Copies of the draft order and of the map to which it refers—

(a) shall be deposited with each of the local authorities concerned (other than the local authority proposing to make the order) on or before the date on which notice of the proposal to make the order is first published in accordance with paragraph 3(2)(a) above as applied by paragraph 10 above; and

(b) shall be kept available for public inspection by each of the local authorities concerned, free of charge at reasonable hours and at a convenient place, until the local authority proposing to make the order either make it or determine not to make it and, in the case of any other local authority concerned, notify that local authority of their determination.

12. The local authority may make the order, either without modifications or with such modification only as consists in reducing the area affected, and submit it to the Secretary of State for confirmation, at any time after the end of the period of six weeks beginning with the date on which notice of their proposal to make the order is first published in accordance with paragraph 3(2)(a) above as applied by paragraph 10 above.

13. A designation order made by a local authority shall not take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any such order either without modifications or with such modification only as consists in reducing the area affected.

14. If the Secretary of State confirms the order the local authority shall on being notified that the order has been confirmed—

(a) publish notice of the making of the order in the manner and form prescribed; and

¹Para. 9A inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 69(6)

(b) deposit a copy of the order and of the map to which it refers with any other local authority concerned. ¹and

(c) send to the Commission a copy of the order and of the map to which it refers, if the area designated is situated in England.]

15. The Secretary of State may by regulations prescribe the procedure to be followed by a local authority in submitting a designation order for confirmation by the Secretary of State.

Operation of designation orders

16.—(1) A designation order made by the Secretary of State shall not come into operation until the end of the period of six months beginning with the date on which it is made.

(2) A designation order made by a local authority and confirmed by the Secretary of State shall not come into operation until the end of the period of six months beginning with the date on which it is confirmed.

Variation and revocation of designation orders

17.—(1) An order varying or revoking a designation order shall describe by reference to a map the area affected by the designation order and (in the case of an order varying a designation order) the reduction of that area made by the order.

(2) The map shall be to such a scale, and the order in such form, as the Secretary of State considers appropriate.

18. Before and on making an order varying or revoking a designation order the Secretary of State shall follow the procedure laid down for the making by him of a designation order, and paragraphs 2 to 7 above shall accordingly apply in any such case (taking references to the area affected as references to the area affected by the designation order).

Scotland

19. In relation to a designation order relating to an area in Scotland, references in this Schedule to the London Gazette shall be construed as references to the Edinburgh Gazette.

Interpretation

20.—(1) In this Schedule “the area affected” means, in relation to a designation order, the area to which the order for the time being relates.

(2) For the purposes of this Schedule a local authority is a local authority concerned in relation to a designation order (or in relation to an order varying or revoking a designation order) if the area affected by the designation order, or any part of that area, is within the area of that local authority.

¹Para. 14(c) inserted (*prosp.*) by National Heritage Act 1983 (c. 47), s. 41, Sch. 4 para. 69(7)

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Sch. 3

Section 64(1).

SCHEDULE 3

TRANSITIONAL PROVISIONS

1953 c. 49. 1.—(1) Where an interim preservation notice is in force with respect to any monument immediately before the commencement of this Act, sections 10(3)(a) and (c) and 12(1), (2)(b), (3)(b) and (4) of the Historic Buildings and Ancient Monuments Act 1953 shall continue to apply to the notice and monument respectively as if this Act had not been passed, unless and until the monument is included in the Schedule under section 1(3) of this Act.

(2) So long as by virtue of sub-paragraph (1) above section 12(1) of the Historic Buildings and Ancient Monuments Act 1953 continues to apply after the commencement of this Act to any monument which is under guardianship by virtue of this Act, section 28 of this Act shall have effect in relation to that monument as if for the reference in subsection (2) of that section to a scheduled monument consent there were substituted a reference to the consent of the Secretary of State under section 12(1).

2.—(1) Subject to sub-paragraph (2) below, where a guardianship order made under section 12(5) of the Historic Buildings and Ancient Monuments Act 1953 is in force immediately before the commencement of this Act that order shall continue in force notwithstanding the repeal by this Act of section 12(5), and the provisions of this Act shall apply while the order is in force as if the Secretary of State had been constituted guardian of the monument by a deed not containing any restriction not contained in the order and executed by all the persons who, at the time when the order was made, were able by deed to constitute the Secretary of State guardian of the monument.

(2) A guardianship order continued in force by this paragraph may be revoked at any time by the Secretary of State.

1931 c. 16. 3.—(1) Where within the period of three months immediately preceding the commencement of this Act a person has given notice in accordance with section 6(2) of the Ancient Monuments Act 1931 of his intention to execute or permit to be executed any such work in relation to a monument as is there mentioned the notice shall have effect for the purposes of this Act as an application for scheduled monument consent for the execution of that work.

(2) Where—

(a) a monument becomes a scheduled monument under this Act; and

(b) before it is included in the Schedule any person has applied for the consent of the Secretary of State for the execution of any works affecting the monument which would otherwise be prohibited by section 12(1) of the Historic Buildings and Ancient Monuments Act 1953 (consent required for certain works in relation to a monument subject to an interim preservation notice or preservation order);

1953 c. 49.

then, in a case where the Secretary of State's decision on the application has not been notified to the person in question before the monument is included in the Schedule, the application shall have effect for the purposes of this Act as an application for scheduled monument consent for the execution of those works.

(3) The Secretary of State shall consider and determine any application for scheduled monument consent which has effect as such by virtue of this paragraph notwithstanding that any requirements of regulations made by virtue

of paragraph 1 or any requirements of paragraph 2 of Schedule 1 to this Act are not satisfied in relation to that application.

4.—(1) Subject to the following provisions of this paragraph, where a person has given notice as mentioned in paragraph 3(1) above with respect to any work more than three months before the commencement of this Act, the notice shall have effect for the purposes of this Act as if it were a scheduled monument consent for the execution of that work granted by the Secretary of State under section 2 of this Act on the date of the commencement of this Act (and it may be modified or revoked by the Secretary of State under section 4 of this Act accordingly).

(2) This paragraph does not apply in any case where an interim preservation notice or a preservation order is in force with respect to the monument in question immediately before the commencement of this Act.

(3) A scheduled monument consent which has effect as such by virtue of this paragraph shall not cease to have effect by virtue of section 4(1) of this Act if any of the work to which it relates has been executed or started before the commencement of this Act.

5.—(1) Subject to sub-paragraph (2) below, where—

- (a) a monument becomes a scheduled monument under this Act; and
- (b) before it is included in the Schedule the Secretary of State has granted consent for the execution of any works affecting the monument under section 12(1) of the Historic Buildings and Ancient Monuments Act 1953;

1953 c. 49.

that consent shall have effect for the purposes of this Act as if it were a scheduled monument consent for the execution of those works granted by the Secretary of State under section 2 of this Act on the date when the monument became a scheduled monument (and it may be modified or revoked by the Secretary of State under section 4 of this Act accordingly).

(2) A scheduled monument consent which has effect as such by virtue of this paragraph shall not cease to have effect by virtue of section 4(1) of this Act if any of the works to which it relates have been executed or started before the monument becomes a scheduled monument.

6.—(1) Section 13(2) of this Act shall not apply to any monument of which the Secretary of State or a local authority have been constituted guardians before the commencement of this Act, except where either—

- (a) the guardianship deed provided for control and management of the monument by the guardians; or
- (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the exercise of control and management of the monument by the guardians.

(2) Section 19(1) of this Act shall not apply to any monument of which the Secretary of State or a local authority had been constituted guardians before 15th August 1913 (being the date of commencement of the Ancient Monuments Consolidation and Amendment Act 1913), except where either—

1913 c. 32.

- (a) the guardianship deed provided for public access to the monument; or
- (b) the persons for the time being immediately affected by the operation

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of the guardianship deed have consented to the public having access to the monument.

(3) Where any land adjoining or adjacent to a monument (in addition to its site) was acquired or taken into guardianship before the commencement of this Act under any enactment repealed by this Act, it shall be regarded for the purposes of this Act as having been acquired or taken into guardianship for a purpose relating to that monument by virtue of section 15 of this Act.

1972 c. 43.

7. Notwithstanding the repeal by this Act of the Field Monuments Act 1972, the provisions of that Act shall continue to apply in relation to any acknowledgement payment agreement within the meaning of that Act which is in force immediately before the commencement of this Act.

8. Any reference in any document (including an enactment) to an enactment repealed by this Act shall be construed as or (as the case may be) as including a reference to the corresponding enactment in this Act.

1978 c. 30.

9. Nothing in the preceding provisions of this Schedule shall be construed as prejudicing the effect of section 16 or 17 of the Interpretation Act 1978 (effect of repeals).

10. In this Schedule—

1953 c. 49.

“interim preservation notice” means a notice served under section 10(1) of the Historic Buildings and Ancient Monuments Act 1953; and

“preservation order” means an order made under section 11(1) of that Act.

SCHEDULES 4, 5

.....

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The following provisions have been omitted from the text for the reasons stated:—

- s. 48(1) ... inserts s. 10A in Town and Country Planning (Amendment) Act 1972 (c. 42)
- (2) ... inserts s. 4A in Historic Buildings and Ancient Monuments Act 1953 (c. 49)
- ss. 62(1)–(3), 63 ... repealed by Statute Law (Repeals) Act 1981 (c. 19), Sch. 1 Pt. IV
- s. 64(2) ... provides for amendments of enactments specified in Sch. 4
- (3) ... repeals enactments specified in Sch. 5
- Sch. 4 para. 1 ... amends Electricity (Supply) Act 1926 (c. 51), s. 44(3)
- 2 ... amends Coast Protection Act 1949 (c. 74), s. 47(d)
- 3(1) ... amends Historic Buildings and Ancient Monuments Act 1953 (c. 49), ss. 5(2)(b), 8(1)(c)
- (2) ... amends *ibid.*, s. 8(4)
- 4 ... substitutes new s. 9(1)(a)(b) in Coal Mining (Subsidence) Act 1957 (c. 59)
- 5 ... amends Land Powers (Defence) Act 1958 (c. 30), s. 6(4)(b)
- 6(a) ... substitutes new s. 17(2)(a) in Building (Scotland) Act 1959 (c. 24)
- (b)(c) ... amends *ibid.*, s. 17(2)
- 7 ... amends Flood Prevention (Scotland) Act 1961 (c. 41), s. 3(3)(a)
- 8 ... amends Faculty Jurisdiction Measure 1964 (No. 5), s. 2(5)
- Sch. 4 para. 9 ... amends Mines (Working Facilities and Support) Act 1966 (c. 4), s. 7(8)
- 10 ... amends General Rate Act 1967 (c. 9), Sch. 1 para. 2(d)
- 11 ... substitutes new ss. 56(1)(b), 58(2)(b) for ss. 56(1)(b)(c), 58(2)(b)(c) in Town and Country Planning Act 1971 (c. 78)
- 12 ... substitutes new ss. 54(1)(b), 56(2)(b) for ss. 54(1)(b)(c), 56(2)(b)(c) in Town and Country Planning (Scotland) Act 1972 (c. 52)
- 13 ... substitutes new s. 131(2)(f) in Local Government Act 1972 (c. 70)
- 14 ... amends Local Government (Scotland) Act 1973 (c. 65), s. 182(1)
- 15 ... amends Finance Act 1975 (c. 7), Sch. 4 para. 17(3)(c)
- 16 ... amends Land Drainage Act 1976 (c. 70), s. 111
- Sch. 5 ... specifies enactments repealed by s. 64(3)

PLANNING AND THE HISTORIC ENVIRONMENT

April 1999

Introduction

1. The post-war period has seen successive Governments give high priority to conserving the historic environment. This comprises the tangible built heritage - historic buildings and townscapes, parks and gardens, designed landscapes, ancient monuments, archaeological sites and landscapes. It also includes the wider setting of these features and areas as well as places important for their historic associations. Care of the country's heritage is a fundamental element of environmental stewardship and sustainable development which is at the heart of Government policy.

2. This National Planning Policy Guideline (NPPG) deals primarily with listed buildings, conservation areas, world heritage sites, historic gardens, designed landscapes and their settings. It complements NPPG5 *Archaeology and Planning*, which sets out the role of the planning system in protecting ancient monuments and archaeological sites and landscapes.

3. This NPPG sets out the Government's planning policies in relation to the historic environment with a view to its protection, conservation and enhancement. Central to the Government's approach is the need to secure preservation whilst accommodating and remaining responsive to present day needs. The guidelines have been prepared on the basis of the existing statutory framework for planning, listed buildings and conservation areas. The primary source of guidance on the Secretary of State's interests and responsibilities in relation to listed buildings and conservation areas is provided in the *Memorandum of Guidance on Listed Buildings and Conservation Areas (revised 1998)* (the *Memorandum*).

4. This Guideline:

- outlines national policy on the historic environment which local authorities should consider in formulating and assessing development proposals;
- explains how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development;
- identifies a range of planning action designed to achieve conservation objectives, including implications for development plans and development control

The guideline also recognises that the historic environment comprises more than just the physical remains of the past. Social and economic factors contribute significantly to the cultural heritage and help define the character of the historic environment.

the historic environment

5. The historic environment is a fundamental part of Scotland's cultural heritage and exists as an irreplaceable record which contributes to our understanding of both the present and the past. The historic environment also serves as a framework for the evolution and development of our built environment. It has tremendous visual appeal, provides inspiration and enjoyment and helps reinforce a sense of local, regional and national identity. Scotland's historic environment is characterised by its diversity. Elements are also of international significance. They include some of the finest planning and architectural achievements, such as Edinburgh's

New Town and other significant planned communities such as New Lanark. More modest historic buildings, townscapes and landscapes are valued for their distinctive style and character, quality of workmanship, and important archaeological remains. The historic environment is of immense importance for education, recreation, leisure, tourism and the wider economy.

6. Much of Scotland's substantial legacy of historic buildings, townscapes and landscapes are of outstanding quality. There are over 44,000 listed buildings and almost 600 conservation areas in Scotland. The Inventory of Historic Gardens and Designed Landscapes in Scotland identifies historic parks, gardens and designed landscapes regarded as worthy of special attention. There are 275 sites included in the Inventory although consideration is being given to the inclusion of additional sites. Locally significant buildings, townscape, landscape and other areas beyond the confines of formally designated areas are also an important local resource and often merit protection on that basis. The relationship between historic buildings, cultural features and the natural environment can help give an area its particular identity and character. The spaces between buildings, the settings of historic buildings and areas, historic landscapes, urban parks, historic street patterns, historic battlefields and memorials are particularly significant in this respect. It is also important to remember that good quality modern development forms an important part of our heritage.

7. The survival of historic places is no accident. Legislation exists to identify and protect the character of buildings and areas of architectural or historic interest. There are also provisions for the protection of the setting of historic buildings and for grants to be awarded for the repair of buildings of special architectural and historic interest and townscape within outstanding conservation areas. Successful protection, planning and management of the historic environment will also depend upon functional elements such as land use and historic patterns of economic or social activity being considered alongside the commitment to conserve the physical fabric. The Scottish tradition of living in tenements, for example, is representative of a process that contributes to the overall character of the historic environment and influences building type and layout. Another example of this is the predominance of mixed-use development within town and city centres. Land use and patterns of social and economic activity are key components in the character of the historic environment.

8. Despite the application of measures for the protection of the historic environment, as well as greater public awareness and support for heritage issues, the historic environment can still be threatened by inappropriate development. Historic areas are not immune to the effects of economic decline and population change, which can result in obsolescence, neglect and deterioration of the physical fabric and erosion of their character and distinctiveness. Historic places are a product of a process of refinement and change over generations to meet the needs of existing populations. Pressure for change can, however, present difficult issues and planning has a role to play in reconciling the need to protect our heritage with the need to accommodate and promote suitable opportunities for change. Understanding the dynamics of the historic environment is important in securing its future.

policy and legislative framework Planning Policy Framework

9. Following consolidation of planning legislation through the Town and Country Planning (Scotland) Act 1997 separate legislative provision now exists for, amongst other things, the listing of buildings, listed building control and designation of conservation areas. NPPG1 *The*

Planning System indicates the objectives of the planning system and the legislative and administrative framework within which planning policies are formed and implemented. Maintaining and enhancing the quality of the historic environment and preserving the country's heritage are important functions of the planning system. Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

10. Other NPPGs are of relevance to the historic environment. NPPG5 *Archaeology and Planning* gives guidance on the role of the planning system in identifying, protecting and recording archaeological remains. This guidance complements NPPG5. Better integration of land-use and transport to reduce the need to travel, may lead to a greater concentration of development in existing centres, including historic urban areas. NPPG17 *Transport and Planning* recognises this and seeks to ensure that transport and related land-use proposals do not undermine the quality of the historic environment. The importance of reinforcing the vitality and viability of town centres, of which the historic environment is often a significant component, is advocated NPPG8 (revised 1998) *Town Centres and Retailing*. NPPG3 (revised 1996) *Land for Housing* seeks to promote the reuse of under-used and vacant land and buildings for new housing. This provides opportunity to breathe new life into historic areas. NPPG14 *Natural Heritage* supports conservation of the historic landscape as an important cultural as well as natural resource. *also see PAN 42 Archaeology also see PAN 57 Transport and Planning*

11. The planning system provides a mechanism for the co-ordination and integration of conservation policies with other land-use, transport and environmental policies affecting the historic environment. Planning also has a positive role to play in enabling development that is appropriate in terms of land-use, location and design. In doing so it can safeguard the historic environment from inappropriate development and provide for change that respects the character of and provides for the needs of people within these areas. Development planning enables community involvement in conservation issues and provides the basis for decisions on planning applications. It also provides a vehicle for justifying the use of additional development control powers.

Statutory Designations 02 Listed Buildings

12. The Secretary of State is required to compile a list of buildings of special architectural or historic interest. The term 'building' is defined broadly and can include, for example, walls and bridges as well as structures falling in the more usual understanding of the term. Protection also extends to the interior of listed buildings and to all buildings within the curtilage of the listed structure. Buildings of special architectural or historic interest are listed by the Secretary of State and divided into three categories: categories A, B or C(s). The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the buildings special architectural or historic interest is controlled. *also see chapter I of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and sections 1 and 2 of the Memorandum*

- **In the determination of an application for listed building consent or for planning permission for development affecting a listed building or its setting, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.**

see sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Conservation Areas

13. Conservation areas are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. The setting of these areas can also be included within the designation. Unlike listed buildings, selection and designation is carried out by the planning authority, although the Secretary of State does have reserve powers to designate conservation areas. The main implication of designation is that consent will be required for specific types of development that would not otherwise require it. This level of control can, in certain circumstances, be further extended through the introduction of an Article 4 Direction (see paragraph 40). Designation also introduces control of the demolition of unlisted buildings within conservation areas (see paragraph 48). The character or setting of conservation areas often depends upon individual or distinctive groups of trees. Whilst conservation area designation provides temporary protection over all trees in a conservation area these can be given permanent protection through Tree Preservation Orders. Additional controls over advertisements can also be introduced within conservation areas. *Part II of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and section 3 of the Memorandum*

- **In the determination of any application for planning permission for development affecting a conservation area, the planning authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.**

section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

14. Planning authorities also have a duty to bring forward proposals for the preservation or enhancement of conservation areas. Conservation areas are, therefore, one of the measures available to local authorities in raising the quality of the built environment. The positive management of these areas is vital if their character or appearance is to be protected and enhanced. Various sources of funding are available to local authorities, usually on a partnership basis, from Historic Scotland, and other relevant organisations, to assist with the formulation and implementation of enhancement schemes. The Secretary of State, along with local authorities, has powers to provide grants or loans for the promotion, preservation or enhancement of conservation areas. The designation of conservation areas should not, therefore, simply be used as a way of increasing the level of control exercised over development. *section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*

Non Statutory Designations 05 World Heritage Sites

15. The World Heritage Convention, adopted by UNESCO in 1972 and ratified by the United Kingdom, provides for the identification, conservation and preservation of cultural and natural sites of outstanding universal value for inclusion in a world heritage list. Historic Scotland provides the Secretary of State with advice, on which cultural sites should be included from Scotland on the UK's tentative list, which is the first step in the nomination procedure. Scotland currently has two World Heritage Sites: St Kilda, for its natural value, and the Old and New Town areas of Edinburgh for their cultural value. Responsibility for the

nomination and subsequent protection and management of sites lies with national governments. No additional statutory controls result from designation but a combination of a clear policy framework and comprehensive management plan should be established to assist in maintaining and enhancing the quality of these areas. The impact of proposed development upon a World Heritage Site will be a key material consideration in determining planning applications.

Historic Gardens and Designed Landscapes

16. An Inventory of Historic Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. The effect of proposed development on an historic garden or designed landscape is a material consideration in the determination of a planning application. Planning authorities must consult with the Secretary of State and Scottish Natural Heritage on any proposed development that may affect site contained in the Inventory. *see section 5 of the Memorandum and article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992*

The Role of Historic Scotland

17. Historic Scotland is an executive agency of The Scottish Office responsible for discharging the Secretary of State's functions in relation to the protection and presentation of Scotland's built heritage and advising him on built heritage policy. It administers his statutory duties for the listing and protection of historic buildings and for the scheduling and protection of ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979. It considers on his behalf the classification of conservation areas as 'outstanding' for grant purposes and is jointly responsible for the compilation of the Inventory of Historic Gardens and Designed Landscapes. Historic Scotland also administers grant schemes for the repair of buildings of special architectural or historic interest, for buildings and townscape within 'outstanding' conservation areas, and for ancient monuments. The agency is also responsible for producing the Memorandum of Guidance on Listed Buildings and Conservation Areas. A series of Technical Advice Notes (TANs) offer detailed guidance on various issues related to the use and repair of historic buildings and traditional building materials. Historic Scotland is also responsible for the direct management and promotion of over 300 historic properties in State care. Historic Scotland seeks, therefore, to secure the protection and enhancement of the historic environment by working in partnership with local authorities and others in administering their respective powers, in the positive management of the historic environment and by promoting a greater awareness of the need to protect and conserve the built heritage.

The Role of Local Authorities and Others

18. Local authorities have a range of duties and powers with regard to the historic environment. The stewardship of the historic environment is already reflected in many development plans and the key task is to develop the positive aspects of policy and seek the means for implementing them. It is important that, as planning authorities, they adopt suitable policies in their development plans and implement them through development control decisions and other means. Planning authorities should also ensure that they can call on sufficient specialist conservation advice to inform their decision-making and to advise owners of historic buildings and other members of the public.

19. Prime responsibility for the maintenance and upkeep of the historic environment lies with individual owners and users of historic buildings. Partnership between owners, users and public authorities is, however, key to the long-term conservation of the historic environment. National amenity bodies such as The Scottish Civic Trust, The Architectural Heritage Society of Scotland and the Garden History Society, along with local amenity bodies, community councils and building preservation trusts also play a significant role in safeguarding and promoting the historic environment.

Planning for the historic environment- general policy guidelines Conservation and Sustainable Development

20. Sustainable development is an over-arching theme that lies at the heart of Government policy. In pursuit of sustainable development the Government recognises the historic environment as a finite and non-renewable resource and seeks to encourage its preservation and continued use so that it may be enjoyed today and passed on in good order to future generations. Recycling existing buildings will minimise the consumption of materials and energy used in demolition and redevelopment. Traditional building materials and methods of construction are generally robust and can be more widely promoted on the basis that historic buildings normally have a life span well in excess of modern buildings. For this, and in order to ensure that works involving the alteration, maintenance and repair of historic buildings and streetscape can be carried out in a sympathetic manner, appropriate sources of traditional building materials should be identified. Maintaining and enhancing the economic and social fabric of the historic environment is also vital if the variety, quality and special characteristics of this resource is to be sustained for future generations. Avoiding the neglect and loss of built fabric and promoting the efficient use and reuse of land and buildings within the historic environment are two ways in which the planning system can contribute in a practical way towards sustainable development. Down to Earth - a Scottish perspective on sustainable development

21. Although the most appropriate use for an historic building is likely to be the use for which it was designed, new economic uses should be found for historic buildings where they can no longer reasonably be expected to serve their original purpose over the long term. Many historic buildings remain in active use for hundreds of years. The fact that a building is obsolete for a short period is not in itself justification for unsympathetic change.

22. Whilst not all historic buildings can be readily adapted to serve new uses there are many examples where this has been done successfully. With care and design expertise it should be possible to do this in a manner which retains the form, important detailing and historic interest of the structure. There will, however, be cases where the extent or the nature of any proposed works should not be granted planning permission or listed building consent on the basis that it would undermine the special architectural or historic interest of an historic building or area. Also, it may be the case that the nature of any proposed new use is considered detrimental to the established character of the surrounding area. In principle, therefore, the aim should be to identify the best viable use that is compatible with the fabric, setting and character of the historic environment.

Best viable use

The best viable use may not necessarily be the most profitable use. The aim should be to find a new economic use that is viable over the long term with minimum impact upon the special

architectural and historic interest of the building or area. Achieving best viable use may require adaptation of the fabric. This should be undertaken carefully and sensitively having regard to its architectural and historic interest, character and setting.

23. Deciding whether development proposals demonstrate best viable use will require careful judgement. It will require a balance to be found between the economic viability of possible uses against the special architectural or historic interest of the building or area. It will require imagination, co-operation, flexibility, market awareness, technical knowledge and a proper understanding of the relative importance of the different aspects of the historic environment.

24. In some areas the pace and scale of investment may serve to restrict the number of potential uses for historic buildings. In such cases, the role of grant assistance should be investigated. Conservation grants, where available, can help to:

- unlock the development potential of historic buildings or sites
- achieve the highest standards of design, use of good quality materials and quality workmanship
- lever other sources of funding.

Local authorities have discretionary powers to grant aid conservation works. The benefits of these grants can often be optimised by close co-operation with and partnership between the wide range of other organisations able to contribute to heritage projects. These include Government agencies such as Historic Scotland and Scottish Homes, local enterprise companies and lottery fund distributors.

25. The Government's aim is to promote sustainable development by:

- applying the legislative framework to protect, maintain, conserve and promote the continued use of historic property and environments
- promoting economic, social and physical change that respects the character of the historic environment

12 Conservation and Economic Prosperity

26. Historic buildings and townscape are integral parts of the living and working community. Conservation policies should give a high priority to maintaining and enhancing the prosperity and vitality of historic areas. Government policy on social inclusion, economic vitality and growth can be assisted, amongst other things, through the ongoing regeneration of our built environment. Properly maintained, the historic environment can remain in continued use as a valuable resource. Environmental quality is an important factor in investment decisions. The ongoing protection, conservation and enhancement of the historic environment can thus provide the stability and quality that can encourage inward and continued investment and foster economic prosperity. The cultural and environmental value of the historic environment adds to the quality of life of the local community. Additionally, it can help promote an area as a visitor destination which, in turn, can help generate widespread economic benefits through tourism and recreation.

27. Collaborative, conservation-led approaches have been adopted as the basis of a number of successful regeneration initiatives. Careful and sensitive management of the heritage resource to achieve social, economic and environmental benefits can result in high quality, sustainable

and popular solutions to the regeneration of our urban and rural areas. The rehabilitation of vacant or underused housing above shops can, for example, play an important part in revitalising a declining town centre or historic urban quarter. The environmental impact of larger scale conservation initiatives and the rehabilitation of landmark buildings can help to raise confidence in an area, attract investment, and thus contribute to its economic regeneration. A renewed interest in and appreciation of the heritage of a declining town or village can also help rekindle a sense of place, civic pride and local distinctiveness. This can then be used as a catalyst for its more widespread regeneration and the resurgence of local communities. Within declining town or city centres, waterfront areas and other economically declining historic places, the contribution of conservation as an element in the wider process of physical, economic and community regeneration should be identified and promoted.

Action required Survey and Analysis: the Basis for Effective Policy and Consistent Decisions

28. In putting forward policies and proposals for the protection, conservation and positive management of the historic environment, a full and detailed analysis and understanding of the heritage resource contained within our towns, cities and rural areas is vital. This should cover not only characteristics and features within the historic environment itself, but also the relationship of the historic environment to adjoining areas and the significance of the area in terms of townscape or landscape. Equally, the co-ordination of action and the priority to be given towards achieving conservation objectives has to be placed in context. The preparation of townscape audits and conservation area character appraisals can assist planning authorities in carrying out their development planning and development control functions in relation to the historic environment.

Townscape Audits

29. The relationship and function of the historic environment to the wider urban or rural environment is important when considering the potential for its protection, conservation and enhancement. The purpose of a townscape audit is to consider the physical, environmental and land use characteristics of part or all of a town, village, or city and its setting. An audit should identify the key factors that contribute to its character and identity and the issues that must be addressed in efforts to reinforce this.

30. Audits might address urban design, landscape design, urban conservation, transport, archaeological, natural heritage or other issues relevant to local circumstances. It should help to establish the context within which the historic environment is set and enable a better understanding of the overall role, needs and perceived threats to the built environment. Included within an audit could, for example, be a study of brownfield land or vacant floor space, an assessment of existing and potential environmental quality or a survey of circulation patterns. The carrying out of an audit should ensure that planning authorities are better placed to advise on how social, economic and physical change within the historic environment can be accommodated within an agreed planning and urban design framework. They can inform the local planning process. Advice on how to prepare a townscape audit in the context of small towns is provided in Annex A of PAN 52 *Planning in Small Towns*.

- **Planning authorities should consider the need for townscape audits in their area and carry these out on a priority basis.**

13 Conservation Area Appraisals

31. Conservation area appraisals focus upon the areas likely to be included within the boundaries of a conservation area and seek to define the special interest or the area and key elements that contribute to its character and appearance. This will comprise more than simply visual elements. It can include, for example, the:

- archaeological and historical significance of the area
- origins and development of a settlement
- influence of prevailing and former uses within the area upon building type and street layout
- character and relationship of spaces between buildings
- buildings, features and factors that make a positive contribution
- contribution of trees and open space
- landscape or townscape setting and views to and from it
- contribution of local details and design characteristics; including materials
- nature and impact of traffic and movement patterns
- pressures upon the area for change
- buildings, features or factors that have a negative impact

32. The preparation of an appraisal will assist in defining the boundaries of conservation areas. By appraising the character and appearance of each particular area it also becomes easier to assess development proposals in terms of their impact upon character and appearance. When the main findings of the appraisal are integrated into local plans they can be used as a benchmark against which development proposals affecting the designated area can be assessed, thus leading to a more consistent and better informed decision making process. An authority's justification for designation, as reflected in its assessment of an area's special interest and its character and appearance, is also a factor which the Secretary of State will take into account in considering appeals against refusals of planning permission and conservation area consent.

33. Appraisals can serve as an important management tool by identifying opportunities for further action by planning authorities and others in preparing enhancement schemes. Appraisals can also play a role in identifying and promoting development opportunities. They also provide an opportunity for widespread public consultation on the various land-use issues affecting conservation areas and their preparation can assist planning authorities in the formulation, monitoring and evaluation of local plan policies. An appraisal will also be helpful in securing partnership funding through, for example, the current Townscape Heritage Initiative, for projects within conservation areas.

- **Planning authorities should prepare a character appraisal when reconsidering existing conservation designations, promoting further designations or formulating enhancement schemes, and should consider preparing character appraisals for all conservation areas within their area on a priority basis.**

14 Development Plans

34. Development plans have a key role in achieving the Government's objectives relating to the historic environment. They should provide a land use planning and development framework for the protection, conservation and enhancement of the historic environment,

which can serve to complement and reinforce the measures available to Historic Scotland and others.

35. Currently, all structure plans and adopted local plans make some policy provision for conservation of the historic environment. Development plans help to remove uncertainty and, where appropriate, can promote development opportunities. Planning authorities should make comprehensive and integrated policy provision for the protection, conservation and enhancement of the historic environment, thereby providing a planning context against which impacts can be assessed and decisions taken.

Structure Plans

36. A key function of structure plans is to assess the scale of change likely to occur over the plan period and to ensure that new development is accommodated without damaging the character of the historic environment. A partnership approach towards development plan preparation is essential. The nature of the inter-related issues and interests within the historic environment reinforces the need for such an approach to be adopted. *see PAN 37 - Structure Planning*

Structure plans should:

- **indicate the main elements of the historic environment of relevance for strategic planning purposes**
- **set out general policies for their protection, conservation and enhancement of the historic environment**
- **identify priority locations where an integrated approach to the protection, conservation and positive management of the historic environment should be pursued**

see PAN 49 - Local Planning

Local Plans

37. The strategic framework of the structure plan should be supported by more detailed policies in local plans. The preparation of local plans provides local authorities with the opportunity for identifying and clearly specifying their objectives, policies and criteria for protecting, conserving and enhancing historic areas. A partnership approach to policy formulation, including public participation, is equally important to achieving effective local plans. National and local amenity bodies, along with residents and owners of historic property, will have a particularly important contribution to make. Development plans should not be overloaded with detailed guidance on listed building issues that have little or no bearing on determination of applications for planning permission but should clearly and succinctly state the standard of development the planning authority is seeking to achieve in an area.

Local plans should:

- **define the historic environment and where appropriate, its landscape or townscape setting, in proposals maps**

- **include policies for the protection, conservation and enhancement of the historic environment and its setting**
- **outline proposals for designating conservation areas and for reviewing their boundaries**
- **include reference to existing and proposed Article 4 Directions that relate to conservation areas**
- **outline criteria that will be applied to development proposals within conservation areas, within the curtilage of listed buildings and development affecting the setting of scheduled monuments, listed buildings and conservation areas**
- **specify the criteria that will be applied to proposals for the alteration, extension, demolition or reuse of listed buildings and for unlisted buildings within conservation areas**
- **identify priorities for enhancement programmes, including opportunities for regeneration or revitalisation**
- **indicate sites and areas for which development briefs, design guides (see paragraph 53), character appraisals (see paragraph 31) and other relevant guidance has been prepared**

17 Development Control

38. Legislation, along with the policies contained within development plans, provides the context for making development control decisions that affect the historic environment. To assist the process planning authorities should:

- **inform, through development plans and other relevant guidance, developers of the implications of the historic environment for new development**
- **encourage prospective developers to seek early discussion on development proposals affecting the historic environment**
- **highlight the benefits that can result if proposals are formulated and presented in association with an experienced professional adviser, such as an architect, with knowledge, understanding and an appreciation of the historic environment**
- **ensure that applications are accompanied by sufficient information on the historical, architectural, environmental and archaeological significance of the site along with details of the nature of the proposed development so that the impact of the proposals can be assessed and proposals justified**
- **ensure proposals are based upon detailed knowledge of traditional building materials and methods of construction and their performance**
- **have due regard to Government policy and advice contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas**
- **ensure that development is of a high quality in terms of construction and design. It should pay respect to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, local design characteristics and historic character of adjacent buildings and the surrounding area**
- **seek the expert informal advice of The Historic Buildings Inspectorate upon receipt of particularly complex applications**
- **request the views of The Royal Fine Art Commission for Scotland upon the design aspects of significant development proposals as they affect the historic environment.**

- make full use of historic photographs, archive material (including the collection of the National Monuments Record, local Sites and Monuments Records and Burgh Surveys) and other relevant information when considering development proposals both within or adjacent to the historic environment

SODD Circular 30/1996 Consultation with the Royal Fine Art Commission

39. Planning authorities should also have regard to the possible consequences for designated areas of inappropriate development which may adversely affect their setting.

Article 4 Directions

40. In 1992, the Government introduced stricter controls over development within conservation areas and within the curtilage of listed buildings. In light of this, planning authorities are strongly encouraged to review and, where appropriate, withdraw or amend existing Article 4 Directions. In many circumstances it should be assumed that existing controls over development within conservation areas are considered adequate. The objectives of conservation areas can, for the most part, be met through establishing a development plan policy framework, including positive proposals for encouraging suitable developments, and by the rigorous application of existing development control powers. Directions may, nonetheless, have a particular role to play in helping to protect important unifying elements (e.g. doors, windows and street furniture) and in arresting the incremental erosion of the character and appearance of some areas. This is particularly important in designated areas where resources have been invested in enhancement schemes; particularly where these involve maintaining or introducing elements normally outwith the scope of planning control. However, any Article 4 Directions that may be sought are not likely to be confirmed unless a positive policy framework is in place and clear justification put forward for restricting permitted development rights. Article 4 Directions within conservation areas will need to be supported by a statement of an authority's reasons for making a Direction. This should include: *see Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) and SOEnvD Circular 5/1992*

- an appraisal of the area's special interest and its character and appearance
- clear indication of the characteristics and features that the proposed Direction is intended to conserve
- indication of the nature of any existing or proposed threats to the special architectural and historic interest of the area
- details of the authority's proposals for preservation or enhancement
- evidence of a robust conservation policy framework complemented with supplementary planning guidance on the quality the planning authority is seeking from new development.
- an indication of the level of consultation carried out with those likely to be affected and the consideration given to responses received
- an indication of damage caused, or likely to be caused, by the exercise of permitted development rights

41. Article 4 Directions normally require the approval of the Secretary of State, although this is not the case where they relate to a listed building, to a building notified by the Secretary of State as such, or to development within the curtilage of a listed building.

Listed Building Control

42. It is a requirement of planning legislation that applications for planning permission shall be determined in accordance with the plan unless material considerations indicate otherwise. Where a planning proposal affects a listed building or its setting an important material consideration is the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The primary consideration in the determination of applications for listed building consent, is however, the statutory requirement to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest. Development plan policies that relate to listed buildings, along with relevant supplementary guidance, should still be taken into account when determining applications for listed building consent but should not be afforded as much weight as the statutory requirement.

43. Issues generally relevant to the consideration of all applications for listed building consent and applications for planning permission affecting listed buildings include:

- the impact of development proposals upon particular physical features of the building that justify its listed status. Whilst list descriptions are useful in identifying individual buildings, they are not intended as exhaustive lists of features worth preserving
- the building's setting and its contribution to the townscape or landscape, having particular regard to the impact of development upon the views to and from the listed building
- the extent to which the proposed works would bring benefits to the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings)

There should be a presumption against development that adversely affects the character of a listed building or its setting. Appendix 1 of the Memorandum sets out guidelines for the treatment of historic buildings. These should be used by planning authorities to help establish the impact of development proposals upon their character. Technical guidance in support of the Memorandum is available from Historic Scotland in the form of TANs and Research Reports. section 15 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and SODD Circular 4/1998 The Use of Conditions in Planning Permissions

44. Planning authorities may attach conditions to any grant of listed building consent. However, these must be necessary, relevant to preserving the building or its setting or any features of special architectural or historic interest, enforceable, precise and reasonable in all other respects.

45. All applications for listed building consent for the alteration and extension of category A and B listed buildings, and all applications for demolition works to listed buildings require to be notified to the Secretary of State before any consent is issued by the planning authority. Prior to determining applications for planning permission affecting a category A listed building or its setting the planning authority must consult with the Secretary of State (Historic Scotland). Where the planning authority is minded to approve the application and the Secretary of State has advised against the granting of planning permission, or has recommended conditions which the planning authority do not propose to attach to the permission, the Secretary of State is required to be formally notified. This provides him with

the opportunity to call in the case for determination. *see Circular 4/1997 Notification of Planning Applications*

Conservation Area Control

46. In considering development proposals that affect the character or appearance of a conservation area the planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. Planning authorities should give this a high priority. In considering applications for planning permission affecting conservation areas, planning authorities should have regard to the following: *section 63 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997*

- notwithstanding the acceptability of the proposals in terms of other planning issues, if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of the designated area there should be a presumption against granting planning permission
- if a proposed development would have a neutral effect upon the character or appearance of the area (i.e. does no harm) then it should be treated as being one which preserves the area's character or appearance
- proposals should be assessed in terms of their impact upon the character or appearance of the whole conservation area. Character appraisals may, however, be able to demonstrate that parts of individual areas are of a different character. Where this is the case proposals can be assessed in terms of the character of these individual areas.
- If a proposed development would have negative and positive impacts then these will have to be weighed against each other and the proposals considered as a whole

Planning authorities should also consider the likely impact of development proposals for sites which lie outwith the conservation area but which would impact upon its appearance, character or setting.

Demolition

47. In all cases of demolition prior consideration should be given to the scope for recycling buildings which have clear historic or architectural significance. With respect to the demolition (meaning total or substantial destruction) of listed buildings, it is Government policy that no such building should be lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping them. Ultimately however, consideration of applications for the demolition of a listed building should be based upon the;

- importance of the building,
- condition of the building
- the adequacy of efforts made to retain the building in use
- the extent to which the community would benefit from redevelopment.

All applications for the demolition of a listed building will need to be supported by a report on the condition of the building along with a feasibility study which explores the viability of retaining the building in active use. Any proposed replacement of a demolished listed

building should be of comparable quality in terms of its construction and design. In order to establish this, details of the proposed scheme of redevelopment will require to be submitted to the planning authority and the associated applications for planning and listed building consent considered together. The main source of guidance on Government policy in operating control over demolition works to listed buildings is contained within paragraphs 2.10-2.14 of the Memorandum.

48. Conservation area designation introduces a need to obtain conservation area consent for the demolition (meaning total or substantial destruction) of unlisted buildings within conservation areas. There are, however, a number of exemptions from the need for conservation area consent. The Secretary of State is required to be notified of all applications for conservation area consent. *Annex IV of SDD Circular 17/1987 New Provisions and Revised Guidance Related to Listed Buildings and Conservation Areas*

49. Determining what constitutes substantial destruction is generally a matter of fact and degree and will need to be determined by the planning authority on an assessment of the circumstances in each case. Demolition works that result in the demolition of three out of four external walls would normally require conservation area consent. Partial demolition is, for the purposes of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, to be interpreted as an 'alteration'¹. Partial demolition of an unlisted building within a conservation area will not, therefore, normally require conservation area consent. If such works fall within the meaning of 'development', are not exempted by virtue of any Direction made by the Secretary of State and do not benefit from permitted development rights, then an application for planning permission will be required. Planning authorities will be able to advise on the necessary procedures prior to carrying out demolition works within conservation areas. *section 26 of the Town and Country Planning (Scotland) Act 1997*

50. In considering proposals for the demolition of unlisted building within conservation areas, planning authorities should bear in mind the statutory requirement to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The general presumption should be in favour of retaining buildings that make a positive contribution to the character or appearance of conservation areas, particularly where it can be demonstrated that the building is able to support a new viable use. The main guidance on Government policy and the procedures relating to control over the demolition of unlisted buildings within conservation areas is contained within paragraph 4.26 - 4.32 of the Memorandum.

51. In cases of demolition or significant alteration of historic buildings and townscape planning authorities, should, wherever practicable, seek to ensure that as many fixtures, fittings and architectural details are salvaged from the works as possible. Planning authorities should inform applicants of the importance of the construction materials and details such as doors, windows, shop-fronts, ashlar and fireplaces prior to the application being determined. Planning authorities should also consider attaching conditions to any consent to ensure their long-term preservation and re-use. 22

Recording Buildings

52. The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) must be formally notified of all proposals to demolish listed buildings, and also unlisted buildings where these lie within conservation areas. This provides them with an

opportunity to compile an archaeological or architectural record. Notification may also be appropriate in cases of significant alteration. In all cases of demolition or significant alteration of historic buildings, structures and streetscape, planning authorities are also encouraged to make it a condition of consent that applicants arrange suitable programmes of recording features that would be destroyed in the course of the proposed works. Planning authorities should inform RCAHMS of such conditions and of all recording works carried out in their area. Archaeological or architectural surveys should be deposited in the National Monuments Record of Scotland or within local sites and monuments records where these exist. Where important hidden features or buried remains may be revealed during the course of the works, planning authorities should ensure that suitable arrangements can be made for their retention or recording. *see paragraph 2.55 and 2.66 of the Memorandum.*

Supplementary Action

53. This guideline has highlighted the role that new development and reuse of buildings can play in ensuring the long-term future for the historic environment. Contemporary architecture and innovative new design can also contribute significantly to its character and appearance. The formulation and publication of development briefs and design guides will help to secure new development that is suitable in terms of use and location. They will also help foster high quality design solutions. A collaborative and cross-disciplinary approach should be taken to preparing these. *see paragraph 37 of NPPG 1 The Planning System*

- **Planning authorities should formulate and publish development briefs and design guides for key development opportunities within the historic environment in order to facilitate and promote high quality and well designed new development.**

24 Development Briefs

54. Development briefs are generally site specific and seek to highlight any physical, technical and other design constraints and considerations along with a statement of preferred land use types in order to guide development. They should be detailed enough to enable prospective developers to make an early assessment of the viability of development proposals. Generally, it is useful if the information contained within development briefs is presented in diagrammatic form.

Design Guides

55. Design guides aim to identify local design characteristics and set out policies, supported, where appropriate, by illustrative examples, in order to promote their retention. Design guides can play a role in influencing the overall quality of development proposals in an area. They can also help to ensure that new development preserves or enhances the established character or appearance of conservation areas. When subject to public consultation supplementary planning guidance can be an important material consideration in the determination of applications for planning permission.

Historic Buildings at Risk

56. At any time, many historic buildings are at risk from neglect. The loss of the built heritage in this way not only constitutes an unnecessary waste of environmental and material

resources, but also represents a failure to protect the cultural heritage for future generations to enjoy. Planning authorities are encouraged to work with The Scottish Civic Trust (who produce the *Buildings at Risk Register*) in identifying historic buildings at risk in their area. A survey and analysis of the fabric of the listed building stock along with an understanding of the reasons why buildings fall into disrepair will enable planning authorities to determine priorities for action. Planning authorities are also strongly encouraged to use their powers to enforce Building Preservation Notices, Listed Building Enforcement Notices, Urgent Works Notices, Repairs Notices and compulsory purchase procedures, as appropriate, where listed buildings are at risk from neglect and where all other means of conserving the building have been exhausted. Early intervention is vitally important if irreversible damage is to be avoided and the cost of repair and rehabilitation is to be minimised. Building preservation trusts have advantages of charitable status as well as access to higher rates of grant from certain funds and are often willing to consider taking ownership of listed buildings with a view to repair and subsequent management or disposal. see Section 3 of the Memorandum

Where a building is seriously at risk from neglect as a result of the inability of all concerned to stabilise its decay or to find an appropriate new use then the planning authority should consider the merits of some new development. The principal purpose of enabling development should be to rescue historic buildings from imminent collapse or further decay. High quality, innovative new architecture and design may, in certain locations, serve to enhance the character of the historic environment. The settings and interiors of some buildings, however, have been designed and laid out to complement their form or function. These locations are extremely sensitive to any amount of new development and will need to be safeguarded. Enabling development should, in all cases, be regulated so that the funds raised from the sale of the enabling development are successfully channelled into the conservation of the building or buildings to which the enabling development relates. This is normally possible by means of a planning agreement *enabling development*

This should be the minimum necessary to unlock the development potential of buildings or sites and enable their restoration. It should be located and designed to have minimum impact upon the architectural and historic interest, character and setting of the historic environment.

see Circular 12/1996 Planning Agreements

Conclusions

The planning system has a role to play in identifying, maintaining and improving the quality of Scotland's historic environment. Inappropriate development does not just make an area less attractive to look at. It can also erode important cultural heritage assets and undermine efforts to attract new investment. Achieving sustainable development involves reconciling the protection of the historic environment with the identification and promotion of acceptable opportunities for change. The planning system can greatly assist in this process. Structure and local plans can provide the basis for an integrated approach to the protection, conservation and enhancement of the historic environment. The development control process offers a means of ensuring that new development, including redevelopment, rehabilitation and alteration, respects its character and setting and generates added value. Conservation should not be backward looking. The NPPG advocates a positive approach and emphasises the need to find ways in which the active life of historic buildings and the wider historic environment can be sustained. Maintaining and enhancing the vitality, viability and vibrancy of some areas

is closely linked to maintaining the quality of the historic environment. A positive approach to conservation can, therefore, result in wider economic, social and environmental benefits.

Notes

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PAN 40 Development Control

PAN 42 Archaeology

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PAN 52 Planning in Small Towns

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TAN 3 Performance Standards for Sash and Case Windows

TAN 4 Thatch and Thatching Techniques

TAN 5 The Hebridean Blackhouse

TAN 6 Earth Structures and Construction in Scotland

TAN 7 Access to the Built Heritage

TAN 8 Historic Scotland Guide to International Conservation Charters

TAN 9 Stonecleaning of Granite Buildings

TAN 10 Biological Growth on Sandstone Buildings: control and treatment

TAN 11 Fire Protection Measures in Scottish Historic Buildings

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NPPG5 - ARCHAEOLOGY AND PLANNING

Introduction

1. This National Planning Policy Guideline (NPPG) sets out the Government's planning policy on how archaeological remains and discoveries should be handled under the development plan and development control systems, including the weight to be given to them in planning decisions and the use of planning conditions. The guidance is aimed at planning authorities in Scotland, and is also of direct relevance to developers, owners, statutory undertakers, government departments, conservation organisations and others whose actions have a direct physical impact upon the natural or built environment

2. More detailed advice on planning procedures and the separate controls over scheduled monuments is given in the associated Planning Advice Note *Archaeology - the Planning Process and Scheduled Monument Procedures*.policy context

3. As part of its intention to work towards sustainable development, the Government seeks to encourage the preservation of our heritage of sites and landscapes of archaeological and historic interest, so that they may be enjoyed today and passed on in good order to future generations. The White Paper on the Environment, *This Common Inheritance*, states that the Government's aim is to preserve and enhance this heritage through:-

- looking after properties in Government care;
- promoting enjoyment and understanding of the heritage;
- encouraging private sector efforts, and making financial assistance available to help meet the extra costs of maintaining and restoring heritage property;
- identifying and recording our heritage; and
- ensuring that the legislative system properly protects and preserves it.

4. Archaeological remains are a crucial part of this heritage. They are evidence - for prehistoric periods, the only evidence - of the past development of our society and culture, and of human interaction with the natural environment, and thus help in the interpretation of the landscape today. In many ways, there is a continuing and close relationship between the natural and the cultural heritage, including archaeology. Archaeological remains are a finite and non-renewable resource, and should therefore be regarded as a part of the environment to be protected and managed. The primary policy objectives are that they should be preserved wherever feasible and that, where this proves not to be possible, procedures should be in place to ensure proper recording before destruction, and subsequent analysis and publication.
background information 5. Today's rural and urban landscape is the product of human activity over thousands of years. There are settlements and remains of every period, from the camps of the early hunter-gatherers 10,000 years ago to remains of 20th-century industrial and military activities. They include places of worship, settlements, defences, burial grounds, farms, fields, and sites of industry, in some cases forming broader archaeological landscapes.

6. The total extent of archaeological remains is unknown. Although there are records of over 70,000 sites and monuments in Scotland, many others will exist, including a large number of isolated sites where archaeological artefacts have been found (findspots). Many of the 70,000 substantive sites are composed of more than one monument. Over 5,600 nationally important sites are currently protected as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979, but the potential number of nationally important sites is

much larger, and some 300 new sites are added to the Schedule annually. In addition, there are many monuments which, while not fulfilling the criteria for national importance, are of regional or local significance. All of these sites and monuments, whether scheduled or not, are fragile and irreplaceable.

7. The Secretary of State for Scotland is responsible for setting the general framework of the planning system. Through his executive agency, Historic Scotland, he is also responsible for compiling and maintaining a Schedule of nationally important monuments which are afforded legal protection; for controlling works (such as developments which could have an impact upon the site or setting of such monuments) through the scheduled monument consent (SMC) procedures; for protecting and preserving archaeological and historical remains of importance by direct and indirect means; and for promoting public understanding and enjoyment of Scotland's historic monuments.

8. The majority of Scotland's Regional and Islands Councils have recognised the value of developing archaeological services for planning, recreational and educational purposes. Such archaeological services are provided by qualified archaeologists who have the necessary experience of archaeological fieldwork, record curation and local authority procedures to provide up-to-date information and advice tailored to local, and particularly local planning, needs. Throughout this NPPG the term "Regional Archaeologist" is used to refer to the senior member of such a service.

9. Where there is no archaeological expertise within a district authority, it should be sought from the Regional Archaeologist. If there is no Regional Archaeologist, Historic Scotland endeavours to provide a basic service of advice, but this must inevitably be less detailed and locally-aware than a Regional Archaeologist could provide, and will be available for a limited period only.

10. In most of Scotland's Regions and Islands Areas there exists a Sites and Monuments Record (SMR), which is intended to contain a description of all known archaeological sites, enabling an assessment of their importance to be made by the Regional Archaeologist. To be of value, such information must be continuously maintained and updated. In addition, the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) maintains the National Monuments Record of Scotland.

11. Within this framework the key to the future protection and preservation of the great majority of archaeological sites and historic landscapes lies in co-operation between local authorities and site owners and developers. Appropriate planning policies in development plans and their implementation through development control will be especially important, as will the development of an adequate and regularly maintained information base. *policy guidelines* 12. It is the Government's aim to accommodate development without eroding environmental assets, and this includes Scotland's archaeological heritage. The development planning system provides the policy framework for meeting the need for development along with the need for preserving archaeological resources, and for minimising the potential for conflict between these two objectives.

13. Local authorities have a number of powers and responsibilities related to archaeological sites and monuments within their areas:-

- as owners, occupiers or lessees they may have important remains, buildings or sites in their care;
- they have powers to acquire ancient monuments and grant-aid the preservation of historic sites or monuments, whether in their care or not;
- they can help to preserve and manage historic sites which contribute to the local landscape, amenities and economy;
- they help safeguard the archaeological heritage through their development planning and development control functions; and
- they have a crucial role in the preparation and maintenance of SMRs and archives as a basis for the above activities.

Local authorities can also ensure that archaeological services are developed for planning, recreational and educational purposes.

14. Planning authorities should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes. Although not all proposals will have significant archaeological implications, any type of proposal, including those which are permitted development, may have an effect upon archaeological remains and artefacts. This applies equally to activities undertaken to achieve other conservation goals, for example coastal protection works.

15. Because of their extent, certain activities, such as forestry planting, roads and mineral extraction, may have particularly significant consequences for archaeological remains. This is reflected:-

- in the requirements on regional and general planning authorities to take account of important archaeological sites and areas when drawing up Indicative Forestry Strategies (see SDD Circular 13/1990);
- in the archaeological standards required of applicants to the Forestry Commission's Woodland Grant Scheme;
- in the principle recently adopted by government departments of directly funding necessary archaeological investigations from project costs, for example in trunk road schemes; and
- in the recently-agreed Confederation of British Industry Archaeological Investigations Code of Practice for Mineral Operators in Scotland, which seeks to extend best practice elsewhere to Scotland.

16. Planning authorities and all parties involved in development should regard archaeological remains as a finite and often highly fragile resource, vulnerable to needless or thoughtless damage and destruction. It is also important that the integrity of the setting of archaeological sites be safeguarded. However, not all remains are of equal importance. Authorities should therefore base their development plan policies and development control activities on up-to-date knowledge of the various categories of archaeological remains in their area, following advice from the Regional Archaeologist.

17. Where development is proposed, planning authorities, using the categories outlined in this paragraph as a guide, should weigh the relative importance of the archaeological features in question and their potential use for amenity, tourism and education purposes against other

factors, including the benefits of the proposed development:- P90_10829 *Sites of National Importance*

- Scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Developments, which would have an adverse effect on scheduled monuments or the integrity of their settings, should not be permitted unless there are exceptional circumstances. Scheduled monument consent is required from the Secretary of State through Historic Scotland for any development affecting a scheduled ancient monument, and notification to Historic Scotland of any planning application affecting the site of such a monument is required under Article 15(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- Not all nationally important remains meriting scheduling are yet scheduled. Historic Scotland are currently preparing non-statutory registers of those monuments in SMRs likely to be of national importance. Where such monuments have been identified and the information has been made available to the planning authority, the authority should proceed as for scheduled monuments, except that notification to Historic Scotland and SMC are not legally required.

P94_12029 *Sites of Regional and Local Importance*

- Many significant archaeological sites recorded in SMRs will not merit scheduling under the criteria for national importance but may nevertheless be of importance in a regional or local context. Such sites should be defined and justified through development plan policies with priority also given to their preservation within an appropriate setting, although the strength of protection will not be as high as that given to sites of national importance. In circumstances where it is considered appropriate to approve a planning application which would result in damage or alteration to a site, provision must be made for the recording of any part of the site which is affected.

P97_12746 *Other Sites*

- Cases involving archaeological remains of lesser importance, and sites where finds have been made in the past but no remains are known, will not always be so clear cut. Planning authorities should therefore take particular advice from Regional Archaeologists.

18. The preservation in situ of important archaeological remains is always to be preferred, particularly in relation to nationally important sites. Where this is not possible, an archaeological excavation incorporating the recording and analysis of remains and publication of the findings, together with the deposition of the artefacts in an appropriate museum and the records in the National Monuments Record of Scotland, may be an acceptable alternative. This is usually expensive and time-consuming, and is always less preferable from the archaeological viewpoint, even though important information may be recovered. In some circumstances, it may be possible to undertake new development so that it preserves underlying archaeological remains, or at least reduces damage to them, by the use of piled or rafted foundations at a much lower cost than excavation. This may be particularly applicable within historic burghs, where the density of archaeological remains, the costs of excavation and the value of land are all high. *action required*

P103_14078 *Sites and Monuments*

Records 19. The first requirement of any policy aiming to protect and manage archaeological remains is a sound information base. This can be achieved by the creation, maintenance and regular augmentation of a record of all known sites. Such a record will permit an accurate assessment of the importance of known sites and the likelihood of undiscovered sites within the area of a development proposal. All planning authorities should ensure that they have access to such a record, which should be professionally maintained and readily available for consultation by planning departments of regional, islands and district councils and all other interested parties.

P106_14761 *Development Plans*

20. A primary function of development plans is to reconcile the requirements for development land with the conservation of our natural and built heritage. These plans provide the policy framework for authorities to safeguard archaeological sites and monuments in their areas. Once established this framework should guide decision-making on individual applications for development which may affect an archaeological site or monument or its setting. The status of development plans will be enhanced when Section 58 of the Planning and Compensation Act 1991 is brought into effect. This will introduce what is in effect a presumption in favour of proposals which are in accord with the development plan, adding weight to their relevance in deciding planning applications and appeals. Accordingly, it will be increasingly important that plans incorporate relevant and robust policies, made against a background of sound archaeological information and advice, for the preservation of important archaeological sites and monuments.

21. Structure plans should, in considering possible land use allocations and strategic locations for development, take full account of the implications for scheduled archaeological remains and other nationally important remains at present unscheduled. Such plans should also include:-

- relevant general protection policies for nationally important remains and their settings; for unscheduled sites of regional and local importance and their settings; and also for landscapes of historic importance; and
- general policies requiring the excavation and recording of such sites where the primary aim of preservation has not been achieved.

22. Local plans should include:-

- policies for the protection, preservation and, where appropriate, enhancement of all nationally important sites of archaeological interest and their settings; and also for other unscheduled remains and their settings identified as particularly worthy of preservation;
- where appropriate, policies for the protection of landscapes of historic importance; and
- policies requiring the excavation and recording of sites where the primary aim of preservation has not been achieved.

It will normally be undesirable, for reasons of scale, to depict all currently known sites on the local plan proposals map. In addition, because unknown sites would be omitted and the

importance of imperfectly known sites possibly under-valued, such an approach could be misleading for plan users. It may, however, be appropriate for the proposals map to define the location of key sites to which the policies apply, making a distinction between sites of national importance and other sites. In this case the local plan should state that the proposals map is not exhaustive and that undefined sites will also be covered by relevant policies.

23. Planning authorities should make full use of the Regional Archaeologist (see paras 8 and 9) when devising archaeological policies for inclusion in development plans.

24. Planning authorities should not include in their development plans policies requiring developers to finance archaeological works in such a manner that the grant of planning permission may be seen as a direct return. However, planning authorities may include policies which:-

- strongly encourage developers to give support to such work, particularly the excavation and recording of sites in advance of development where preservation has proved impossible;
- presume against the destruction without recording of identified sites; and
- seek to ensure that development does not proceed until such excavation and recording has taken place.

P130_18410 *Development Control* 25. The preservation of ancient monuments and their setting is a material consideration in determining planning applications and appeals, whether a monument is scheduled or not. Therefore the archaeological implications of development proposals should be considered at the outset of the development control process. In considering applications for planning permission which involve, or may have implications for, archaeological remains, planning authorities should:-

- encourage prospective developers to seek early discussions;
- consult the Regional Archaeologist at the outset of the process;
- ensure, where appropriate, that the prospective developer arranges for an archaeological assessment and, if necessary, a field evaluation; and
- ensure that relevant information on the cultural heritage, including archaeological resources, is taken into account in any environmental assessment that may be necessary in relation to the application for planning permission (for further details see Planning Advice Note 42).

26. There will be occasions where a planning authority, following consultation with the Regional Archaeologist (and, if a scheduled ancient monument is involved, Historic Scotland), decides that the physical preservation in situ of archaeological remains is not justified in the circumstances of the case and that development resulting in the destruction of the archaeological remains should proceed. In such cases, the planning authority should satisfy itself, before granting planning permission, that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains, and for the notification of any finds to the appropriate authorities. Excavation and recording should be carried out to the best possible standard before development commences, by appropriately skilled personnel working to a project brief supplied by the developer and acceptable to the planning authority on the basis of the professional archaeological advice of the Regional Archaeologist. Where scheduled ancient monuments are involved, the

responsibility for approving the brief lies with Historic Scotland, acting on behalf of the Secretary of State through the SMC procedures.

27. Planning authorities should achieve these objectives through the use of planning conditions or, in some cases, by means of Section 50 agreements. Conditions or agreements should also be framed to ensure that if remains of archaeological significance are found in the course of building or other work they are properly recorded and, if necessary, emergency salvage excavation undertaken. Attention should be drawn to the legal requirements relating to the reporting of artefactual finds to the National Museums and of human remains to the police - local museums can provide advice on these topics.

28. Because works affecting scheduled monuments are subject to control under the Ancient Monuments and Archaeological Areas Act 1979, it is not usually necessary to duplicate this control through the use of planning conditions. However, where planning permission is being granted for development which might affect the setting of a scheduled monument, or a non-scheduled monument or its setting, the planning authority may impose conditions designed to:-

- protect the monument or its setting;
- secure the provision of archaeological excavation and recording of remains: or
- ensure reasonable access by archaeologists before and during the construction period.

(Suggested model conditions are included in PAN 42.)

29. The requirements of conditions must be reasonable in all the circumstances of the case. Provided that there is early consultation, archaeological investigation should normally have taken place in advance of development and it should not be necessary to impose conditions which hold up development and construction work while archaeological investigation of known remains takes place. However, completely unforeseen archaeological discoveries may be made during development, and it is normal to include provision for skilled archaeologists to be given access to inspect and record these. Where discoveries made during development work are considered to be of outstanding national importance, they may rapidly be protected through the use of the Secretary of State's scheduling powers under the Ancient Monuments and Archaeological Areas Act 1979, but this is done only in the most exceptional circumstances if development has been approved and is underway.

30. Some development which is permitted in terms of Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 may in exceptional circumstances, give rise to a real and specific threat to a scheduled monument or other significant archaeological site, or their settings. In these cases planning authorities may wish to consider the use of their powers under Article 4 of that Order to withdraw particular permitted development rights. They should also note that permitted development rights do not over-ride the statutory provisions of the Ancient Monuments and Archaeological Areas Act 1979 and that scheduled monument consent is still required in cases where scheduled monuments are directly affected. *conclusion* 31. Positive planning control, as well as development plans, can help to reduce possible conflict between development and preservation, and to indicate ways of preserving archaeological resources without unnecessarily delaying development. The ultimate objective is to secure the best possible treatment of the archaeological heritage while at the same time accommodating the need for development.

Source: <http://www.scotland.gov.uk/Publications/1998/10/nppg5>

notes 32. The guidance given in this NPPG supersedes the guidance given on archaeological matters in paragraphs 66 and 67 of Scottish Development Department Circular 18/86 on the use of planning conditions and in paragraphs 35 and 36 of Appendix A to that Circular.



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Planning Advice Note
PAN 42

ARCHAEOLOGY

- the Planning Process and
Scheduled Monument Procedures

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planning series:

- **National Planning Policy Guidelines (NPPGs)** provide statements of Government policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Government policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Government policy contained in NPPGs and Circulars may, so far as relevant, be material considerations to be taken into account in development plan preparation and development control.

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introduction

1. This Planning Advice Note (PAN) includes advice on the handling of archaeological matters within the planning process and on the separate controls over scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. The PAN supports an associated National Planning Policy Guideline -Archaeology and Planning - which sets out the Governments planning policy on how archaeological remains and discoveries should be handled within the development plan and development control systems.

the importance of archaeology

2. Archaeological remains offer a tangible, physical link with the past. They are a finite and non-renewable resource containing unique information about our past and the potential for an increase in future knowledge. Such remains are part of Scotland's identity and are valuable both for their own sake and for education, leisure and tourism. The remains are often very fragile and vulnerable to damage or destruction; care must therefore be taken to ensure that they are not needlessly destroyed.

3. There are remains of every period and of many types. They vary enormously in their state of preservation and in the extent of their appeal to the general public. Upstanding remains are familiar enough - the great prehistoric stone circles, the castle and abbey ruins of the Middle Ages or more modern abandoned coastal defence systems. But less obvious archaeological remains, such as ancient settlements and field systems, are also to be found across large parts of the country. Many sites, which are not conventionally thought of as archaeological, have a great deal of information to offer for example abandoned industrial complexes. Some sites in wetland areas may contain important remains of wood and other organic materials, not normally preserved elsewhere. Many buildings in older towns, particularly Scotland's historic burghs, lie on top of far earlier structures, and almost any ground disturbance in such localities will have archaeological implications. Even in the countryside, many sites may be completely invisible from ground level and revealed only when aerial photography detects traces of former human activity.

4. In some parts of Scotland extensive areas may be so obviously influenced and characterised by archaeological features as to constitute archaeological landscapes as, for example, found in the West Mainland of Shetland, parts of north east Perthshire, areas in mid Argyll and the industrial landscapes of parts of Ayrshire and Lanarkshire.

5. The present century has been a period of striking environmental change. Although some changes, such as the erosion of coastal areas, have occurred by natural mechanisms, much of our archaeological heritage has been destroyed by human activity - for example, by modern construction methods in urban development and expansion of the road network, by modern agricultural techniques (in particular deep ploughing or drainage of wetlands), by afforestation and by mineral extraction. It is hoped that the arrangements set out in the associated NPPG 5 for the encouragement of developer funding of archaeology attributable to development will as a consequence, enable Historic Scotland to deal more effectively with natural threats to archaeological remains.

6. Because of the many demands of modern society, it is not feasible to save all archaeological remains. There are archaeological records of over 70,000 sites and monuments in Scotland and over 5600 of these had been protected by 1 January 1993 as nationally important scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. However, not all nationally important sites have yet been scheduled and there is a continuing programme of scheduling. Certain categories of site, particularly those in the historic burghs, may not be effectively protected by scheduling, and the best way forward here may be through survey and the identification of archaeologically sensitive areas in local plans. There is also a large number of sites of more local significance as well as many other locations (findspots) where apparently stray artefacts have been found. As NPPG 5 indicates, nationally and more locally important archaeological remains and their settings should be preserved wherever feasible. Where archaeological remains of lesser importance are affected by proposed development, planning authorities should weigh their importance against other factors, including the benefits of the proposed development. Regardless of the circumstances, taking decisions will be easier when archaeological aspects of a development site are considered early in the planning process.

7. Scheduling archaeological remains ensures that the case for preservation of nationally important sites is fully considered by the Secretary of State whenever proposals are made for development or other work which might damage them or their settings. The planning system is also in a position to consider the desirability of preserving archaeological remains and their settings, and the various options open to planning authorities are considered below. Much can be achieved within the wider planning process when developers are prepared to enter into discussions with archaeologists and consider fully the needs of archaeology. This voluntary approach is rapidly becoming well-established and has been formalised in the British Archaeologists and Developers Liaison Group (BADLG) Code of Practice (see paragraph 28), and the Confederation of British Industry (CBI) Archaeological Investigations Code of Practice for Mineral Operators in Scotland. Both Codes reflect UK-wide best practices, and are approved by Historic Scotland.

8. Archaeological issues are often important in minerals planning, particularly in the extraction of sand and gravel. River valleys have provided an attractive place for human settlement, but at the same time these areas often contain valuable sand and gravel resources. In parts of Scotland the quarrying of hard rock also presents a threat to archaeological remains. Since minerals can only be worked where they are found, mineral workings tend to differ from other forms of development in that there is usually not the same flexibility in the choice of location. The CBI's Code of Practice for Mineral Operators on archaeological investigations provides advice on how minerals operators should consult archaeological interests in formulating planning applications, to ensure that archaeological factors are fully taken into account in the planning decision process. In addition, large-scale mineral extraction proposals frequently come within the scope of Environmental Assessment (see para 22). Planning guidance on minerals is included in the forthcoming NPPG Land for Mineral Working.

9. The key to informed and acceptable planning decisions is for consideration to be given before formal planning applications are made to the question of whether archaeological remains exist on a development site and what the implications for the development proposal might be. When archaeologists know or have good reason to believe that important remains exist, developers should be able to help by modifying their plans, for example by designing foundations which avoid or minimise disturbance or by raising the ground levels on which a proposed structure is to be

built, or by careful siting of landscaped or open areas. Techniques are available for sealing archaeological remains under buildings or areas of landscaping, thereby ensuring that they are preserved for the future even though they remain inaccessible for the present.

10. The preservation *in situ* of important archaeological remains is always to be preferred. However, where this is not possible, an archaeological excavation may be an acceptable alternative (see also paragraphs 25 to 29) From the archaeological point of view this is the second-best option. Excavation means the total destruction of evidence (apart from removable artefacts). Because the science of archaeology continues to develop rapidly, it follows that future techniques will almost certainly extract more information than is currently possible. If sites are excavated now, this opportunity of future understanding is lost. Excavation is also expensive and time-consuming, and important discoveries may have to be evaluated in a hurry and within a less than adequate research framework.

11. Positive planning and management help to reduce areas of potential conflict between development and preservation. The Government has an important part to play, but the future of the great majority of archaeological and historic sites and landscapes lies with local authorities, acting within the framework set by national policies, in their various capacities as planning, education and recreation authorities, as well as with the owners of sites themselves. As the NPPG indicates, development plans have a particularly important role in protecting archaeological sites.

archaeological matters in the planning process

Sites and Monuments Records

12. A regularly maintained and augmented record of all known sites is an essential prerequisite of any policy aiming to protect and manage archaeological remains. Most of Scotland's Regions and Islands Areas have Sites and Monuments Records (SMRs) operated by a professional officer, usually employed by the Regional or Islands Area Authority as a Regional Archaeologist (as defined in para 8 of the NPPG), with many other duties besides SMR curation. In addition there is the National Monuments Record of Scotland (NMRS) maintained by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). Historic Scotland endeavours to provide a basic service of advice for those areas which lack Regional Archaeologists, but this can never be as responsive as that which could be obtained from a Regional Archaeologist and it is the intention that this will be available for a limited period only [At 1 October 1993 there was no regional SMR or archaeologist post in Lothian, Tayside or the Western Isles]. Planning authorities with access to the services of Regional Archaeologists, working with properly maintained SMRs, should make the fullest possible use of their expertise. Historic Scotland, although willing to advise on the archaeological policies proposed for inclusion in draft plans, preferably through Regional Archaeologists, is in general better placed to advise on policies and procedures rather than on detailed casework, other than for scheduled ancient monuments.

13. The development of records at Regional or Islands Area level provides an indispensable tool for the formulation of local plans, and the determination of planning applications. More generally, the SMR is an important first stage in the positive management and presentation of the historic landscape for the purposes of

education and recreation, and as an input to local history, conservation and tourism projects.

14. The SMR should have 4 main elements:-

- a professionally qualified curator:
- a list and description of all known ancient monuments and archaeological sites and finds, which will allow accurate assessments of their importance to be made;
- a map record (commonly at a scale of 1:10000) which identifies the location and extent of each monument, site and findspot; and
- an archive which contains detailed records for specific sites, monuments and finds, such as copies of aerial photographs, survey and excavation reports, references and other written and graphic records. (In some cases this element is absent in whole or part, and reliance for archive material is placed upon NMRS, who may also be able to provide access to data in the establishment phases of a new SMR.)

The task of compiling and maintaining the record usually rests with a Regional or Islands Archaeologist from whom detailed advice can be obtained. A list of contact addresses for Regional or Islands Archaeologists is at Annex 2

15. RCAHMS can offer assistance to authorities creating or improving Regional SMRs and will shortly be able to offer computer linkage to SMRs which meet certain technical criteria.

Development Plans

16. As stated in the NPPG, development plans should reconcile the need for development with the interests of archaeology. Not all archaeological sites are of equal importance and planning authorities should base their development plan policies and proposals on an evaluation of the archaeological remains in their area, following advice from the Regional Archaeologist. Structure plans should contain appropriate general protection policies and local plans should include policies for the protection, preservation and enhancement of sites of archaeological interest both of national and local importance and of their settings.

Planning Applications

17. When determining a planning application, the desirability of preserving a monument (whether scheduled or not) and its setting is a material consideration.

Early Discussions between Developers and Planning Authorities.

18. The needs of archaeology and development can usually be reconciled, and potential conflict much reduced, where up-to-date and relevant development plans exist and if developers are encouraged to discuss their preliminary proposals with the planning authority at an early stage. Once detailed designs have been prepared and finance lined up, flexibility becomes much more difficult and expensive to achieve. In their own interests prospective developers should undertake an initial assessment of whether a property or area is known or likely to contain

archaeological remains as part of their pre-planning application research into its development potential. This they may choose to do themselves or by appointing an archaeological consultant to develop this aspect of their proposals. The first step will be to contact the Regional Archaeologist, who holds the SMR [or, for the time being, Historic Scotland if the development falls in an area where there is no officially appointed Regional or Island Archaeologist (but see para 12 above)] and can provide information about the locations where archaeological remains are known or thought likely to exist. Where nationally important remains are known or thought likely to exist, Historic Scotland is ready to join in early discussions, preferably at the invitation of the Regional Archaeologist. Historic Scotland must be consulted over scheduled ancient monuments, whether or not a Regional Archaeologist is in post.

19. These consultations will help to provide prospective developers with advance warning of the archaeological sensitivity of a site. As a result they may wish to commission their own archaeological assessment by a professionally qualified archaeological organisation or consultant. This need not involve fieldwork, but this would depend upon the quality of existing records. Assessment normally involves desk-based analysis of existing information, including records of previous discoveries and historic maps held in local archives, museums and record offices.

Field Evaluations

20. Where early discussions with the planning authority or the developer's own research indicate that important archaeological remains may exist, it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out before the planning application is determined. It is normally a rapid operation, involving ground survey and small-scale trial trenching, often with the use of geophysical survey techniques, carried out by a professionally qualified archaeological organisation or archaeologist approved by the Regional Archaeologist. Field evaluations of this kind help to define the character and extent of any remains that exist in the area of a proposed development, and thus indicate the weight to be attached to the case for preservation. They also provide information useful for identifying potential options for minimising or avoiding damage. On this basis, an informed and acceptable planning decision may be taken.

21. Developers should provide the results of such assessments and field evaluations as part of their planning application. If they are not prepared to do so voluntarily, the planning authority may wish to consider whether it would be appropriate to direct the applicant to supply further information under the provisions of Article 13 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. If necessary, authorities will need to consider refusing permission for proposals, which are accompanied by inadequate information.

Environmental Assessment.

22. For certain types of development (listed in Schedules 1 and 2 to the Town and Country Planning (Environmental Assessment) (Scotland) Regulations 1988) formal environmental assessment (EA) may be necessary. Where EA is required, the developer must provide an environmental statement setting out the information specified in Schedule 3 to the Regulations about the site and the likely significant effects of the proposed development on the environment. This should include information relating to any significant effects on natural assets and the cultural

heritage, such as archaeological features and other human artefacts, and the measures envisaged to avoid, reduce or remedy adverse effects. It may, in certain circumstances, be necessary to undertake field evaluation as well as desk-based assessment to enable adequate information to be provided.

23. Under the Environmental Assessment Regulations, Historic Scotland is consulted (as the Secretary of State's archaeological executive) on all requests by planning authorities for environmental assessments and on all submitted environmental statements. Regional Archaeologists should also be consulted on cases in their geographical areas. Regional Archaeologists can provide archaeological information and advice to developers required to produce environmental assessments and can advise planning authorities on the adequacy of the archaeological content of submitted statements. Further information about the environmental assessment procedures may be found in SDD Planning Circular 13/88 and the booklet *Environmental Assessment - A Guide to the Procedures* published in 1989 by HMSO.

Consultations by Planning Authorities

24. When planning applications are made without prior discussion with the planning authorities, those authorities should seek to identify applications, which have archaeological implications, and to assess their likely archaeological impact by consulting the Regional Archaeologist and the local SMR or Historic Scotland as appropriate. When it is evident that a particular development proposal is likely to affect archaeological remains or their setting, applicants may need to be asked to provide more detailed information about their scheme - for example, the type of foundations to be used - or they may be asked to carry out a field evaluation and outline a strategy for mitigation of the impact of their development upon the archaeological remains. Planning authorities should ensure that they are fully informed about the nature and importance of the archaeological site itself, and the importance of its setting. They should therefore seek professional archaeological advice, normally from the Regional Archaeologist who in turn may wish to consult the National and locally based museums and archaeological units and societies. Existing information about a site may be sufficient to allow authorities to make a planning decision, which takes into account all material considerations. In the case of a development proposal that is likely to affect the site of a scheduled ancient monument, Article 15(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 requires planning authorities to consult Historic Scotland.

Arrangements for Excavation Including Funding

25. The Secretary of State recognises that the extent to which remains can or should be preserved will depend upon a number of factors, including the intrinsic importance of the remains. Where it is not feasible to preserve remains, an acceptable, though inferior, alternative may be to arrange excavation, during which the archaeological evidence is recorded.

26. Planning authorities should not include in their development plans policies requiring developers to finance archaeological works in such a manner that the grant of planning permission may be seen as a direct return. (In the same way developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites whose physical preservation in situ is both desirable and feasible.) But where

preservation of remains in situ is not justified, the planning authority may reasonably require evidence that the developer has made satisfactory provision, including provision of funding or identification of the sources of funding, for the excavation, recording and analysis of the remains, and publication of the results, before development commences.

27. Satisfactory arrangements covering these matters should be achieved by agreements between the parties, taking archaeological advice where appropriate. Such agreements may take different forms. In many cases it will be appropriate to secure the arrangements by imposing conditions on the planning permission.

28. Where it is considered that conditions cannot fulfil the required purposes or are likely to be ineffectual in the circumstances of the case, developers or their archaeological consultants and planning authorities may wish to negotiate a planning agreement under section 50 of the Town and Country Planning (Scotland) Act 1972 or other similar powers. Such agreements must, however, be used with discrimination. Model agreements between developers and the appropriate archaeological body, regulating archaeological site investigations and excavations, can be obtained from the British Archaeologists' and Developer's Liaison Group. These agreements can provide for the excavation and recording of sites before development work starts, and may provide more flexibility and be of greater mutual benefit to all the parties than alternative statutory means. They have the advantage of setting out clearly the extent of the developer's commitment, thereby reducing both uncertainty over the financial implications of having to accommodate any archaeological constraints and the possibility of delays to construction programmes.

29. In particular cases where the developer is a non-profit-making, community body, such as a charitable trust, which is unable to raise the funds to provide for excavation and subsequent recording without undue hardship, or in the case of an individual who similarly does not have the means to fund such work, planning authorities may wish to consider funding certain work themselves. In cases where no other possibilities for financial support exist Historic Scotland may be able to help. It is now government policy that where development is carried out by, or on behalf of, government departments, the archaeological costs shall be considered as part of overall project budgets.

Planning Decisions

30. Once the planning authority has sufficient information, there is a range of options for the determination of planning applications affecting archaeological remains and their settings. The NPPG indicates that important archaeological remains, whether scheduled or not, should be preserved in situ wherever feasible, and proposed developments which would have an adverse effect on such remains or their setting should not normally be permitted. Each case must, however, be assessed on its individual merits taking into account archaeological policies in development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains, and weighing these against the need for the development.

31. There will no doubt be occasions, particularly where remains of lesser importance are involved, when planning authorities may decide that the significance of the archaeological remains is not sufficient when weighed against all other material considerations, including the benefits of development, to justify their physical preservation *in situ* and that the proposed development should proceed. As paragraph 26 explains, planning authorities will need, in such cases, to satisfy

themselves that the developer has made appropriate and satisfactory arrangements for the excavation, recording and analysis of the archaeological remains and the publication of the results. If this has not already been secured through some form of voluntary but legally binding agreement planning authorities may consider granting planning permission subject to conditions which provide for the excavation and recording of the remains before development takes place. Planning authorities may need to consider refusing planning permission when planning applications fail to accommodate important remains.

Planning Conditions

32. Planning authorities should seek to ensure that potential conflicts are resolved and agreements with developers concluded before planning permission is granted. Although the specific archaeological guidance and model conditions in SDD Planning Circular 18/86 are superseded by NPPG 5, that Circular remains the definitive statement of the government planning policy that, where the use of planning conditions is necessary, authorities should ensure that they are fair, reasonable and practicable. Provided that there is early consultation, archaeological investigation should normally have taken place in advance of development and, even if it is considered necessary to impose conditions which may hold up development and construction work while investigation of remains discovered during development takes place, the likelihood of such delays will have to be taken into account in the initial planning of the development project.

33. It is open to the planning authority to impose a condition to protect a monument or its setting. Where this is appropriate the following model condition is suggested, and should be applied bearing in mind the impact of fencing upon the setting and surroundings of a monument:-

No development shall take place until fencing has been erected, in a manner to be agreed with the planning authority, about [insert name of monument] along the line shown on the plan annexed; and no works shall take place within the area inside that fencing without the prior agreement of the planning authority.

34. In cases where planning authorities have decided that planning permission may be granted but they wish to secure the provision of archaeological excavation and the subsequent recording of the remains, it is open to them to do so by the use of a negative suspensive condition. This is a condition prohibiting development until such time as works or other action, eg an excavation, have been carried out by a third party. In such cases the following model is suggested:-

No development shall take place within the area indicated [this would be The area of archaeological interest] until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Regional Archaeologist and approved by the Planning Authority.

Developers will wish to ensure that in drawing up such a scheme, they make allowances for archaeological investigations within their construction programme. The use of a similar model is also advocated in the OBI *Archaeological Investigations Code of Practice for Mineral Operators in Scotland*. Schemes of investigation should incorporate the methods of analysis and publication of the results of fieldwork.

35 In cases where the likely archaeological remains are of a very minor or uncertain nature, (even after field evaluation in line with paragraph 24) planning authorities may wish to ensure that reasonable access is given to a nominated archaeologist or archaeological body either to hold a watching brief during the construction period or specifically to carry out archaeological investigation and recording in the course of permitted operations on site. It should be stressed, however, that the application of such a condition is not appropriate where significant archaeological remains are known to exist within a proposed development. In the specific circumstances outlined in this paragraph, the following model condition is suggested:-

The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the planning authority, and shall allow them to observe work in progress and record items of interest and finds. Notification of The commencement date, information as to whom the Regional Archaeologist should contact on site and the name of the archaeological organisation retained by The developer shall be given to The planning authority in writing not less Than 14 days before development commences.

A condition on these lines can help ensure that if remains of archaeological significance are discovered in the course of work they can be recorded and, if necessary, emergency salvage excavation undertaken. In circumstances where significant archaeological remains are known to exist either preservation in line with paragraph 33 or excavation in advance of development, in line with paragraph 34, should apply.

36. These model conditions will require adaptation to the circumstances of particular cases. In addition, other types of conditions may be appropriate to deal with other planning issues.

Article 4 Directions

37. Where planning authorities are aware of a real and specific threat to a significant archaeological site, or its setting, as a result of the potential exercise of permitted development rights as set out in Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland Order 1992), they may wish to consider the use of their powers under Article 4 of that Order to withdraw those rights and to require specific planning permission to be obtained before development can proceed. Where appropriate it is recommended that the intention to obtain an Article 4 Direction be included in a local plan. Most such directions require the Secretary of State's approval, either before they come into effect or within 6 months of being made.

Simplified Planning Zones

38. The provisions relating to Simplified Planning Zones (SPZs) are explained in SDD Circular 16/1987 and SDD Planning Advice Note 31 provides guidance on the form and content of SPZ schemes. SPZs have the effect of granting planning permission for specified types of development within the scheme. Where archaeological remains lie within the area of a proposed SPZ, the remains must be assessed by the Regional Archaeologist, and it may be necessary to tailor the scheme to accommodate them. Scheduled monuments within SPZs remain subject to scheduled monument consent.

Discovery of Archaeological Remains During Development

39. The preceding guidance (paragraphs 18 and 19 in particular) has been framed to minimise occasions when totally unexpected problems arise while the development is in progress. Nevertheless, even following the best pre-planning application research, there may be occasions when the presence of archaeological remains becomes apparent only once development has commenced. In these circumstances, the Regional Archaeologist should be informed immediately, and will be able to offer practical advice. BA DLG may also be able to offer developers advice, and most standard forms of building contract do, already, provide for the suspension of works in these circumstances. Where fresh archaeological discoveries are deemed by the Secretary of State to be of national importance, in accordance with his published criteria (see paragraphs 45 to 48), the Secretary of State has power to schedule the remains, and this can be done in a matter of days. In that event developers would need to seek separate scheduled monument consent before they continued work. A reserve power to revoke planning permission is also available to the planning authority or the Secretary of State. If exercised compensation would be payable. Although it should normally prove possible for the parties to resolve their differences through voluntary discussions, developers may see fit to insure against the unexpected discovery of archaeological remains during work.

40. Planning authorities and developers should be aware of the legal requirement to report the discovery of human remains and archaeological artefacts. Human remains should be reported to the police, who will normally request an archaeologist from a local museum or the National Museums to confirm their antiquity. Archaeological artefacts should be reported to a local museum acting on behalf of the National Museums, or to the latter direct, for identification and possible Treasure Trove assessment. Wherever possible, human remains and artefacts should be left in situ while the archaeologist is summoned, rather than being lifted and taken off site.

Scheduling of Ancient Monuments of National importance

41. Under the Ancient Monuments and Archaeological Areas Act 1979, the Secretary of State has a duty to compile and maintain a Schedule of monuments; monuments on the Schedule have statutory protection. Inclusion of additional monuments is at the Secretary of State's discretion, although monuments added to it must be of national importance. The non-statutory criteria for scheduling published in 1983 are set out below. Although most proposals for scheduling originate from Historic Scotland, it is possible to consider scheduling at the request of local authorities or amenity groups, but the decision rests with the Secretary of State. Occupied dwellings and churches in use for ecclesiastical purposes cannot be scheduled, although such structures can, of course, be listed as buildings of special architectural and historic interest under the listed buildings provisions of the Town and Country Planning (Scotland) Act 1972.

42. Although it is not a statutory requirement, Historic Scotland always attempts to notify owners before monuments are added to the Schedule. On very rare occasions there may not be time to do this, for example in the face of an imminent threat. Publication by recording in the Sasine Register or registration in the Land Register of Scotland as appropriate of a scheduling certificate has the effect of burdening the land. Scheduling of sites is notified to the local and national Sites and Monuments Records and to planning authorities only once the notification to owners and the registration process is completed. Historic Scotland publishes, from time to time, a list of scheduled monuments, copies of which are issued to planning authorities. For the purpose of compiling accurate information for local plans, it is possible to provide completely up-to-date lists from computer records. Enquiries concerning the published list, and regarding specially produced lists, should be directed to Historic Scotland.

43. The present schedule of some 5,600 sites [at 1 January 1993] has been compiled over a period of 100 years, since the first statutory protection for monuments was introduced in 1882. However, it is recognised still to contain only an inadequate and unrepresentative sample of the extensive archaeological remains now known to survive in Scotland. Historic Scotland keeps the Schedule under review and, with the assistance of Regional Archaeologists, RCAHMS and others, adds new sites. Efforts are made to redress recognised imbalances of period, monument type and geographical coverage. Many monuments which may be of schedulable quality will, however, remain unscheduled for years to come. Historic Scotland is at present undertaking a scheme, with the assistance of Regional Archaeologists, to create non-statutory registers of sites which appear to meet the scheduling criteria and which should be considered for scheduling as opportunity arises. However, because of the stringent criteria for scheduling, which are based upon national importance, large numbers of identified sites will remain unscheduled. In addition, scheduling may not afford a suitable vehicle for protecting important archaeological remains, notably in urban contexts, nor does it afford a particularly effective means of dealing with the setting of monuments beyond the physical limits of the archaeological remains. Whether or not these monuments and settings are preserved will therefore depend upon the archaeological importance of the remains, the commitment of their owners and of the public, and the policies of local authorities and other public bodies.

44. As a selective sample of the nation's archaeology, the Schedule differs from the more comprehensive list of buildings of special architectural or historic interest compiled under section 52 of the Town and Country Planning (Scotland) Act 1972, both in the subject matter and in the procedures which arise from inclusion. Where buildings are both scheduled and listed, ancient monuments legislation takes precedence, and scheduled monument, rather than listed building. consent is required for works. Such cases are kept under review by Historic Scotland and, where appropriate, either de-scheduling or de-listing is being initiated, in order to leave the monument or building protected under whichever is the more suitable legislation.

The Secretary of State's Criteria for Scheduling

45. In 1983 the Ancient Monuments Board for Scotland (AM B) advised the Secretary of State for Scotland to adopt the following criteria for national importance, and this advice was accepted, to form the basis for Historic Scotland's scheduling work:-

A monument is of national importance if, in The view of informed opinion, it contributes or appears likely to contribute significantly to the understanding of the past. Such significance may be assessed from individual or group qualities, and may include structural or decorative features, or value as an archaeological resource.

46. In addition the following advice was offered as a working definition, and also accepted:-

For a monument to be regarded as of national importance it is necessary and sufficient - first, that it belong or pertain to a group or subject of study which has acknowledged importance in terms of archaeology, architectural history or history; and second, That it can be recognised as part of the national consciousness or as retaining the structural decorative or field characteristics of its kind to a marked degree, or as offering or being likely to offer a significant archaeological resource within a group or subject of study of acknowledged importance.

47. From these overall criteria have been drawn the scheduling considerations in daily use. Because the characteristics which make a monument of national importance are sometimes not readily visible, their identification is a matter of informed judgement. The considerations on which that judgement is based are subordinate to the criteria listed above and can be listed (though not in order of importance) as follows:

Survival/condition. The existence of well-preserved field characteristics can be of importance in itself. The survival of the monument's archaeological potential both above and below ground is a crucial consideration, and goes beyond survival of marked field characteristics.

Period. It is important to consider for preservation examples of all types of monument that characterise a period; monuments of different contemporary types complement each other in the evidence they present.

Group value. The value of a single monument, such as a field system, is greatly enhanced by association with a group of related contemporary monuments. In the case of such groups it is preferable to protect the whole,

including adjacent land., rather than to protect individual monuments within the group [ie. a monument for purposes of scheduling may consist of a group of monuments].

Rarity. There are monuments of types which, though originally abundant, are now so rare that even apparently poorly preserved examples should be preserved.

Situation. Types of monument abundant in one topographical/land use situation may be rare in others and special regard should be had to their heightened potential archaeological value.

Multiperiod/single period. Multiperiod sites with well-preserved components are of special value since they can allow fine phasing. A single period site, on the other hand, will in general have more diversity of evidence for its functions in better preserved relationships. Examples of a type in both multiperiod and single period expressions should be preserved.

Fragility/vulnerability. Highly important archaeological evidence from some field monuments can be destroyed by a single ploughing for forestry or agriculture; there are also structures of particular form or complexity whose value could be severely reduced by even slight mistreatment.

Documentation. Records of previous investigations can aid definition of the importance of a site, but it is important to recognise that unexcavated sites need not be any less important for lack of previous excavation. Documentation in the form of early estate records, annals., charters, etc., can provide information not available through archaeological excavation, and is of particular importance to record significant information which might be capable of correlation with archaeological evidence.

48. These detailed considerations are not substitutes for the criteria: their contribution to the case of scheduling a monument is supplementary to demonstration that the monument contributes significantly to a theme or area of study of acknowledged importance.

Control of Work to Scheduled Monuments

49. Once a monument has been scheduled, the consent of the Secretary of State is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument. The scope of the control is therefore both more extensive and more detailed than that applied to listed buildings. Consent can be granted only for detailed proposals and., unlike planning permission, there is no provision for granting outline consent. There are however five class consents currently in force which enable owners to proceed with certain specified types of work without application for consent - they are listed at Annex 3. These class consents are currently being reviewed with a view to issuing a revised Order in the near future. The Secretary of State has power to revoke or modify a consent (whether granted following an application or deemed to have been granted by class consent).

50. Although monuments on Crown land may be scheduled (section 50 of the Ancient Monuments and Archaeological Areas Act 1979), works by or on behalf of the Government on such land currently have Crown exemption from statutory

scheduled monument consent controls. However, the Government is in the process of reviewing Crown exemptions, and removing as many of these as possible. At present departments with exemption are encouraged to act as if such exemptions did not apply, and to follow analogous procedures, which includes clearing any proposed developments with Historic Scotland.

51. The form of application for scheduled monument consent is laid down in "Ancient Monument and Archaeological Areas (Applications for Scheduled Monument Consent) (Scotland) Regulations 1981 and forms may be obtained from Historic Scotland. Given the need for detailed proposals to be included in the application, it generally helps applicants to discuss proposals at the very earliest opportunity with Historic Scotland, if possible before making a formal application.

52. There is no formal provision for consultation with planning authorities on scheduled monument consent applications. The majority involve minor works on which it would not in any case be appropriate to offer consultation. Where the Sip application relates to a development proposal in which the planning authority is concerned, Historic Scotland will normally discuss the application with the authority (concerned before advising the Secretary of State).

53. Applicants are notified by Historic Scotland of the proposed decision before it is formally issued, and asked whether they intend, given the provisional decision, to exercise their right to ask for a hearing. If a hearing is sought, this is normally dealt with through a public local inquiry. The Secretary of State may himself decide that a public local inquiry should be held before a final decision is reached. Where such a hearing or inquiry is arranged for a proposal which is also subject to a planning inquiry, every attempt will be made to ensure that both inquiries are conjoined.

Offences Relating to Scheduled Monuments

54. The 1979 Act created a number of criminal offences relating to ancient monuments. Well-publicised, successful prosecutions of those who carry out - unauthorised work to scheduled monument can provide a valuable deterrent to the wilful damage or destruction of monuments, and it is Historic Scotland's policy to encourage proceedings where it is considered that a good case can be sustained. The Act provides a number of defences, which (meanwhile) include genuine and reasonable ignorance of the scheduled status of the site, and the need for work for health and safety purposes, although these provisions are under review.

55. Historic Scotland keeps a record of reported incidents, and carries out a preliminary investigation, often with police assistance. If there does appear to be a case for prosecution, Historic Scotland will encourage the police to present a case for prosecution to the Procurator Fiscal.

56. Local authorities may be the first source of information about damage and may have both the archaeological expertise and local knowledge to follow up cases quickly. Speed in assembling evidence is often critical to success in securing a conviction before memories fade, or vital evidence is concealed. Where local authorities wish to take the initiative, Historic Scotland will co-operate fully to supply any documentation or other evidence, which may help the case. In addition, where costs incurred by the local authorities in proceedings are significant, and cannot be reclaimed, Historic Scotland will be prepared to consider making a financial contribution, provided it has agreed in advance to support the (case for prosecution. Alternatively, Historic Scotland itself may take the lead. It should be

noted that. since the offences under the 1979 Act are criminal offences. the actual prosecution is conducted at the discretion of the Procurator Fiscal acting upon information gathered on his behalf by the police.

Metal Detectors

57. Most metal detector users act responsibly, but illegal metal detecting often causes serious damage to ancient monuments - not only to the fabric of the monument, but also to its interpretation and understanding once artefacts have been removed from their archaeological context. It is an offence under section 42 of the 1979 Act to use metal detectors in a protected place (any place which is the site of a scheduled monument or any monument in the ownership or care of a local authority or the Secretary of State, as defined in the 1979 Act) without prior written consent from the Secretary of State. An Historic Scotland leaflet entitled Scheduled Ancient Monuments and Metal Detectors explains the law and the procedure for obtaining consent. Consent is not normally given except for bona fide, non-destructive, research purposes or for the recovery of valuable items of lost property, eg rings and watches.

Legislative Arrangements - Portable Antiquities

58. All newly discovered ancient objects in Scotland, whether of precious metal or not, belong by law to the Crown. The Crown does not always exercise its claim, but all objects found must be reported so that a decision can be made by the Crown Office. Advice on finds of archaeological objects can be obtained from local museums or from the National Museums of Scotland, to whom any such discoveries should be reported as a matter of course.

Monument Management, Grants and Advice

59. Statutory protection may not of itself secure the future preservation of a monument. In most cases it is essential to develop a management plan and to carry out regular maintenance to prevent progressive decay of the building or site. Ruins, as much as any building in use, need constant minor repair to prevent their deterioration. Grassed field monuments can be seriously damaged by neglect, which allows pests and shrubs or trees to proliferate, or by unsuitable farming regimes.

60. While the responsibility for repairing and maintaining monuments lies squarely with the owner or occupier, Historic Scotland can provide financial assistance of two main kinds for the preservation of important monuments;-

- Grants under section 24 of the 1979 Act are given by Historic Scotland principally for the costs of the protection, repair, archaeological recording and consolidation of monuments. More rarely, they may be given to a suitable body for purchase of monuments, which are at risk of damage or destruction. Grants may also be available towards the capital costs of schemes for the presentation or display of monuments, although Historic Scotland has indicated that this type of scheme has lower priority for funding than urgent and essential repairs.
- Management agreements made under section 17 of the 1979 Act, either by Historic Scotland or by local authorities, may also involve payment. Such agreements may often be used to encourage the beneficial management of field monuments on agricultural land. eg field systems or deserted settlement

sites. They may run for an agreed number of years, usually in return for a lump sum payment at the outset to cover any capital costs, eg fencing, and additional costs to the owner of a positive management regime over the period in question. This may involve pest and weed control and control of stocking levels. Assistance towards schemes of presentation may also be available.

61. Historic Scotland provides advice on the conservation and management of ancient monuments, principally through the Inspectorate of Ancient Monuments but also through the network of Monument Wardens based in local areas. The Wardens in particular inspect scheduled monuments on a regular basis, reporting on their condition, and are available to discuss with the owners measures for the improved management of sites. Technical advice on the conservation of masonry and timber structures, carved stones and decorated plasterwork is also available from Historic Scotland's Architects and conservation staff.

62. Local authorities may also offer advice, through Regional Archaeologists, and may also assist financially with management and preservation schemes. This may be thought particularly appropriate where monuments have a high regional or local importance.

Excavation

63. Historic Scotland can offer financial assistance for excavation but, as demand consistently outstrips the funds available, it must be extremely selective in its choice of projects for funding. In terms of quality, sites must be of national importance measured against the non-statutory scheduling criteria, although not necessarily scheduled (see paragraphs 45 to 48). Exceptionally sites of more local importance will be considered. Excavation projects must accord with current academic priorities and seek to fill gaps in knowledge by addressing specific research questions. Historic Scotland funds will not normally be made available unless the destruction of sites is both imminent and unavoidable. Historic Scotland takes the view that developers must be encouraged to accept their responsibility for producing and publishing a record of archaeological deposits which are unavoidably threatened by development and which cannot be preserved in situ.

Areas of Archaeological Importance (AAs)

64. Part II of the Ancient Monuments and Archaeological Areas Act 1979 provides for designation of Areas of Archaeological Importance either by the Secretary of State or by local planning authorities (subject to confirmation by the Secretary of State). It has not been brought into force in Scotland.

note

65. Enquiries about the content of this advice note should be addressed to Ken Jobling (031 244 7548). Further copies and a list of current SPPs, NPPGs and Planning Advice Notes may be obtained from John Stuksis, 2-H, Victoria Quay, Edinburgh EH6 6QQ (031 244 7543).

Key bodies and organisations

Note that only those functions, which relate to the present guidance are listed below. Most of the organisations have much wider remits.

Historic Scotland
20 Brandon Street
Edinburgh EH3 5RA

031-244-3144

Historic Scotland is an executive agency of the Secretary of State for Scotland and is responsible for implementing the Secretary of State's policies for the built heritage, including protecting and preserving archaeological and historical remains of importance compiling and maintaining a Schedule of nationally important monuments which are subject to legal protection, and controlling works to such scheduled monuments through the scheduled monument consent procedures. As well as the provision of advice and the operation of the scheduling system on behalf of the Secretary of State, Historic Scotland may provide financial assistance towards the upkeep of ancient monuments and towards archaeological investigation. Historic Scotland, acting for the Secretary of State, shares with local authorities the power to acquire or take into guardianship ancient monuments.

**Royal Commission on the Ancient
and Historical Monuments of Scotland**
John Sinclair House
16 Bernard Terrace
Edinburgh EH8 9NX

031-662-1456

RCAHMS is the national body of survey and record. Its aim is to compile and make available a basic database of Scotland's ancient monuments and buildings (the National Monuments Record of Scotland: NMRS) for use by individuals and bodies concerned with understanding, conserving and managing the built environment. NMRS helps support, and exchanges information with, Regional and Islands SMRs, and where local posts have been recently created, or where there is no local post, may hold more detailed information than is available within the Region or Islands Area.

National Museums of Scotland
Archaeology Department
Queen Street
Edinburgh EH2 1JD

031 225 7534 ext 305 or 344

The Archaeology Department of the National Museums of Scotland acts as the secretariat for the Treasure Trove Advisory Panel and co-ordinates action on any newly discovered archaeological object in Scotland. The Department provides an identification service and undertakes any necessary studies through its Artefact Research Unit.

Association of Regional and Island Archaeologists
c/o Mrs L Main, Secretary
Department of Development and Planning
Central Regional Council
Viewforth
Stirling FK8 2ET

0786-442752

ARIA is the national group representing Regional or Island Archaeologists or their equivalents. It seeks to co-ordinate and represent their views to Government and to national archaeological and environmental organisations, and may also offer advice to local authorities on the creation and maintenance of SMRs and other archaeological services.

Council for Scottish Archaeology
c/o National Museums of Scotland
Queen Street
Edinburgh
EH2 1JD

031-225-7534 ext 311

The CSA is the leading representative body for archaeology in Scotland, its membership comprising national and local organisations, archaeological units and trusts, museums and universities. It seeks to co-ordinate and represent the view of the archaeological community and presents those views to Government and others. It also seeks to promote public interest in archaeology. It is a source of advice on local plan policies and is regularly consulted by many authorities. It liaises on UK matters with the Council for British Archaeology (CBA).

The Institute of Field Archaeologists
Metallurgy and Materials Building
University of Birmingham
Edgbaston
Birmingham B15 2TT

021-471-2788

The IFA is the UK's professional institution for archaeologists in Britain. It is concerned with defining and maintaining proper professional standards and ethics in field archaeology. All members conform to a Code of Conduct and there is a disciplinary procedure for investigating and dealing with allegations of improper conduct. It also maintains a Code of Approved Practice for the Regulation of Contractual Arrangements in Field Archaeology. A Directory of Members is published which lists the registered areas of competence of each member. Corporate membership of the Institute carries the distinction MIFA, AIFA or PIFA according to experience and qualifications.

**The British Archaeologists' and
Developers' Liaison Group**
British Property Federation
35 Catherine Place
London
SW1E 6DY

071-828-0111

The Liaison Group is a permanent body initiated jointly by the British Property Federation (BPF) and the Standing Conference of Archaeological Unit Managers (SCAUM), the national body representing some 75 professional archaeological units. It is endorsed by Historic Scotland and the Council for Scottish Archaeology, and their English counterparts, as well as the Institute of Field Archaeologists and others. Its aim is to foster voluntary co-operation between developers and archaeologists to encourage good working practices through their Code of Practice. Copies of the Code are available from the BPF and SCAUM

The Scottish Museums Council
County House
20-22 Torphichen Street
Edinburgh
EH3 8JB

031 229 7465

Many local museums have information and displays on aspects of local archaeology, and provide educational services and events. Some have collections of finds excavated from sites in their area, and may also house excavation records. A number employ professional archaeologists on their staff; otherwise they can help to contact the appropriate authorities or experts. The Scottish Museums Council acts to co-ordinate and advise local museums in Scotland, and can provide information about local museum services.

annex 2

Contact addresses (or Regional and Islands Archaeologists)

Borders	Mr John Dent Department of Planning & Development Borders Regional Council Newton St Boswells, Roxburghshire TD6 OSA	0835 23301
Central	Ms Lorna Main Development & Planning Department Central Regional Council Viewforth, Stirling FK8 2ET	0786 442752
Dumfries and Galloway	Ms Jane Brann Department of Physical Planning Dumfries and Galloway Regional Council 4 Market Street, Castle Douglas DG7 1 HT	0556 502351
Fife	Mr Peter Yeoman Economic Development and Planning Department Fife Regional Council North Street, Glenrothes KY7 5LT	0592 754411
Grampian	Mr Ian Shepherd Economic Development & Planning Department Grampian Regional Council Woodhill House, Westburn Road, Aberdeen AB9 2LU	0224 664723
Highland	Mr Robert Gourlay Department of Libraries and Leisure Highland Regional Council Kinmylies Building Leachkin Road, Inverness IV3 6NN	046371176
Lothian	No Regional Archaeologist	
Orkney	Dr Raymond G Lamb Orkney Archaeologist 48 Junction Road, Kirkwall, Orkney KW1 5 1 AG	0856 872632
Shetland	Ms Val Turner Shetland Amenity Trust 22-24 North Road, Lerwick, Shetland ZE1 0NQ	0595 4688
Strathclyde	Dr Carol Swanson Department of Physical Planning Strathclyde Regional Council Strathclyde House, 20 India Street, Glasgow G2 4PF	0412273669
Tayside	No Regional Archaeologist	
Western Isles	No islands Archaeologist	

STATUTORY INSTRUMENTS

1981 No. 1468(S.148)

The Ancient Monuments (Class Consents) (Scotland) Order 1981

Made..... 7 October 1981

Laid before Parliament..... 26 October 1981

Coming into Operation..... 30 November 1981

In exercise of the powers conferred on me by section 3 of the Ancient Monuments and Archaeological Areas Act 1979, and of all other powers enabling me in that behalf I hereby make the following order:-

1. This Order may be cited as the Ancient Monuments (Class Consents) (Scotland) Order 1981, and shall come into operation on 30 October 1981.

2 - (1) Subject to the provisions of this article, consent is hereby granted to the execution of works of any class or description specified in the Schedule to this Order.

(2) The consent hereby granted for the execution of works is subject to any limitation or condition specified in the said Schedule in relation to works of a particular class or description.

(3) **Nothing** in this article shall operate so as to grant consent for the execution of any works contrary to any limitation or condition specified in a consent granted under Part I of the Ancient Monuments and Archaeological Areas Act 1979 otherwise than by this Order.

Schedule

Classes and descriptions of works

Class I Agricultural, horticultural or forestry works, being works of the same kind as works previously executed in the same field or location during the period of 5 years immediately preceding the date on which this Order came into operation, but not including subsoiling, drainage works, the planting or uprooting of trees, hedges or shrubs, or any other works which are likely to disturb the soil below the maximum depth affected by normal ploughing.

Class II Works executed more than 10 metres below ground level by the National Coal Board, or by any person acting pursuant to a licence granted by the said Board under section 36(2) of the Coal Industry Nationalisation Act 1946.

Class III Works executed by the British Waterways Board in relation to land owned or occupied by them, being

- (a) works of repair or maintenance not involving a material alteration to a monument;
- (b) works which are essential for the purpose of ensuring the functioning of a canal.

Class IV Works for the repair or maintenance of machinery not involving a material alteration to a monument.

Class V Works, which are essential for the purposes of health or safety.

Explanatory note (*This Note is not part of the Order*)

This Order grants scheduled monument consent under Part I of the Ancient Monuments and Archaeological Areas Act 1979 for the execution of certain classes or descriptions of works in Scotland.

The works for which consent is granted include

- (a) certain agricultural, horticultural or forestry works;
- (b) works executed more than 10 metres below ground level by the National Coal Board; and
- (c) certain works executed by the British Waterways Board.



Town and Country Planning (Scotland) Act 1997 1997 c. 8

An Act to consolidate certain enactments relating to town and country planning in Scotland with amendments to give effect to recommendations of the Scottish Law Commission.
[27th February 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annotations:

Modifications etc. (not altering text)

- C1 Act excluded (27.5.1997) by 1997 c. 9, ss. 45(4), 83(2)
- Act modified (27.5.1997) by 1997 c. 9, ss. 64(2)(a), 83(2) (with s. 45(4))
- Act: power to modify Act conferred (27.5.1997) by 1997 c. 9, ss. 67(8)(9), 83(2) (with s. 45(4))
- Act amended (27.5.1997) by 1997 c. 9, ss. 81(4), 83(2) (with s. 45(4))
- Act amended (27.5.1997) by 1997 c. 11, ss. 5, 6(2), Sch. 3 para. 8
- Act applied (27.5.1997) by 1997 c. 11, ss. 1(2), 6(2)
- Act applied (5.9.2002) by S.S.I. 2002/410, art. 57(3) (with arts. 59, 61)

PART I

ADMINISTRATION

1. Planning authorities.

— (1) The planning authority for the purposes of this Act shall be the local authority and the district of the planning authority shall be the area of the local authority.

(2) In any enactment or instrument made under or by virtue of an enactment, a reference to a planning authority shall, unless otherwise provided, or unless the context otherwise requires, be construed as a reference to a local authority.

2. Enterprise zones.

— (1) An order under paragraph 5 of Schedule 32 to the ^{M1}Local Government, Planning and Land Act 1980 (designation of enterprise zone) may provide that the enterprise zone authority shall be the planning authority for the zone for such purposes of the planning Acts and in relation to such kinds of development as may be specified in the order.

(2) Without prejudice to the generality of paragraph 15(1) of that Schedule (modification of orders by the Secretary of State), an order under that paragraph may provide that the enterprise zone authority shall be the planning authority for the zone for different purposes of the planning Acts or in relation to different kinds of development.

(3) Where such provision as is mentioned in subsection (1) or (2) is made by an order designating an enterprise zone or, as the case may be, an order modifying such an order, while the zone subsists the enterprise zone authority shall be, to the extent mentioned in the order (as it has effect subject to any such modifications) and to the extent that it is not already, the planning authority for the zone in place of any authority who would otherwise be the planning authority for the zone.

(4) The Secretary of State may by regulations make transitional and supplementary provision in relation to a provision of an order under paragraph 5 of that Schedule made by virtue of subsection (1).

(5) Such regulations may modify any provision of the planning Acts or any instrument made under any of them or may apply any such enactment or instrument (with or without modification) in making such transitional or supplementary provision.

Annotations:

Marginal Citations

M11980 c. 65.

3. Urban development areas.

— (1) Where an order is made under subsection (6) of section 149 of the ^{M2}Local Government, Planning and Land Act 1980 (urban development corporation as planning authority), the urban development corporation specified in the order shall be the planning authority for such area as may be so specified in place of any authority who would otherwise be the planning authority for that area in relation to such kinds of development as may be so specified.

(2) Where an order under subsection (8)(a) of that section confers any functions on an urban development corporation in relation to any area the corporation shall have those functions in place of any authority (except the Secretary of State) who would otherwise have them in that area.

Annotations:

Marginal Citations

M21980 c. 65.

PART II

DEVELOPMENT PLANS

Annotations:

Modifications etc. (not altering text)

C2Pt. II (ss. 4-25): power to apply conferred (8.9.2001) by 2000 asp 10, s. 10(1)(b) (with s. 32); S.S.I. 2000/312, art. 2

Surveys

4. Survey of planning districts.

(1) It shall be the duty of the planning authority to keep under review the matters which may be expected to affect the development of their district or the planning of its development.

(2) A planning authority may, if they think fit, institute a survey, examining the matters referred to in subsection (1), of the whole or any part of their district, and references in subsection (3) to the district of a planning authority shall be construed as including any part of that district which is the subject of a survey under this subsection.

(3) Without prejudice to the generality of subsections (1) and (2), the matters to be kept under review and examined under those subsections shall include—

(a) the principal physical and economic characteristics of the district of the authority (including the principal purposes for which land is used) and, so far as they may be expected to affect that district, of any neighbouring districts;

(b) the size, composition and distribution of the population of that district (whether resident or otherwise);

(c) without prejudice to paragraph (a), the communications, transport system and traffic of that district and, so far as they may be expected to affect that district, of any neighbouring districts;

(d) any considerations not mentioned in paragraphs (a), (b) or (c) which may be expected to affect any matters so mentioned;

(e) such other matters as may be prescribed;

(f) any changes already projected in any of the matters mentioned in any of the previous paragraphs and the effect which those changes are likely to have on the development of that district or the planning of such development.

(4) A planning authority shall, for the purpose of discharging their functions under this section of keeping under review and examining any matters relating to the district of another planning authority, consult that other authority about those matters.

5. Designation of structure plan areas.

— (1) The Secretary of State may by order designate areas (“structure plan areas”) in respect of which planning authorities are to prepare structure plans.

(2) The district of every planning authority in Scotland shall be included in a structure plan area.

(3) A structure plan area may extend to the district of more than one planning authority, and may extend to only part of the district of a planning authority.

(4) Where a structure plan area extends to the district of more than one planning authority, the planning authorities concerned shall jointly carry out the functions conferred upon them under sections 4 and 6 to 9 in accordance with such arrangements as they may agree for that purpose under sections 56 (discharge of functions by local authorities), 57 (appointment of committees) and 58 (expenses of joint committees) of the ^{M3}Local Government (Scotland) Act 1973.

Annotations:

Marginal Citations

M31973 c. 65.

Structure plans

6. Structure plans: continuity of old and preparation of new plans.

— (1) Each structure plan approved by the Secretary of State under the 1972 Act with respect to the district of a planning authority which is in operation immediately before the commencement of this Act shall continue in force after its commencement (subject to any alterations then in operation and to the following provisions of this Part).

(2) Where, as a result of the making of an order under section 5, the area in respect of which a planning authority are obliged (whether acting alone or jointly with another authority or authorities) to prepare a structure plan is different from the area in respect of which a structure plan is for the time being in force, they shall prepare and submit to the Secretary of State for his approval a structure plan for their district complying with the provisions of section 7(1), together with a copy of the report of any survey which they have carried out under section 4(2).

(3) The Secretary of State may direct a planning authority to carry out their duty under subsection (2) within a specified period from the direction, and any planning authority to whom such a direction is made shall comply with it.

(4) Where a structure plan area extends to the district of more than one planning authority, and the authorities concerned are unable to agree on a joint structure plan for that area, then, without prejudice to the Secretary of State's powers under section 22 of this Act and section 62B (power of Secretary of State to establish joint boards) of the ^{M4}Local Government (Scotland) Act 1973, each authority concerned may include in the plan submitted to the Secretary of State alternative proposals in respect of particular matters.

(5) Where authorities submit alternative proposals under subsection (4), such proposals shall be accompanied by a statement of the reasoning behind the proposals.

(6) The planning authority shall send with the structure plan submitted by them under this section a report of the results of their review of the relevant matters under section 4 together with any other information on which the proposals are based.

(7) A copy report submitted under subsection (2) shall include an estimate of any changes likely to occur, during such period as the planning authority consider appropriate, in the matters mentioned in section 4(3).

(8) Before submitting a structure plan under this section, the planning authority shall consult any other planning authority who are likely to be affected by the plan.

Annotations:

Marginal Citations

M41973 c. 65.

7. Form and content of structure plans.

— (1) The structure plan for any district shall be a written statement—

(a) formulating the planning authority's policy and general proposals in respect of the development and other use of land in that district (including measures for the conservation of the natural beauty and amenity of the land, the improvement of the physical environment and the management of traffic),

(b) stating the relationship of those proposals to general proposals for the development and other use of land in neighbouring districts which may be expected to affect that district, and

(c) containing such other matters as may be prescribed.

(2) In formulating their policy and general proposals under subsection (1)(a), the planning authority shall secure that the policy and proposals are justified by the results of the survey under section 4(1) of the 1972 Act, any fresh survey under section 4(2) of that Act or any

survey instituted by them under section 4 of this Act and by any other information which they may obtain and shall have regard—

(a) to current policies with respect to the economic planning and development of the region as a whole, and

(b) to the resources likely to be available for the carrying out of the proposals of the structure plan.

(3) A structure plan for any district shall contain or be accompanied by such diagrams, illustrations and descriptive matter as the planning authority think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed, and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.

8. Publicity in connection with structure plans.

— (1) When preparing a structure plan for their district and before finally determining its content for submission to the Secretary of State, the planning authority shall take such steps as will in their opinion secure—

(a) that adequate publicity is given in their district to the report of the survey under section 4 of this Act and to the matters which they propose to include in the plan,

(b) that persons who may be expected to desire an opportunity of making representations to the authority with respect to those matters are made aware that they are entitled to an opportunity of doing so, and

(c) that such persons are given an adequate opportunity of making such representations.

(2) The authority shall consider any representations made to them within the prescribed period.

(3) Where authorities submit alternative proposals in relation to particular matters to the Secretary of State under section 6(4), their duty under subsection (1) is to secure that adequate publicity is given in each of their districts to all the matters which either or any of them propose to include in the plan.

(4) Not later than the submission of a structure plan to the Secretary of State, the planning authority shall make copies of the plan as submitted to the Secretary of State available for inspection at their office and at such other places as may be prescribed.

(5) Each copy of the plan shall be accompanied by a statement of the time within which objections to the plan may be made to the Secretary of State.

(6) A structure plan submitted by the planning authority to the Secretary of State for his approval shall be accompanied by a statement containing such particulars, if any, as may be prescribed—

(a) of the steps which the authority have taken to comply with subsection (1), and

(b) of the authority's consultations with, and consideration of the views of, other persons with respect to those matters.

(7) If after considering the statement submitted with, and the matters included in, the structure plan and any other information provided by the planning authority, the Secretary of State is satisfied that the purposes of paragraphs (a) to (c) of subsection (1) have been adequately achieved by the steps taken by the authority in compliance with that subsection, he shall proceed to consider whether to approve the plan.

(8) If the Secretary of State is not satisfied as mentioned in subsection (7), he shall return the plan to the authority and direct them—

(a) to take such further action as he may specify in order better to achieve those purposes, and
(b) after doing so, to resubmit the plan with such modifications, if any, as they then consider appropriate and, if so required by the direction, to do so within a specified period.

(9) Where the Secretary of State returns the plan to the planning authority under subsection (8), he shall—

(a) inform the authority of his reasons for doing so, and
(b) if any person has made an objection to the plan to him, also inform that person that he has returned the plan.

(10) A planning authority who are given directions by the Secretary of State under subsection (8) shall immediately withdraw the copies of the plans made available for inspection as required by subsection (4).

(11) Subsections (4) to (10) shall apply, with the necessary modifications, in relation to a structure plan resubmitted to the Secretary of State in accordance with directions given by him under subsection (8) as they apply in relation to the plan as originally submitted.

9. Alteration and replacement of structure plans.

— (1) A planning authority—

(a) may at any time submit to the Secretary of State proposals for such alterations to or repeal and replacement of the structure plan for their district as appear to them to be expedient, and
(b) shall, if so directed by the Secretary of State, submit to him within a period specified in the direction proposals for such alterations to or repeal and replacement of the plan as the Secretary of State may direct.

(2) Such proposals may relate to the whole or to part of the district to which the plan relates.

(3) The planning authority shall send with the proposals submitted by them under this section a report of the results of their review of the relevant matters under section 4 together with any other information on which the proposals are based, and subsections (4) and (5) of section 8 shall apply, with any necessary modifications, in relation to the proposals as they apply in relation to a structure plan.

(4) Before a planning authority submit proposals under this section they shall—

(a) consult every other planning authority who are likely to be affected by the proposals,
(b) give such publicity (if any) to, and undertake such other consultation (if any) about, the proposals as they think fit, and

(c) consider any representations timeously made to them about the proposals.

(5) The planning authority shall send with any proposals submitted by them under this section a statement of the steps they have taken to comply with subsection (4) and, if they have not publicised or have not consulted under that subsection, the statement shall explain the absence of such publicity or as the case may be consultation.

(6) If the Secretary of State is not satisfied with the steps taken by the planning authority to comply with subsection (4), or as the case may be if he is not satisfied with the terms of any explanation provided by them under subsection (5), he may return the proposals to the authority, and may direct them—

(a) to take such steps or further steps as he may specify, and

(b) after they have done so, to resubmit the proposals with such modification, if any, as they consider appropriate.

(7) Where, under subsection (6), the Secretary of State returns proposals, he shall—

(a) inform the authority of his reasons for doing so, and

(b) if any person has made to him an objection to the proposals, inform that person that he has returned the proposals.

(8) A planning authority who are given directions under subsection (6) shall immediately withdraw the copies which have, under section 8(4)(as applied by subsection (3)) been made available for inspection.

(9) Section 8(4) and (5) and subsections (4) to (8) of this section shall apply, in relation to proposals resubmitted in accordance with directions given under subsection (6), as they apply in relation to proposals submitted under subsection (1).

10. Approval or rejection of structure plans and proposals for alteration or replacement.

— (1) The Secretary of State may, after considering a relevant proposal, either approve it (in whole or in part and with or without modifications or reservations) or reject it.

(2) In this section, “relevant proposal” means—

(a) a structure plan (including any alternative proposals included in the plan by virtue of section 6(4)), or

(b) a proposal for the alteration or repeal and replacement of a structure plan, submitted (or resubmitted) to the Secretary of State.

(3) In considering a relevant proposal the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the proposal as submitted to him.

(4) Where on considering a relevant proposal the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—

(a) consider any objections to the proposal, so far as they are made in accordance with regulations, and

(b) if, but only if, it appears to him that an examination in public should be held of any matter affecting his consideration of the proposal, cause a person or persons, appointed by him for the purpose, to hold such an examination.

(5) The Secretary of State may make regulations with respect to the procedure to be followed at any examination under subsection (4).

(6) The Secretary of State need not secure to any planning authority or other person a right to be heard at any such examination and, subject to subsection (7), only such bodies and persons as he may before or during the course of the examination invite to do so may take part in it.

(7) The person or persons holding the examination may before or during the course of the examination invite additional bodies or persons to take part in it if it appears to him or them desirable to do so.

(8) An examination under subsection (4)(b) shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the ^{M5}Tribunals and Inquiries Act 1992, but shall not constitute such an inquiry for any other purpose of that Act.

(9) On considering a relevant proposal the Secretary of State may consult, or consider the views of, any planning authority or other person, but shall not be under any obligation to do so.

(10) On exercising his powers under subsection (1) in relation to a relevant proposal, the Secretary of State shall give such statement as he considers appropriate of the reasons governing his decision.

Annotations:

Marginal Citations

M51992 c. 53.

Local plans

11. Preparation of local plans.

— (1) Every planning authority shall prepare local plans for all parts of their district, and two or more planning authorities may prepare a joint local plan extending to parts of each of their districts.

(2) It shall be the duty of the planning authority—

- (a) for the purpose of preparing a local plan, to institute a survey of their district or any part of it, in so far as not already done, taking into account the matters which the authority think necessary for the formulation of their proposals, and
- (b) to keep those matters under review during and after the preparation of the local plan.
- (3) A local plan shall consist of—
 - (a) a written statement formulating in such detail as the planning authority think appropriate the authority's proposals for the development and other use of land in that part of their district or for any description of development or other use of such land including in either case such measures as the planning authority think fit for the conservation of the natural beauty and amenity of the land, the improvement of the physical environment and the management of traffic,
 - (b) a map showing those proposals, and
 - (c) such diagrams, illustrations and descriptive matter as the planning authority think appropriate to explain or illustrate those proposals, or as may be prescribed, and shall contain such matters as may be prescribed.
- (4) Different local plans may be prepared for different purposes for the same part of any district.
- (5) In formulating their proposals in a local plan the planning authority—
 - (a) shall have regard to any information and any other considerations which appear to them to be relevant or which may be prescribed, and
 - (b) shall secure that the local plan conforms generally to the structure plan, as it stands for the time being, whether or not it has been approved by the Secretary of State.
- (6) Where an area is indicated as an action area in a structure plan which has been approved by the Secretary of State, the planning authority shall (if they have not already done so), as soon as practicable after the approval of the plan, prepare a local plan for that area.

12. Publicity and consultation.

- (1) Subject to subsection (6), a planning authority who propose to prepare, alter, repeal or replace a local plan shall take such steps as will in their opinion secure—
 - (a) that adequate publicity is given in their district to any relevant matter arising out of a survey of the district or part of the district carried out under section 4 or 11 and to the proposals,
 - (b) that persons who may be expected to wish to make representations to the authority about the proposals are made aware that they are entitled to do so, and
 - (c) that such persons are given an adequate opportunity of making such representations.
- (2) The planning authority shall consider any representations made to them within the prescribed period.
- (3) Having prepared the local plan or, as the case may be, the proposals for alteration, repeal or replacement, the planning authority shall before adopting the plan or proposals or submitting it or them for approval under section 18—
 - (a) make copies available for inspection at their office and at such other places as appear to them to be appropriate, and
 - (b) send a copy to the Secretary of State.
- (4) Each copy made available for inspection under subsection (3) shall be accompanied by a statement of the time within which objections may be made to the authority.
- (5) The copy of the plan or proposals sent to the Secretary of State, or made available for inspection, under subsection (3) shall be accompanied by a statement containing such particulars, if any, as may be prescribed—
 - (a) of the steps which the authority have taken to comply with subsection (1), and

(b) of the authority's consultations with, and their consideration of the views of, other persons.

(6) If the planning authority propose to alter a local plan and do not consider it appropriate to take the steps referred to in subsection (1), they may instead include, with the copies of those proposals made available for inspection under subsection (3) and with the copy sent to the Secretary of State, a statement of their reasons for not doing so.

13. Alteration of local plans.

— (1) A planning authority shall keep under review any local plan adopted by them, or approved by the Secretary of State, and may at any time make proposals for the alteration, repeal or replacement of that plan.

(2) In complying with subsection (1) the planning authority—

(a) shall have regard to any information and any other considerations which appear to them to be relevant or which may be prescribed, and

(b) shall secure that any proposals conform generally to the structure plan as it stands for the time being, whether or not it has been approved by the Secretary of State.

(3) Any such proposals may include proposals for the repeal of two or more local plans and their replacement with one local plan.

(4) Where a local plan has been approved by the Secretary of State the planning authority shall not make such proposals in relation to that plan without his consent.

14. Power of Secretary of State to direct making of local plan etc.

— (1) Subject to the provisions of this section the Secretary of State may direct a planning authority to prepare—

(a) a local plan for their district or part of it;

(b) proposals for the alteration, repeal or replacement of a local plan adopted by them or approved by him.

(2) The Secretary of State may so direct only before he approves the structure plan for the district in question.

(3) A direction under subsection (1) shall specify the nature of the plan or, as the case may be, the proposals required.

(4) Before giving such a direction, the Secretary of State shall consult the planning authority about it.

(5) The planning authority shall comply with the direction as soon as practicable and shall take steps for the adoption of the local plan or, as the case may be, the alteration, repeal or replacement of it.

15. Objections: local inquiry or other hearing.

— (1) The planning authority may cause a local inquiry or other hearing to be held for the purpose of considering objections to a local plan or to proposals for the alteration, repeal or replacement of a local plan prepared by them.

(2) If an objector so requires, the planning authority shall cause such a local inquiry or other hearing to be held in the case of objections made in accordance with regulations.

(3) A local inquiry or other hearing under this section shall be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, by the authority themselves.

(4) Regulations may—

(a) make provision with respect to the appointment and qualifications for appointment of persons to hold a local inquiry or other hearing;

(b) include provision enabling the Secretary of State to direct a planning authority to appoint a particular person, or one of a specified list or class of persons;

- (c) make provision with respect to the allowances of the person appointed.
- (5) Subsections (4) to (8) of section 265 apply to an inquiry held under this section.
- (6) The ^{M6}Tribunals and Inquiries Act 1992 shall apply to a local inquiry or other hearing held under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in section 10(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by a local authority.

Annotations:

Marginal Citations

M61992 c. 53.

16. Costs of local inquiry or other hearing.

— (1) The planning authority shall—

(a) where a person appointed under or by virtue of section 15 to hold a local inquiry or other hearing is in the public service of the Crown, pay the Secretary of State, and

(b) in any other case, pay the person so appointed,

a sum, determined in accordance with regulations under subsection (2), in respect of the performance by the person so appointed of his functions in relation to the inquiry or hearing (whether or not it takes place).

(2) Regulations may make provision with respect to the determination of the sum referred to in subsection (1) and may in particular prescribe, in relation to any class of person appointed under or by virtue of section 15, a standard daily amount applicable in respect of each day on which a person of that class is engaged in holding, or in work connected with, the inquiry or hearing.

(3) Without prejudice to the generality of subsection (2), the Secretary of State may, in prescribing by virtue of that subsection a standard daily amount for any class of person—

(a) where the persons of that class are in the public service of the Crown, have regard to the general staff costs and overheads of his department, and

(b) in any other case, have regard to the general administrative costs incurred by persons of that class in connection with the performance by them of their functions in relation to such inquiries and hearings.

Annotations:

Modifications etc. (not altering text)

C3S. 16 amended (27.5.1997) by 1997 c. 11, ss. 5, 6(2), Sch. 3 para. 14

17. Adoption of proposals.

— (1) After the expiry of the period for making objections to a local plan or, as the case may be, proposals for the alteration, repeal or replacement of a local plan or, if such objections were duly made within that period, after considering the objections so made, the planning authority may, subject to this section and to section 18, by resolution adopt the plan or the proposals.

(2) The planning authority may adopt the plan or the proposals as originally prepared or as modified so as to take account of—

(a) any such objections as are mentioned in subsection (1) whether or not they have been the subject of a local inquiry or other hearing,

(b) any matters arising out of such objections, or

(c) any minor drafting or technical matters.

(3) Where the Secretary of State has, under section 10, approved a structure plan for any area the planning authority shall not adopt any plan or proposals which do not conform to that structure plan.

(4) After copies of the plan or proposals have been sent to the Secretary of State and before the plan or proposals have been adopted by the planning authority, the Secretary of State may, if it appears to him that the plan or proposals are unsatisfactory, and without prejudice to his power to make a direction under section 18(1), direct the authority to consider modifying the plan or proposals in such respects as are indicated in the direction.

(5) A planning authority to whom such a direction is given shall not adopt the plan or proposals unless they satisfy the Secretary of State that they have made the modifications necessary to conform with the direction or the direction is withdrawn.

18. Calling in of plan or proposals for approval by Secretary of State.

— (1) After a copy of a local plan or of proposals for the alteration, repeal or replacement of a local plan has been sent to the Secretary of State and before the plan or proposals have been adopted by the planning authority, the Secretary of State may direct that the plan or proposals shall be submitted to him for his approval.

(2) If the Secretary of State gives a direction under subsection (1)—

(a) the authority shall submit the plan or proposals to him,

(b) the authority shall not hold a local inquiry or other hearing in respect of the plan or proposals under section 15, and

(c) the plan or proposals shall not have effect unless approved by the Secretary of State.

19. Approval of plan or proposals by Secretary of State.

— (1) The Secretary of State may, after considering a plan or proposals submitted to him under section 18, either approve (in whole or in part and with or without modifications or reservations) or reject the plan or proposals.

(2) In considering the plan or proposals the Secretary of State may take into account any matters he thinks are relevant, whether or not they were taken into account in the plan or proposals as submitted to him.

(3) Where on considering the plan or proposals the Secretary of State does not determine then to reject it or them, he shall before determining whether or not to approve it or them—

(a) consider any objections to the plan or proposals so far as made in accordance with regulations,

(b) give any person who made such an objection and has not withdrawn it an opportunity of appearing before and being heard by a person appointed by him for the purpose, and

(c) if a local inquiry or other hearing is held, also give such an opportunity to the planning authority and such other persons as he thinks fit,

but if a local inquiry or other hearing into the objections has already been held by the authority he need not cause any other inquiry or hearing to be held.

(4) In considering the plan or proposals the Secretary of State may consult or consider the views of any planning authority or any other person; but he need not do so, or give an opportunity for the making of representations or objections, or cause a local inquiry or other hearing to be held, unless required to do so by subsection (3).

Supplementary provisions

20. Disregarding of representations with respect to development authorised by or under other enactments.

Notwithstanding anything in the previous provisions of this Part, neither the Secretary of State nor a planning authority need consider representations or objections with respect to a structure plan, a local plan or any proposal to alter, repeal or replace any such plan if it appears to the Secretary of State or the authority, as the case may be, that those representations or objections are in substance representations or objections with respect to things done or proposed to be done in pursuance of—

- (a) an order or scheme under section 5, 7, 9 or 12 of the ^{M7}Roads (Scotland) Act 1984 (trunk road orders, special road schemes and orders for other public roads);
- (b) an order under section 1 of the ^{M8}New Towns Act 1946 or section 1 of the ^{M9}New Towns (Scotland) Act 1968 (designation of sites of new towns).

Annotations:

Marginal Citations

M71984 c. 54.

M81946 c. 68.

M91968 c. 16.

21. Power of Secretary of State to make regulations as to structure and local plans.

— (1) Without prejudice to the previous provisions of this Part, the Secretary of State may make regulations with respect to—

- (a) the form and content of structure and local plans, and
- (b) the procedure to be followed in connection with their preparation, submission, withdrawal, approval, adoption, making, alteration, modification, repeal and replacement.

(2) In particular any such regulations may—

(a) provide for the publicity to be given to the report of any survey carried out by a planning authority under section 4;

(b) provide for the notice to be given of, or the publicity to be given to—

- (i) matters included or proposed to be included in any such plan,
- (ii) the approval, adoption or making of any such plan or any alteration, modification, repeal or replacement of it, or
- (iii) any other prescribed procedural step,

and for publicity to be given to the procedure to be followed as mentioned in subsection (1)(b);

(c) make provision with respect to the making and consideration of representations with respect to matters to be included in, or objections to, any such plan or proposals for its alteration, modification, repeal or replacement;

(d) without prejudice to paragraph (b), provide for notice to be given to particular persons of the approval, adoption, alteration or modification of any plan, if they have objected to the plan and have notified the planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge for receiving it;

(e) require or authorise a planning authority to consult, or consider the views of, other persons before taking any prescribed procedural step;

(f) require a planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons on request by them with copies of any plan or document which has been made public for the purpose mentioned in section 8(1)(a) or 12(1)(a) or has been made available for inspection under section 8(4) or 12(3), subject (if the regulations so provide) to the payment of a reasonable charge;

(g) provide for the publication and inspection of any structure plan or local plan which has been approved, adopted or made, or any document approved, adopted or made altering,

repealing or replacing any such plan, and for copies of any such plan or document to be made available on sale.

(3) Such regulations may extend throughout Scotland or to specified areas only and may make different provisions for different cases.

(4) Subject to the previous provisions of this Part and to any such regulations, the Secretary of State may give directions to any planning authority, or to planning authorities generally—

(a) for formulating the procedure for the carrying out of their functions under this Part;

(b) for requiring them to give him such information as he may require for carrying out any of his functions under this Part.

(5) Subject to section 237, a structure plan or local plan or any alteration, repeal or replacement thereof shall become operative on a date appointed for the purpose in the relevant notice of approval, resolution of adoption or notice of the making, alteration, repeal or replacement of the plan.

22. Default powers of Secretary of State.

— (1) Where, by virtue of any of the previous provisions of this Part, any structure or local plan is, or proposals for the alteration, repeal or replacement of such a plan are, required to be prepared or submitted to the Secretary of State, or steps are required to be taken for the adoption of any such plan or proposals, then—

(a) if at any time the Secretary of State is satisfied that the planning authority are not taking the steps necessary to enable them to submit or adopt such a plan or proposals within a reasonable period, or

(b) in a case where a period is specified for the submission or adoption of any such plan or proposals, if no such plan or proposals have been submitted or adopted within that period, the Secretary of State may direct the planning authority to carry out their functions in relation to the matters mentioned in this subsection and may specify in the direction the factors to be taken into account or objectives to be achieved by the planning authority in so doing, or the Secretary of State may carry out a survey in accordance with the provisions of section 4 or prepare and make a structure plan or local plan or, as the case may be, alter, repeal or replace it, as he thinks fit.

(2) Where under subsection (1) the Secretary of State has power to do anything which should have been done by a planning authority (“the defaulting authority”), he may, if he thinks fit, authorise any other planning authority who appear to him to have an interest in the proper planning of the district of the defaulting authority to do it.

(3) Where under subsection (1) the Secretary of State has power to do anything which should have been done by a planning authority acting jointly with another planning authority or authorities, he may, if he thinks fit, authorise one of those authorities to do that thing on behalf of both or all of them.

(4) The previous provisions of this Part shall, so far as applicable, apply with any necessary modifications in relation to the doing of anything under this section by the Secretary of State or an authority other than the defaulting authority and the thing so done.

(5) The defaulting authority—

(a) shall on demand repay to the Secretary of State so much of any expenses incurred by him in connection with the doing of anything which should have been done by them as he certifies to have been incurred in the performance of their functions, and

(b) shall repay to any other authority who do under this section anything which should have been done by the defaulting authority, any expenses certified by the Secretary of State to have been reasonably incurred by that other authority in connection with the doing of that thing.

23. Reviews of plans in enterprise zones.

— (1) As soon as practicable after an order has been made under paragraph 5 of Schedule 32 to the ^{M10}Local Government, Planning and Land Act 1980 (designation of enterprise zone scheme) or a notification has been given under paragraph 11 of that Schedule (modification of such a scheme), any planning authority for an area in which the enterprise zone is wholly or partly situated shall review—

- (a) any structure plan for their area or for part of it which relates to the whole or part of the zone in the light of the provisions of the scheme or modified scheme, and
- (b) any local plan which relates to any land situated in the zone.

(2) A planning authority shall—

- (a) submit to the Secretary of State proposals for any alterations to a structure plan which they consider necessary to take account of the scheme or the modified scheme, and
- (b) make proposals for any alterations to such a local plan as is mentioned in subsection (1)(b) which they consider necessary to take account of the scheme or modified scheme, or for the repeal or replacement of any of those plans whose repeal or replacement they consider necessary for that purpose.

Annotations:

Marginal Citations

M101980 c. 65.

24. Meaning of “development plan”.

— (1) For the purposes of this Act, any other enactment relating to town and country planning and the ^{M11}Land Compensation (Scotland) Act 1963, the development plan for any area (whether the whole or part of the district of a planning authority) shall be taken as consisting of—

- (a) the provisions of the structure plan for the time being in force for that district or the relevant part of that district, together with the Secretary of State’s notice of approval of the plan,
- (b) any alterations to that plan, together with the Secretary of State’s notices of approval of them,
- (c) any provisions of a local plan for the time being applicable to the area, together with a copy of the authority’s resolution of adoption or, as the case may be, the Secretary of State’s notice of approval of the local plan, and
- (d) any alterations to that local plan, together with a copy of the authority’s resolutions of adoption or, as the case may be, the Secretary of State’s notices of approval of them.

(2) References in subsection (1) to the provisions of any plan, notices of approval, alterations and resolutions of adoption shall, in relation to an area forming part of the district to which they are applicable, be respectively construed as references to so much of those provisions, notices, alterations and resolutions as is applicable to the area.

(3) References in subsections (1) and (2) to notices of approval shall in relation to any plan or alteration made by the Secretary of State under section 22 be construed as references to notices of the making of the plan or alteration.

(4) This section has effect subject to Schedule 1 (old development plans).

(5) For the avoidance of doubt it is provided that, notwithstanding—

- (a) any changes made to local government areas by the ^{M12}Local Government etc. (Scotland) Act 1994, and
- (b) any alterations to structure plan areas made by orders under section 5,

the structure plans and local plans made prior to the coming into force of the provisions mentioned in paragraphs (a) and (b) shall remain in force until replaced by new plans made under or by virtue of those provisions.

(6) Any reference in the ^{M13}Land Compensation (Scotland) Act 1963 to an area defined in a current development plan as an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force or, as the case may be, to a comprehensive development area.

Annotations:

Marginal Citations

M111963 c. 51.

M121994 c. 39.

M131963 c. 51.

General

25. Status of development plans.

Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

PART III

CONTROL OVER DEVELOPMENT

Meaning of development

26. Meaning of “development”.

— (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out of works for the maintenance, improvement or other alteration of any building being works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage within the meaning of the ^{M14}War Damage Act 1943 or works begun after 7th December, 1969 for the alteration of a building by providing additional space in it underground;

(b) the carrying out by a local roads authority on land within the boundaries of a road of any works required for the maintenance or improvement of the road [^{F1}but , in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any road or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

- (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
 - (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class;
 - (g) the demolition of any description of building specified in a direction given by the Secretary of State to planning authorities generally or to a particular planning authority.
- (3) For the avoidance of doubt it is hereby declared that for the purposes of this section—
- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;
 - (b) the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if—
 - (i) the superficial area of the deposit is extended, or
 - (ii) the height of the deposit is extended and exceeds the level of the land adjoining the site.
- (4) For the purposes of this Act building operations include—
- (a) demolition of buildings,
 - (b) rebuilding,
 - (c) structural alterations of or additions to buildings, and
 - (d) other operations normally undertaken by a person carrying on business as a builder.
- (5) For the purposes of this Act mining operations include—
- (a) the removal of material of any description—
 - (i) from a mineral-working deposit,
 - (ii) from a deposit of pulverised fuel ash or other furnace ash or clinker, or
 - (iii) from a deposit of iron, steel or other metallic slags, and
 - (b) the extraction of minerals from a disused railway embankment.
- (6) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection—
- “fish farming” means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean or mollusc);
- “inland waters” means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and
- “tank” includes any cage and any other structure for use in fish farming.
- (7) Without prejudice to any regulations under this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

Annotations:

Amendments (Textual)

F1 Words in s 26(2)(b) inserted (1.8.1999) by S.S.I. 1999/1, reg. 47

Modifications etc. (not altering text)

C4 S. 26(1) extended (1.8.1999) by S.S.I. 1999/1, reg. 44

Marginal Citations

M141943 c. 21.

27. Time when development begun.

— (1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
- (b) if the development consists of a change in use, at the time when the new use is instituted;
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

(3) The provisions referred to in subsection (2) are sections 52(2), 53(6), 54(4), 58, 59 and 61.

(4) In subsection (2) “material operation” means—

- (a) any work of construction in the course of the erection of a building,
- (b) any work of demolition of a building,
- (c) the digging of a trench which is to contain the foundations, or part of the foundations, of a building,
- (d) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (c),
- (e) any operation in the course of laying out or constructing a road or part of a road, or
- (f) any change in the use of any land which constitutes material development.

(5) In subsection (4)(f) “material development” means any development other than—

- (a) development for which planning permission is granted by a general development order for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted,
- (b) development of a class specified in paragraph 1 or 2 of Schedule 11, and
- (c) development of any class prescribed for the purposes of this subsection.

(6) In subsection (5) “general development order” means a development order (within the meaning of section 30(2)) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in Scotland.

Requirement for planning permission

28. Development requiring planning permission.

— (1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

(2) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.

(3) Where by a development order planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is its normal use.

(4) Where an enforcement notice has been served in respect of any development of land, planning permission is not required for the use of that land for the purpose for which (in accordance with the provisions of this Part) it could lawfully have been used if that development had not been carried out.

(5) In determining for the purposes of subsections (2) and (3) what is or was the normal use of land, no account shall be taken of any use begun in contravention of this Part or of previous planning control.

(6) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if it was begun in contravention of Part II of the 1947 Act or Part III of the 1972 Act.

(7) Subsection (1) has effect subject to Schedule 2 (which contains exemptions for certain uses of land on 1st July 1948).

29. Granting of planning permission: general.

— (1) Planning permission may be granted—

(a) by a development order,

(b) by the planning authority (or, where this Part so provides, by the Secretary of State) on application to the authority in accordance with regulations or a development order,

(c) on the adoption or approval of a simplified planning zone scheme or alterations to such a scheme in accordance with section 49 or, as the case may be, section 53, or

(d) on the designation of an enterprise zone or the approval of a modified scheme under Schedule 32 to the ^{M15}Local Government Planning and Land Act 1980 in accordance with section 55 of this Act.

(2) Planning permission may also be deemed to be granted under section 57 (development with government authorisation).

(3) This section is without prejudice to any other provisions of this Act providing for the granting of permission.

Annotations:

Marginal Citations

M151980 c. 65.

Development orders

30. Development orders: general.

— (1) The Secretary of State shall by regulations or by order provide for the granting of planning permission.

(2) An order under this section (in this Act referred to as a “development order”) may itself grant planning permission for development specified in the order, or for development of any class so specified, and may be made either—

(a) as a general order applicable, except so far as it otherwise provides, to all land, but which may make different provision with respect to different descriptions of land, or

(b) as a special order applicable only to such land or descriptions of land as may be specified in the order.

(3) In respect of development for which planning permission is not granted by a development order, regulations or an order may provide for the granting of planning permission by the planning authority (or, where this Part so provides, by the Secretary of State) on an application made to the planning authority in accordance with the regulations or the order.

31. Permission granted by development order.

— (1) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.

(2) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for the erection, extension or alteration of any buildings, the order may require the approval of the planning authority to be obtained with respect to the design or external appearance of the buildings.

(3) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for development of a specified class, the order may enable the Secretary of State or the planning authority to direct that the permission shall not apply either—

(a) in relation to development in a particular area, or

(b) in relation to any particular development.

(4) Any provision of a development order by which permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references in this Act to limitations) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall not be used for any one purpose in pursuance of that provision on more than that number of days in that period.

(5) For the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment passed before 13th August 1947, or any regulations, orders or byelaws made at any time under any such enactment—

(a) shall not apply to any development specified in the order, or

(b) shall apply to it subject to such modifications as may be so specified.

Annotations:

Modifications etc. (not altering text)

C5S. 31 extended (1.8.1999) by S.S.I. 1999/1, reg. 46

Applications for planning permission

32. Form and content of applications for planning permission.

Any application to a planning authority for planning permission—

(a) shall be made in such manner as may be prescribed by regulations or by a development order, and

(b) shall include such particulars and be verified by such evidence as may be required by the regulations or the development order or by directions given by the planning authority under the regulations or order.

33. Planning permission for development already carried out.

— (1) On an application made to a planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

(2) Subsection (1) applies to development carried out—

(a) without planning permission,

(b) in accordance with planning permission granted for a limited period, or

(c) without complying with some condition subject to which planning permission was granted.

(3) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out, or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.

Publicity for applications

34. Publication of notices of applications.

— (1) Subject to subsection (2), regulations or a development order may provide, either in relation to applications generally or in relation to applications of a class or classes prescribed in the regulations or order, that—

- (a) any such application shall have been notified to such persons or classes of person, and in such manner, as may be so prescribed;
- (b) any such application shall have been advertised, either in a local newspaper or on the land to which the application relates, or both, in such a manner and for such a period or on such a number of occasions as may be so prescribed;
- (c) any newspaper advertisement required by virtue of paragraph (b) shall be placed by the planning authority to whom the application is made;
- (d) the planning authority may recover from the applicant the cost incurred by them in arranging any such advertisement;
- (e) any such application shall be accompanied by such certificates as to compliance with the requirements of provisions made under paragraphs (a) and (b) as may be so prescribed;
- (f) the applicant shall furnish, at such time and to such persons as may be so prescribed, such information with respect to the application as may be so prescribed;
- (g) no such application shall be entertained unless such further conditions as to payment as may be so prescribed have been complied with;
- (h) no such application shall be determined until after the expiry of any period which may be so prescribed.

(2) The applications mentioned in subsection (1) are—

- (a) applications for planning permission,
- (b) applications for an approval required by a development order, and
- (c) applications for any consent, agreement or approval required by a condition imposed on a grant of planning permission.

(3) If any person knowingly or recklessly—

- (a) issues a notification,
- (b) makes advertisement (other than newspaper advertisement), or
- (c) supplies a certificate,

which purports to comply with provisions made under subsection (1) but which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.

(6) Proceedings for an offence under this section may be brought at any time within the period of 2 years following the commission of the offence.

35. Notice etc. of applications to owners and agricultural tenants.

— (1) Regulations or a development order shall make provision—

(a) as to the notice of any application for planning permission to be given to any person (other than the applicant) who at the beginning of the period of 21 days ending with the date of the application was—

- (i) the owner of, or
- (ii) the tenant of any agricultural holding any part of which was comprised in, any of the land to which the application relates, and

(b) requiring any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used, and provide for publicising such applications and for the form, content and service of such notices and certificates.

(2) The regulations or order may require an applicant for planning permission to certify, in such form as may be prescribed by the regulations or the order, or to provide evidence, that any requirements of the regulations or the order have been satisfied.

(3) Regulations or an order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.

(5) If any person—

(a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular, or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular, he shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) In this section—

“agricultural holding” has the same meaning as in the ^{M16}Agricultural Holdings (Scotland) Act 1991; and

“owner” in relation to any land means any person who—

(a) under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than 7 years, or

(b) in the case of such applications as may be prescribed by regulations or by a development order, is entitled to an interest in any mineral so prescribed, and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.

(8) Proceedings for an offence under this section may be brought at any time within the period of 2 years following the commission of the offence.

Annotations:

Marginal Citations

M161991 c. 55.

36. Registers of applications etc.

— (1) Every planning authority shall keep, in such manner as may be prescribed by regulations or a development order, a register containing such information as may be so prescribed with respect to—

(a) applications for planning permission and for approval required by the regulations or order made to that authority,

(b) the manner in which such applications have been dealt with, and

(c) simplified planning zone schemes relating to zones in the authority’s area.

(2) The regulations or the order may make provision for the register to be kept in two or more parts, each part containing such information relating to applications mentioned in subsection

(1)(a) as may be prescribed by the regulations or order.

- (3) The regulations or the order may also make provision—
- (a) for a specified part of the register to contain copies of applications and of any plans or drawings submitted with them, and
 - (b) for the entry relating to any application, and everything relating to it, to be removed from that part of the register when the application (including any appeal arising out of it) has been finally disposed of (without prejudice to the inclusion of any different entry relating to it in another part of the register).
- (4) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Determination of applications

37. Determination of applications: general considerations.

— (1) Where an application is made to a planning authority for planning permission—

- (a) subject to sections 58 and 59, they may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
- (b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

(3) Subsection (1) has effect subject to sections 34 and 35 and to the following provisions of this Act, and to sections 59(1), 60 and 65 of the ^{M17}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

(4) The date of the grant or refusal of—

- (a) planning permission,
- (b) an approval required by a development order, or
- (c) any consent, agreement or approval required by a condition imposed on the grant of planning permission,

shall be the date on which the planning authority's decision bears to have been signed on behalf of the authority.

Annotations:

Marginal Citations

M171997 c. 9.

38. Consultations in connection with determination of applications.

— (1) In determining any application to which section 34(1) applies, the planning authority shall take into account any representations relating to that application which are received by them before the expiry of any period prescribed under subsection (1)(h) of that section.

(2) Where an application for planning permission is accompanied by such a certificate as is mentioned in section 35(1)(b), regulations or a development order may—

- (a) provide that a planning authority shall not determine an application for planning permission before the end of such period as may be prescribed;
- (b) require a planning authority—
 - (i) to take into account in determining such an application such representations, made within such period, as may be prescribed, and
 - (ii) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

(3) Regulations or a development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(4) Before a planning authority grant planning permission for the use of land as a caravan site they shall, unless they are also the authority with power to issue a site licence for that land, consult the local authority with that power.

(5) In this section “site licence” means a licence under Part 1 of the ^{M18}Caravan Sites and Control of Development Act 1960 authorising the use of land as a caravan site.

Annotations:

Marginal Citations

M181960 c. 62.

39. Power of planning authority to decline to determine applications.

— (1) A planning authority may decline to determine an application for planning permission for the development of any land if—

(a) within the period of 2 years ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under section 46 or has dismissed an appeal against the refusal of a similar application, and

(b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.

(2) For the purposes of this section an application for planning permission for the development of any land shall be taken to be similar to a later application only if the development and the land to which the applications relate are in the opinion of the planning authority the same or substantially the same.

(3) The reference in subsection (1)(a) to an appeal against the refusal of an application includes an appeal under section 47(2) in respect of an application.

40. Assessment of environmental effects.

— (1) The Secretary of State may by regulations make provision about the consideration to be given, before planning permission for development of any class specified in the regulations is granted, to the likely environmental effects of the proposed development.

(2) The regulations—

(a) may make the same provision as, or provision similar or corresponding to, any provision made, for the purposes of any Community obligation of the United Kingdom about the assessment of the likely effects of development on the environment, under section 2(2) of the ^{M19}European Communities Act 1972, and

(b) may make different provisions for different classes of development.

(3) Where a draft of regulations made in exercise both of the power conferred by this section and the power conferred by section 2(2) of the European Communities Act 1972 is approved by resolution of each House of Parliament, no statutory instrument containing such regulations shall be subject to annulment by virtue of section 275(3).

Annotations:

Marginal Citations

M191972 c. 68.

41. Conditional grant of planning permission.

— (1) Without prejudice to the generality of section 37(1) to (3), conditions may be imposed on the grant of planning permission under that section—

(a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

(2) Conditions may not be imposed by a planning authority under subsection (1)(a) for regulating the development or use of any land within the area of another planning authority except with the consent of that authority.

(3) Subject to paragraph 1(6)(a) of Schedule 3, a planning permission which is granted subject to such a condition as is mentioned in subsection (1)(b) is in this Act referred to as “planning permission granted for a limited period”.

(4) Where—

(a) planning permission is granted for development consisting of or including the carrying out of building or other operations subject to a condition that the operations shall be commenced not later than a time specified in the condition, and

(b) any building or other operations are commenced after the time so specified, the commencement and carrying out of those operations do not constitute development for which that permission was granted.

(5) Subsection (4)(a) does not apply to a condition attached to the planning permission by or under section 58 or 59.

(6) Part I of Schedule 3 shall have effect for the purpose of making special provision with respect to the conditions which may be imposed on the grant of planning permission for development consisting of the winning and working of minerals.

42. Determination of applications to develop land without compliance with conditions previously attached.

— (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

(3) Special provision may be made with respect to such applications—

(a) by regulations under section 32 as regards the form and content of the application, and

(b) by a development order as regards the procedure to be followed in connection with the application.

(4) This section does not apply if the previous permission was granted subject to a condition as to the time within which the development to which it related was to be begun, and that time has expired without the development having been begun.

43. Directions etc. as to method of dealing with applications.

— (1) Provision may be made by regulations or a development order for regulating the manner in which applications for planning permission to develop land are to be dealt with by planning authorities, and in particular—

(a) for enabling the Secretary of State to give directions restricting the grant of planning permission by the planning authority, either indefinitely or during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;

(b) for authorising the planning authority, in such cases and subject to such conditions as may be prescribed by the regulations or the order, or by directions given by the Secretary of State under the regulations or the order, to grant planning permission for development which does not accord with the provisions of the development plan;

(c) for requiring the planning authority, before granting or refusing planning permission for any development, to consult such authorities or persons as may be prescribed by the regulations or the order or by directions given by the Secretary of State under the regulations or the order;

(d) for requiring the planning authority to give to any applicant for planning permission, within such time as may be prescribed by the regulations or the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;

(e) for requiring the planning authority to give any applicant for any consent, agreement or approval required by a condition imposed on a grant of planning permission notice of their decision on his application, within such time as may be so prescribed;

(f) for requiring the planning authority to give to the Secretary of State and to such other persons as may be prescribed by or under the regulations or the order, such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.

(2) Paragraphs (d) and (f) of subsection (1) shall apply in relation to applications for an approval required by regulations under this Act or a development order as they apply in relation to applications for planning permission.

44. Effect of planning permission.

— (1) Without prejudice to the provisions of this Part as to the duration, revocation or modification of planning permission, any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it.

(2) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used.

(3) If no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

45. Duty to draw attention to certain provisions for benefit of disabled.

— (1) This section applies to the grant by the planning authority of an application for planning permission in respect of any building or premises in relation to which a duty is imposed by any of sections 4, 5 and 7 to 8A of the ^{M20}Chronically Sick and Disabled Persons Act 1970 (facilities at premises open to the public to include, where reasonable and practicable, provision for the needs of the disabled etc.).

(2) The planning authority shall, when granting the planning permission, draw the attention of the person to whom the permission is granted to the section or sections in question.

Annotations:

Marginal Citations

M201970 c. 44.

Secretary of State's powers in relation to planning applications and decisions

46. Call-in of applications by Secretary of State.

— (1) The Secretary of State may give directions requiring any such applications as are mentioned in section 34(2) to be referred to him instead of being dealt with by planning authorities.

(2) A direction under this section—

(a) may be given either to a particular planning authority or to planning authorities generally, and

(b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State.

(4) Subject to subsection (5), where an application is referred to the Secretary of State under this section—

(a) sections 33, 37(1) to (3), 38(1) to (3), 41(1) and (2) and 42 and paragraphs 2 to 6 of Schedule 3 shall apply, with any necessary modifications, as they apply to an application which falls to be determined by the planning authority, and

(b) regulations or a development order may apply, with or without modifications, to an application so referred any requirements imposed by the regulations or order by virtue of section 34 or 35.

(5) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the planning authority so wish, give to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) Subsection (5) does not apply to an application for planning permission referred to a Planning Inquiry Commission under section 69.

(7) The decision of the Secretary of State on any application referred to him under this section shall be final.

47. Right to appeal against planning decisions and failure to take such decisions.

— (1) Where a planning authority—

(a) refuse an application for planning permission or grant it subject to conditions,

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission or grant it subject to conditions, or

(c) refuse an application for any approval of that authority required under a development order or grant it subject to conditions,

the applicant may appeal to the Secretary of State.

(2) A person who has made such an application may also appeal to the Secretary of State if the planning authority have not given to the applicant—

(a) notice of their decision on the application,

(b) notice that they have exercised their power under section 39 to decline to determine the application, or

(c) notice that the application has been referred to the Secretary of State in accordance with directions given under section 46, within such period as may be prescribed by regulations or a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice served within such time and in such manner as may be prescribed by regulations or a development order.

(4) The time prescribed for the service of such a notice must not be less than—

(a) 28 days from the date of the notification of the decision, or

(b) in the case of an appeal under subsection (2), 28 days from the end of the period prescribed as mentioned in subsection (2) or, as the case may be, the extended period mentioned in that subsection.

(5) For the purposes of the application of sections 48(1) and 218(1)(b) and paragraph 2(2)(c) of Schedule 16 in relation to an appeal under subsection (2), the authority shall be deemed to have decided to refuse the application in question.

Annotations:

Modifications etc. (not altering text)

C6S. 47 modified (1.8.1999) by S.S.I. 1999/1, reg. 45

48. Determination of appeals.

— (1) On an appeal under section 47 the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining the appeal the Secretary of State shall, if either the appellant or the planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) If the Secretary of State proposes to reverse or vary any part of the decision of the planning authority to which the appeal does not relate, he shall give notice of his intention to the planning authority and to the appellant and shall give each of them an opportunity of making representations about his proposals.

(4) Subsection (2) does not apply to an appeal referred to—

(a) a Planning Inquiry Commission under section 69, or

(b) a Joint Planning Inquiry Commission under section 70.

(5) Subject to subsection (2), in relation to an appeal to the Secretary of State under section 47—

(a) sections 33, 37(1) to (3), 38(1) to (3), 41(1) and (2) and 42 and Part I of Schedule 3 shall apply, with any necessary modifications, as they apply in relation to an application for planning permission which falls to be determined by the planning authority, and

(b) regulations or a development order may apply, with or without modifications, to such an appeal any requirements imposed by the regulations or order by virtue of section 34 or 35.

(6) The decision of the Secretary of State on such an appeal shall be final.

(7) If, before or during the determination of such an appeal in respect of an application for planning permission to develop land, the Secretary of State forms the opinion that, having regard to the provisions of sections 37 and 41(1) and (2), any regulations made under this Act in that regard and of any development order and any directions given under such regulations or order, planning permission for that development—

- (a) could not have been granted by the planning authority, or
 - (b) could not have been granted otherwise than subject to the conditions imposed,
- he may decline to determine the appeal or to proceed with the determination.
- (8) If at any time before or during the determination of an appeal under section 47 it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—
- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal, and
 - (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.
- (9) Schedule 4 applies to appeals under section 47, including appeals under that section as applied by or under any other provision of this Act.

Simplified planning zones

49. Simplified planning zones.

- (1) A simplified planning zone is an area in respect of which a simplified planning zone scheme is in force.
- (2) The adoption or approval of a simplified planning zone scheme has effect to grant in relation to the zone, or any part of it specified in the scheme, planning permission—
- (a) for development specified in the scheme, or
 - (b) for development of any class so specified.
- (3) Planning permission under a simplified planning zone scheme may be unconditional or subject to such conditions, limitations or exceptions as may be specified in the scheme.

50. Making of simplified planning zone schemes.

- (1) Every planning authority shall consider, as soon as practicable after 1st October 1987, the question for which part or parts of their district a simplified planning zone scheme is desirable, and then shall keep that question under review.
- (2) If as a result of their original consideration or of any such review a planning authority decide that it is desirable to prepare a scheme for any part of their district they shall do so; and a planning authority may at any time decide—
- (a) to make a simplified planning zone scheme,
 - (b) to alter a scheme adopted by them, or
 - (c) with the consent of the Secretary of State, to alter a scheme approved by him.
- (3) Schedule 5 has effect with respect to the making and alteration of simplified planning zone schemes and other related matters.

51. Simplified planning zone schemes: conditions and limitations on planning permission.

- (1) The conditions and limitations on planning permission which may be specified in a simplified planning zone scheme may include—
- (a) conditions or limitations in respect of all development permitted by the scheme or in respect of particular descriptions of development so permitted, and
 - (b) conditions or limitations requiring the consent, agreement or approval of the planning authority in relation to particular descriptions of permitted development.
- (2) Different conditions or limitations may be specified for different cases or classes of case.
- (3) Nothing in a simplified planning zone scheme shall affect the right of any person—
- (a) to do anything not amounting to development, or
 - (b) to carry out development for which planning permission is not required or for which permission has been granted otherwise than by the scheme.

(4) No limitation or restriction subject to which permission has been granted otherwise than under the scheme shall affect the right of any person to carry out development for which permission has been granted under the scheme.

52. Duration of simplified planning zone scheme.

— (1) A simplified planning zone scheme shall take effect on the date of its adoption or approval and shall cease to have effect at the end of the period of 10 years beginning with that date.

(2) When the scheme ceases to have effect planning permission under it shall also cease to have effect except in a case where the development authorised by it has been begun.

53. Alteration of simplified planning zone scheme.

— (1) This section applies where alterations to a simplified planning zone scheme are adopted or approved.

(2) The adoption or approval of alterations providing for the inclusion of land in the simplified planning zone has effect to grant in relation to that land, or such part of it as is specified in the scheme, planning permission for development so specified or of any class so specified.

(3) The adoption or approval of alterations providing for the grant of planning permission has effect to grant such permission in relation to the simplified planning zone, or such part of it as is specified in the scheme, for development so specified or development of any class so specified.

(4) The adoption or approval of alterations providing for the withdrawal or relaxation of conditions, limitations or restrictions to which planning permission under the scheme is subject has effect to withdraw or relax the conditions, limitations or restrictions immediately.

(5) The adoption or approval of alterations providing for—

(a) the exclusion of land from the simplified planning zone,

(b) the withdrawal of planning permission, or

(c) the imposition of new or more stringent conditions, limitations or restrictions to which planning permission under the scheme is subject,

has effect to withdraw permission, or to impose the conditions, limitations or restrictions, with effect from the end of the period of 12 months beginning with the date of the adoption or approval.

(6) The adoption or approval of alterations to a scheme does not affect planning permission under the scheme in any case where the development authorised by it has been begun.

54. Exclusion of certain descriptions of land or development.

— (1) The following descriptions of land may not be included in a simplified planning zone—

(a) land in a conservation area;

(b) land in a National Scenic Area;

(c) land identified in the development plan for the area as part of a green belt;

(d) land in respect of which a notification or order is in force under section 28 or 29 of the ^{M21}Wildlife and Countryside Act 1981 (areas of special scientific interest).

(2) Where land included in a simplified planning zone becomes land of a description mentioned in subsection (1), that subsection does not have effect to exclude it from the zone.

(3) The Secretary of State may by order provide that no simplified planning zone scheme shall have effect to grant planning permission—

(a) in relation to an area of land specified in the order or to areas of land of a description so specified, or

(b) for development of a description specified in the order.

(4) An order under subsection (3) has effect to withdraw such planning permission under a simplified planning zone scheme already in force with effect from the date on which the order comes into force, except in a case where the development authorised by the permission has been begun.

Annotations:

Marginal Citations

M211981 c. 69.

Enterprise zone schemes

55. Planning permission for development in enterprise zones.

— (1) An order designating an enterprise zone under Schedule 32 to the ^{M22}Local Government, Planning and Land Act 1980 shall (without more) have effect on the date on which the order designating the zone takes effect to grant planning permission for development specified in the scheme or for development of any class so specified.

(2) The approval of a modified scheme under paragraph 11 of that Schedule shall (without more) have effect on the date on which the modifications take effect to grant planning permission for development specified in the modified scheme or for development of any class so specified.

(3) Planning permission so granted shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or, if none are specified, shall be unconditional.

(4) Subject to subsection (5), where planning permission is so granted for any development or class of development the enterprise zone authority may direct that the permission shall not apply in relation to—

(a) a specified development,

(b) a specified class of development, or

(c) a specified class of development in a specified area within the enterprise zone.

(5) An enterprise zone authority shall not give a direction under subsection (4) unless—

(a) they have submitted it to the Secretary of State, and

(b) he has notified them that he approves of their giving it.

(6) If the scheme or the modified scheme specifies, in relation to any development it permits, matters which will require approval by the enterprise zone authority, the permission shall have effect accordingly.

(7) The Secretary of State may by regulations make provision as to—

(a) the procedure for giving a direction under subsection (4), and

(b) the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in subsection (6).

(8) Such regulations may modify any provision of the planning Acts or any instrument made under them or may apply any such provision or instrument (with or without modification) in making any such provision as is mentioned in subsection (7).

(9) Nothing in this section prevents planning permission being granted in relation to land in an enterprise zone otherwise than by virtue of this section (whether the permission is granted in pursuance of an application made under this Part or by a development order).

(10) Nothing in this section prejudices the right of any person to carry out development apart from this section.

Annotations:

Marginal Citations

M221980 c. 65.

56. Effect on planning permission of modification or termination of scheme.

— (1) Modifications to an enterprise zone scheme do not affect planning permission under the scheme in any case where the development authorised by it has been begun before the modifications take effect.

(2) When an area ceases to be an enterprise zone, planning permission under the scheme shall cease to have effect except in a case where the development authorised by it has been begun.

Deemed planning permission

57. Development with government authorisation.

— (1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority, or by statutory undertakers who are not a local authority, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(2) On granting a consent under section 36 or 37 of the ^{M23}Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Secretary of State may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(3) The provisions of this Act (except Part XI) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under section 46.

(4) For the purposes of this section development is authorised by a government department if—

(a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment,

(b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development,

(c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose,

(d) authority is given by the department—

(i) for the borrowing of money for the purpose of the development, or

(ii) for the application for that purpose of any money not otherwise so applicable, or

(e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,

and references in this section to the authorisation of a government department shall be construed accordingly.

(5) In subsection (2) “ancillary development”, in relation to development consisting of the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station; and in this subsection “extension” and “generating station” have the ^{M24}same meanings as in Part I of the Electricity Act 1989.

Annotations:

Marginal Citations

M231989 c. 29.

M241989 c. 29.

Duration of planning permission

58. General condition limiting duration of planning permission.

— (1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—

(a) 5 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted, or

(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of the planning permission may direct.

(2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.

(3) If planning permission is granted without the condition required by subsection (1), it shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the date of the grant.

(4) Nothing in this section applies to—

(a) any planning permission granted by a development order,

(b) any planning permission for any development carried out before the grant of planning permission,

(c) any planning permission granted for a limited period,

(d) any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—

(i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission, or

(ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission,

(e) any planning permission granted by an enterprise zone scheme,

(f) any planning permission granted by a simplified planning zone scheme, or

(g) any outline planning permission, within the meaning of section 59.

59. Outline planning permission.

— (1) In this section “outline planning permission” means planning permission granted, in accordance with the provisions of regulations or a development order, with the reservation for subsequent approval by the planning authority or the Secretary of State of matters not particularised in the application (“reserved matters”).

(2) Subject to the provisions of this section, where outline planning permission is granted for development consisting of or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect—

(a) that, in the case of any reserved matter, application for approval must be made before—

(i) the expiration of 3 years from the date of the grant of outline planning permission,

- (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,
- whichever is the latest, and
- (b) that the development to which the permission relates must be begun not later than—
 - (i) the expiration of 5 years from the date of the grant of outline planning permission, or
 - (ii) if later, the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (3) Only one application for approval may be made in a case to which subsection (2)(a) applies after the expiration of the 3 year period mentioned in subsection (2)(a)(i).
- (4) If outline planning permission is granted without the conditions required by subsection (2), it shall be deemed to have been granted subject to those conditions.
- (5) The authority concerned with the terms of an outline planning permission may in applying subsection (2) substitute, or direct that there be substituted, for the periods of 3 years, 5 years and 2 years referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.
- (6) The authority may also specify, or direct that there be specified, separate periods under subsection (2)(a) in relation to separate parts of the development to which the planning permission relates; and, if they do so, the condition required by subsection (2)(b) shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.
- (7) In considering whether to exercise their powers under subsections (5) and (6), the authority shall have regard to the provisions of the development plan and to any other material considerations.

60. Provisions supplementary to sections 58 and 59.

— (1) The authority referred to in section 58(1)(b) and 59(5) is—

- (a) the planning authority or the Secretary of State, in the case of planning permission granted by them,
 - (b) in the case of planning permission deemed to be granted under section 57(1), the department on whose direction planning permission is deemed to be granted,
 - (c) in the case of planning permission deemed to be granted under section 57(2), the Secretary of State, and
 - (d) in the case of planning permission granted on an appeal determined under paragraph 1 or 5 of Schedule 4 by a person appointed by the Secretary of State to determine the appeal, that person.
- (2) For the purposes of section 59, a reserved matter shall be treated as finally approved—
- (a) when an application for approval is granted, or
 - (b) in a case where the application is made to the planning authority and on an appeal to the Secretary of State against the authority's decision on the application the Secretary of State or a person mentioned in subsection (1)(d) grants the approval, when the appeal is determined.
- (3) Where a planning authority grant planning permission, the fact that any of the conditions of the permission are required by the provisions of section 58 or 59 to be imposed, or are deemed by those provisions to be imposed, shall not prevent the conditions being the subject of an appeal under section 47 against the decision of the authority.
- (4) In the case of planning permission (whether outline or other) which has conditions attached to it by or under section 58 or 59—
- (a) development carried out after the date by which the conditions require it to be carried out shall be treated as not authorised by the permission, and

(b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.

61. Termination of planning permission by reference to time limit: completion notices.

— (1) This section applies where—

- (a) by virtue of section 58 or 59, a planning permission is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed,
 - (b) development has been begun in accordance with planning permission under a simplified planning zone scheme but has not been completed by the time the area ceases to be a simplified planning zone, or
 - (c) development has been begun in accordance with planning permission under an enterprise zone scheme but has not been completed by the time the area ceases to be an enterprise zone.
- (2) If the planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (“a completion notice”) stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice.
- (3) The period so specified must not be less than 12 months after the notice takes effect.
- (4) A completion notice shall be served—
- (a) on the owner of the land,
 - (b) on the occupier of the land, and
 - (c) on any other person who in the opinion of the planning authority will be affected by the notice.
- (5) The planning authority may withdraw a completion notice at any time before the expiration of the period specified in it as the period at the expiration of which the planning permission is to cease to have effect.
- (6) If they do so they shall immediately give notice of the withdrawal to every person who was served with the completion notice.

62. Effect of completion notice.

— (1) A completion notice shall not take effect unless and until it is confirmed by the Secretary of State.

- (2) In confirming a completion notice the Secretary of State may substitute some longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.
- (3) If, within such period as may be specified in a completion notice (which must not be less than 28 days from its service) any person on whom the notice is served so requires, the Secretary of State, before confirming the notice, shall give him and the planning authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) If a completion notice takes effect, the planning permission referred to in it shall become invalid at the expiration of the period specified in the notice (whether the original period specified under section 61(2) or a longer period substituted by the Secretary of State under subsection (2)).
- (5) Subsection (4) shall not affect any permission so far as development carried out under it before the end of the period mentioned in that subsection is concerned.

63. Power of Secretary of State to serve completion notice.

- (1) If it appears to the Secretary of State that it is expedient that a completion notice should be served in respect of any land, he may himself serve such a notice under section 61.
- (2) A completion notice served by the Secretary of State shall have the same effect as if it had been served by the planning authority.
- (3) The Secretary of State shall not serve such a notice without consulting the planning authority.
- (4) The provisions of this Act relating to completion notices apply, so far as relevant, to a completion notice served by the Secretary of State as they apply to a completion notice served by a planning authority, but with the substitution for any reference in those provisions to the planning authority of a reference to the Secretary of State, and any other necessary modifications.

Variation, revocation and modification of planning permission

64. Power to vary planning permission.

Notwithstanding any other provision of this Part, a planning authority may, at the request of the grantee or a person acting with his consent, vary any planning permission granted by them, if it appears to them that the variation sought is not material.

65. Power to revoke or modify planning permission.

- (1) If it appears to the planning authority that it is expedient to revoke or modify any permission to develop land granted on an application made under this Part, the authority may by order revoke or modify the permission to such extent as they consider expedient.
- (2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.
- (3) The power conferred by this section may be exercised—
 - (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
 - (b) where the permission relates to a change of the use of any land, at any time before the change has taken place.
- (4) The revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has previously been carried out.
- (5) Part II of Schedule 3 shall have effect for the purpose of making special provision with respect to the conditions which may be imposed by an order under this section revoking or modifying permission for development consisting of the winning and working of minerals or involving the depositing of refuse or waste materials.

66. Procedure for section 65 orders: opposed cases.

- (1) Except as provided in section 67, an order under section 65 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where a planning authority submit such an order to the Secretary of State for confirmation, they shall serve notice on—
 - (a) the owner of the land affected,
 - (b) the lessee and the occupier of the land affected, and
 - (c) any other person who in their opinion will be affected by the order.
- (3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) If within that period such a person so requires, the Secretary of State shall, before he confirms the order, give such an opportunity both to that person and to the planning authority.

(5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.

(6) The Secretary of State may confirm an order submitted to him under this section without modification or subject to such modifications as he considers expedient.

67. Procedure for section 65 orders: unopposed cases.

— (1) This section applies where—

(a) the planning authority have made an order under section 65, and

(b) the owner, the lessee and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—

(a) subject to subsection (4), the period within which persons affected by the order may give notice to the Secretary of State that they wish to have an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose, and

(b) subject to subsection (5), the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than 3 days after the publication.

(7) If—

(a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and

(b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,

the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by section 66(1).

(8) This section does not apply to—

(a) an order revoking or modifying a planning permission granted or deemed to have been granted by the Secretary of State under this Part or Part VI, or

(b) an order modifying any conditions to which a planning permission is subject by virtue of section 58 or 59.

68. Revocation and modification of planning permission by the Secretary of State.

— (1) If it appears to the Secretary of State that it is expedient that an order should be made under section 65, he may himself make such an order.

(2) Such an order made by the Secretary of State shall have the same effect as if it had been made by the planning authority and confirmed by the Secretary of State.

(3) The Secretary of State shall not make such an order without consulting the planning authority.

(4) Where the Secretary of State proposes to make such an order he shall serve notice on the planning authority.

(5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) If within that period the authority so require, the Secretary of State shall, before making the order, give the authority such an opportunity.

(7) The provisions of this Part and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the planning authority of any order under section 65, its confirmation by the Secretary of State and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order by virtue of subsection (1), its making by him and the service of copies of it.

(8) Part II of Schedule 3 shall have effect in relation to orders made by the Secretary of State by virtue of subsection (1) as it has effect in relation to orders made by the planning authority under section 65.

References to Planning Inquiry Commissions

69. Power to refer certain planning questions to Planning Inquiry Commission.

— (1) The Secretary of State may constitute a Planning Inquiry Commission to inquire into and report on any matter referred to them under subsection (2) in the circumstances mentioned in subsection (3).

(2) The matters that may be referred to a Planning Inquiry Commission are—

(a) an application for planning permission which the Secretary of State has under section 46 directed to be referred to him instead of being dealt with by a planning authority;

(b) an appeal under section 47 (including that section as applied by or under any other provision of this Act);

(c) a proposal that a government department should give a direction under section 57(1) that planning permission shall be deemed to be granted for development by a local authority or by statutory undertakers which is required by any enactment to be authorised by that department;

(d) a proposal that development should be carried out by or on behalf of a government department.

(3) Any of those matters may be referred to a Planning Inquiry Commission under this section if it appears expedient to the responsible Minister or Ministers that the question whether the proposed development should be permitted to be carried out should be the subject of a special inquiry on either or both of the following grounds—

(a) that there are considerations of national or regional importance which are relevant to the determination of that question and require evaluation, but a proper evaluation of them cannot be made unless there is a special inquiry for the purpose;

(b) that the technical or scientific aspects of the proposed development are of so unfamiliar a character as to jeopardise a proper determination of that question unless there is a special inquiry for the purpose.

(4) Schedule 6, which contains further provisions as to Planning Inquiry Commissions, and as to the meaning of “the responsible Minister or Ministers” in subsection (3) and in that Schedule, shall have effect.

70. Power to refer certain planning questions to Joint Planning Inquiry Commission.

— (1) The Ministers may constitute a Joint Planning Inquiry Commission to inquire into and report on any matter referred to them under subsection (2).

(2) The matters that may be referred to a Joint Planning Inquiry Commission are the matters which may, under section 101 of the ^{M25}Town and Country Planning Act 1990 or section 69

of this Act, be referred to a Planning Inquiry Commission but which appear to the Ministers to involve considerations affecting both Scotland and England.

(3) In subsections (1) and (2) “the Ministers” means the Secretaries of State for the time being having general responsibility in planning matters in relation to Scotland and in relation to England acting jointly.

(4) Schedule 7, which contains further provisions as to Joint Planning Inquiry Commissions, shall have effect.

Annotations:

Marginal Citations

M251990 c. 8.

Other controls over development

71. Orders requiring discontinuance of use or alteration or removal of buildings or works.

— (1) If, having regard to the development plan and to any other material considerations, it appears to a planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—

(a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land, or

(b) that any buildings or works should be altered or removed,
they may by order—

(i) require the discontinuance of that use, or

(ii) impose such conditions as may be specified in the order on the continuance of it, or

(iii) require such steps as may be so specified to be taken for the alteration or removal of the buildings or works,
as the case may be.

(2) An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order.

(3) Section 65 shall apply in relation to any planning permission granted by an order under this section as it applies in relation to planning permission granted by the planning authority on an application made under this Part.

(4) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under this section.

(5) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out, or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.

(6) Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

(7) In the case of planning permission granted by an order under this section, the authority referred to in sections 58(1)(b) and 59(5) is the planning authority making the order.

- (8) The previous provisions of this section do not apply to the use of any land for development consisting of the winning or working of minerals or involving the deposit of refuse or waste materials except as provided in Schedule 8, and in that Schedule—
- (a) Part I shall have effect for the purpose of making provision as respects land which is or has been so used, and
 - (b) Part II shall have effect as respects the registration of old mining provisions.

72. Confirmation by Secretary of State of section 71 orders.

- (1) An order under section 71 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.
- (2) Where a planning authority submit an order to the Secretary of State for his confirmation under this section, they shall serve notice—
- (a) on the owner of the land affected,
 - (b) on the lessee and the occupier of that land, and
 - (c) on any other person who in their opinion will be affected by the order.
- (3) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) If within that period such a person so requires, the Secretary of State shall, before confirming the order, give such an opportunity both to that person and to the planning authority.
- (5) Where an order under section 71 has been confirmed by the Secretary of State, the planning authority shall serve a copy of the order on the owner, the lessee and occupier of the land to which the order relates.

73. Power of the Secretary of State to make section 71 orders.

- (1) If it appears to the Secretary of State that it is expedient that an order should be made under section 71, he may himself make such an order.
- (2) Such an order made by the Secretary of State shall have the same effect as if it had been made by the planning authority and confirmed by the Secretary of State.
- (3) The Secretary of State shall not make such an order without consulting the planning authority.
- (4) Where the Secretary of State proposes to make such an order he shall serve notice on the planning authority.
- (5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require the Secretary of State to give them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) If within that period the authority so require, the Secretary of State shall, before making the order, give the authority such an opportunity.
- (7) The provisions of this Part and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the planning authority of any order under section 71, its confirmation by the Secretary of State and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order by virtue of subsection (1), its making by him and the service of copies of it.

74. Review of mineral planning permissions.

— (1) Schedule 9 (which makes provision as respects the review of old mineral planning permissions) and Schedule 10 (which makes provision as respects the periodic review of mineral planning permissions) shall have effect.

(2) Without prejudice to the generality of sections 30 and 31, a development order may make, in relation to any planning permission which is granted by a development order for minerals development, provision similar to any provision made by Schedule 9 or 10.

(3) In this section and those Schedules “minerals development” means development consisting of the winning and working of minerals, or involving the depositing of mineral waste.

75. Agreements regulating development or use of land.

— (1) A planning authority may enter into an agreement with any person interested in land in their district (in so far as the interest of that person enables him to bind the land) for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement.

(2) Any such agreement may contain such incidental and consequential provisions (including financial ones) as appear to the planning authority to be necessary or expedient for the purposes of the agreement.

(3) An agreement made under this section with any person interested in land may, if the agreement has been recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, be enforceable at the instance of the planning authority against persons deriving title to the land from the person with whom the agreement was entered into.

(4) No such agreement shall at any time be enforceable against a third party who has in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the agreement being recorded or registered or against any person deriving title from such third party.

(5) Nothing in this section or in any agreement made under it shall be construed—

(a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Secretary of State as to the provisions to be included in such a plan, or

(b) as requiring the exercise of any such powers otherwise than as mentioned in paragraph (a).

PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES ETC.

Compensation for revocation or modification of planning permission

76. Compensation where planning permission revoked or modified.

— (1) Where planning permission is revoked or modified by an order under section 65, then if, on a claim made to the planning authority within the prescribed time and in the prescribed manner, it is shown that a person interested in the land—

(a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or

(b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,

the planning authority shall pay that person compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to subsection (2), no compensation shall be paid under this section in respect of—
(a) any work carried out before the grant of the permission which is revoked or modified, or
(b) any other loss or damage arising out of anything done or omitted to be done before the grant of that permission (other than loss or damage consisting of depreciation of the value of an interest in land).

(4) In calculating for the purposes of this section the amount of any loss or damage consisting of depreciation of the value of an interest in land, it shall be assumed that planning permission would be granted—

(a) subject to the condition set out in Schedule 12, for any development of a class specified in paragraph 1 of Schedule 11;

(b) for any development of a class specified in paragraph 2 of Schedule 11.

(5) In this Part any reference to an order under section 65 includes a reference to an order under the provisions of that section as applied by section 71(3) and paragraph 1(2) of Schedule 8.

77. Compensation for refusal or conditional grant of planning permission formerly granted by development order.

— (1) Where—

(a) planning permission granted by a development order is withdrawn (whether by the revocation or amendment of the order or by the issue of directions under powers conferred by the order), and

(b) on an application made under Part III planning permission for development formerly permitted by that order is refused or is granted subject to conditions other than those imposed by that order,

section 76 shall apply as if the planning permission granted by the development order—

(i) had been granted by the planning authority under Part III, and

(ii) had been revoked or modified by an order under section 65.

(2) Where planning permission granted by a development order is withdrawn by revocation or amendment of the order, this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation.

(3) This section does not apply in relation to planning permission for the development of operational land of statutory undertakers.

(4) Regulations may provide that subsection (1) shall not apply where planning permission granted by a development order for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order.

78. Apportionment of compensation for depreciation.

— (1) Where compensation which becomes payable under section 76 includes compensation for depreciation of an amount exceeding £20, the planning authority—

(a) if it appears to them to be practicable to do so, shall apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates, and

(b) shall give particulars of any such apportionment to the claimant and to any other person entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.

(2) In carrying out an apportionment under subsection (1)(a), the planning authority shall—

(a) divide the land into parts, and

(b) distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order or, in a case falling within section 77, the relevant planning decision, in consequence of which the compensation is payable.

(3) Regulations shall make provision—

(a) for enabling the claimant or any other person to whom notice of the planning authority's apportionment has been given in accordance with subsection (1), or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require it to be referred to the Lands Tribunal,

(b) for enabling the claimant and any other person mentioned in paragraph (a) to be heard by the Tribunal on any reference under this section of that apportionment, and

(c) for requiring the Tribunal, on any such reference, either to confirm or vary the apportionment and to notify the parties of the decision.

(4) On a reference to the Lands Tribunal by virtue of subsection (3), subsections (1) and (2), so far as they relate to the making of an apportionment, shall apply with the substitution, for references to the planning authority, of references to the Lands Tribunal.

(5) In this section—

“compensation for depreciation” means so much of any compensation payable under section 76 as is payable in respect of loss or damage consisting of depreciation of the value of an interest in land, and

“relevant planning decision” means the planning decision by which planning permission is refused, or is granted subject to conditions other than those previously imposed by the development order.

79. Registration of compensation for depreciation.

— (1) Where compensation which becomes payable under section 76 includes compensation for depreciation of an amount exceeding £20, the planning authority shall—

(a) have a notice in the prescribed form stating that such compensation has become payable, specifying the land to which the compensation relates, the amount of the compensation for depreciation and any apportionment of it under section 78, recorded in the appropriate Register of Sasines or registered in the Land Register of Scotland, and

(b) send a copy of the notice to the Secretary of State.

(2) In relation to compensation for depreciation specified in a notice recorded or, as the case may be, registered under subsection (1), references in this Part to so much of the compensation as is attributable to a part of the land to which the notice relates shall be construed in accordance with the following provisions, that is to say—

(a) if the notice does not include an apportionment under section 78, the amount of the compensation shall be treated as distributed rateably according to area over the land to which the notice relates;

(b) if the notice includes such an apportionment, the compensation shall be treated as distributed in accordance with that apportionment as between the different parts of the land by reference to which the apportionment is made; and so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part of the land.

80. Recovery of compensation on subsequent development.

— (1) No person shall carry out any development to which this section applies, on land in respect of which a notice (in this Part referred to as a “compensation notice”) is recorded or, as the case may be, registered under section 79(1), until such amount, if any, as is recoverable under this section in respect of the compensation specified in the notice has been paid or secured to the satisfaction of the Secretary of State.

(2) Subject to the following provisions of this section, this section applies to any development—

(a) which is development of a residential, commercial or industrial character and consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof,

(b) which consists in the winning and working of minerals, or

(c) to which, having regard to the probable value of the development, it is in the opinion of the Secretary of State reasonable that this section should apply.

(3) This section shall not apply to any development by virtue of subsection (2)(c) if, on an application made to him for the purpose, the Secretary of State has certified that, having regard to the probable value of the development, it is not in his opinion reasonable that this section should apply to it.

(4) Where the compensation specified in the compensation notice became payable in respect of the imposition of conditions on the granting of permission to develop land, this section shall not apply to the development for which that permission was granted.

(5) This section does not apply to any development—

(a) of a class specified in paragraph 1 of Schedule 11 which is carried out in accordance with the condition set out in Schedule 12, or

(b) of a class specified in paragraph 2 of Schedule 11.

(6) This section does not apply in a case where the compensation under section 76 specified in a compensation notice became payable in respect of an order modifying planning permission, and the development is in accordance with that permission as modified by that order.

81. Amount recoverable, and provisions for payment or remission.

— (1) Subject to the following provisions of this section, the amount recoverable under section 80 in respect of the compensation specified in a compensation notice—

(a) if the land on which the development is to be carried out (in this subsection referred to as “the development area”) is identical with, or includes (with other land) the whole of, the land comprised in the compensation notice, shall be the amount of compensation specified in that notice;

(b) if the development area forms part of the land comprised in the compensation notice, or includes part of that land together with other land not comprised in that notice, shall be so much of the amount of the compensation specified in that notice as is attributable to land comprised in that notice and falling within the development area.

(2) Where, in the case of any land in respect of which a compensation notice has been recorded or registered, the Secretary of State is satisfied, having regard to the probable value of any proper development of that land, that no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or any part of any amount otherwise recoverable under section 80.

(3) Where, in connection with the development of any land, an amount becomes recoverable under section 80 in respect of the compensation specified in a compensation notice, then, except where, and to the extent that, payment of that amount has been remitted under

subsection (2) above, no amount shall be recoverable under section 80 in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.

(4) No amount shall be recoverable under section 80 in respect of any compensation by reference to which a sum has become recoverable by the Secretary of State under section 257.

(5) An amount recoverable under section 80 in respect of any compensation—

(a) shall be payable to the Secretary of State,

(b) shall be so payable either as a single capital payment or as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Secretary of State may direct, after taking into account any representations made by the person by whom the development is to be carried out, and

(c) except where the amount is payable as a single capital payment, shall be secured by that person to the satisfaction of the Secretary of State (whether by heritable or other security, personal bond or otherwise).

(6) If any person initiates any development to which section 80 applies in contravention of subsection (1) of that section, the Secretary of State may serve a notice on him specifying the amount appearing to the Secretary of State to be the amount recoverable under that section in respect of the compensation in question, and requiring him to pay that amount to the Secretary of State within such period, not being less than 3 months after the service of the notice, as may be specified in the notice.

(7) Where, after a compensation notice in respect of any land has been recorded or, as the case may be, registered—

(a) any amount recoverable under this section in respect of the compensation specified in the notice, or any part of such amount, has been paid to the Secretary of State, or

(b) circumstances arise under which by virtue of any provision of this Act no amount is so recoverable in respect of the land specified in the notice or any part of that land, the Secretary of State shall cause to be recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, a notice of that fact, specifying the land to which such fact relates and, in the case of any notice of the fact that part only of such amount has been so paid, stating whether the balance has been secured to the satisfaction of the Secretary of State or has been remitted by him under subsection (2) of this section, and shall send a copy of it to the planning authority.

82. Provisions for payment or remission of amount recoverable under section 80.

— (1) Subject to subsection (2), any sum recovered by the Secretary of State under section 80 shall be paid to the planning authority who paid the compensation to which that sum relates.

(2) Subject to subsection (3), in paying any such sum to the planning authority, the Secretary of State shall deduct from it the amount of any grant paid by him under Part XIII in respect of that compensation.

(3) If the sum recovered by the Secretary of State under section 80—

(a) is an instalment of the total sum recoverable, or

(b) is recovered by reference to development of part of the land in respect of which the compensation was payable,

any deduction to be made under subsection (2) shall be a deduction of such amount as the Secretary of State may determine to be the proper proportion of the amount referred to in that subsection.

83. Compensation in respect of orders under section 71 etc.

— (1) This section shall have effect where an order is made under section 71 or paragraph 1 of Schedule 8—

- (a) requiring a use of land to be discontinued,
- (b) imposing conditions on the continuance of it, or
- (c) requiring any buildings or works on land or, in the case of an order under paragraph 1 of Schedule 8, any plant or machinery to be altered or removed.

(2) If, on a claim made to the planning authority within the prescribed time and in the prescribed manner, it is shown that any person has suffered damage in consequence of the order—

- (a) by depreciation of the value of an interest to which he is entitled in the land, or
 - (b) by being disturbed in his enjoyment of the land,
- that authority shall pay to that person compensation in respect of that damage.

(3) Without prejudice to subsection (2), any person who carries out any works in compliance with the order shall be entitled, on a claim made as mentioned in that subsection, to recover from the planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.

(4) Any compensation payable to a person under this section by virtue of such an order as is mentioned in subsection (1) shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the order.

Annotations:

Modifications etc. (not altering text)

C7S. 83 modified (conditionally) (25.1.1999) by S.I. 1998/2914, regs. 1, 5

S. 83 modified (25.1.1999) by S.I. 1998/2914, regs. 1, 6

84. Special basis for compensation in respect of certain orders affecting mineral working. Schedule 13 shall have effect for the purpose of making special provision as respects the payment of compensation in certain circumstances where an order under section 65 modifies planning permission for development consisting of the winning and working of minerals or an order is made under paragraph 1, 3, 5 or 6 of Schedule 8.

85. Power to make provision for determination of claims.

— (1) Regulations shall make provision—

- (a) for requiring claims for compensation to be determined by the Secretary of State in such manner as may be prescribed;
 - (b) for regulating the practice and procedure to be followed in connection with the determination of such claims;
 - (c) for requiring the Secretary of State on determining any such claim—
 - (i) to give notice of his determination to the claimant and to any other person who has made and not withdrawn a claim for compensation in respect of the same planning decision, and
 - (ii) if his determination includes an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land appearing to the Secretary of State to be an interest substantially affected by the apportionment;
 - (d) for requiring the Secretary of State to pay any compensation determined under this section to the person entitled to it.
- (2) Subject to subsection (3), provision shall be made by such regulations—

- (a) for enabling the claimant or any other person to whom notice of the Secretary of State's determination has been given in accordance with subsection (1), if he wishes to dispute the determination, to require it to be referred to the Lands Tribunal;
 - (b) for enabling the claimant and any other person to whom particulars of an apportionment included in that determination have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require it to be referred to the Lands Tribunal;
 - (c) for enabling the claimant and every other person to whom notice of any determination or apportionment has been given as mentioned in paragraph (a) or (b) to be heard by the Tribunal on any reference under this section of that determination or, as the case may be, of that apportionment; and
 - (d) for requiring the Tribunal, on any such reference, either to confirm or to vary the Secretary of State's determination or the apportionment, as the case may be, and to notify the parties of the decision of the Tribunal.
- (3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment—
- (a) relates wholly or partly to the same matters as a previous apportionment, and
 - (b) is consistent with that previous apportionment in so far as it relates to those matters,
- the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

Annotations:

Modifications etc. (not altering text)

C8S. 85 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

S. 85 modified (27.5.1997) by 1997 c. 10, ss. 14(1)(5), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

S. 85 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

86. Lands Tribunal to determine claims if not otherwise provided.

— (1) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the Lands Tribunal.

(2) In relation to the determination of any such question, the provisions of sections 9 and 11 of the ^{M26}Land Compensation (Scotland) Act 1963 shall apply, subject to any necessary modifications and to the provisions of any regulations made under this Act.

Annotations:

Modifications etc. (not altering text)

C9 S. 86 modified (27.5.1997) by 1997 c. 10, ss. 14(1)(5), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

S. 86 applied (27.5.1997) by 1997 c. 10, ss. 35(3), 40(2) (with ss. 9(3), 10(5), 38(6))

Marginal Citations

M261963 c. 51.

Supplementary provisions

87. General provisions as to compensation for depreciation under this Part.

- (1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 12 of the ^{M27}Land Compensation (Scotland) Act 1963 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) This section applies to any compensation which, under the provisions of this Part, is payable in respect of depreciation of the value of an interest in land.
- (3) In relation to the assessment of compensation payable under section 76, the value of any interest may be a minus quantity.
- (4) Where an interest in land is subject to a heritable security—
- (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the security;
- (b) a claim for any such compensation may be made by any creditor in a heritable security over the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) no compensation to which this section applies shall be payable in respect of the interest of the creditor in the heritable security (as distinct from the interest which is subject to the security); and
- (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the heritable security shall be paid to the creditor in the security, or, if there is more than one such creditor, to the creditor whose security ranks first, and shall in either case be applied by him as if it were proceeds of sale by him under the powers competent to creditors in heritable securities.

Annotations:

Modifications etc. (not altering text)

C10 S. 87 modified (27.5.1997) by 1997 c. 10, ss. 14(1),(5), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

Marginal Citations

M271963 c. 51.

PART V

RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

CHAPTER I

INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

Service of purchase notices

88. Circumstances in which purchase notices may be served.

— (1) This section applies where—

- (a) on an application for planning permission to develop any land, permission is refused or is granted subject to conditions,
- (b) by an order under section 65 planning permission in respect of any land is revoked, or is modified by the imposition of conditions, or
- (c) an order is made under section 71 or paragraph 1 of Schedule 8 in respect of any land.

(2) If—

- (a) in the case mentioned in subsection (1)(a) or (b), any owner or lessee of the land claims that the conditions mentioned in subsection (3) are satisfied with respect to it, or

(b) in the case mentioned in subsection (1)(c), any person entitled to an interest in land in respect of which the order is made claims that the conditions mentioned in subsection (4) are satisfied with respect to it,

he may, within the prescribed time and in the prescribed manner, serve on the planning authority in whose district the land is situated a notice (in this Act referred to as “a purchase notice”) requiring that authority to purchase his interest in the land in accordance with this Chapter.

(3) The conditions mentioned in subsection (2)(a) are—

(a) that the land has become incapable of reasonably beneficial use in its existing state, (b) in a case where planning permission was granted subject to conditions or was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions, and

(c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the planning authority or the Secretary of State has undertaken to grant planning permission.

(4) The conditions mentioned in subsection (2)(b) are—

(a) that by reason of the order the land is incapable of reasonably beneficial use in its existing state, and

(b) that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which planning permission has been granted, whether by that order or otherwise.

(5) For the purposes of subsection (1)(a) and any claim arising in the circumstances mentioned in that subsection, the conditions referred to in sections 58 and 59 shall be disregarded.

(6) A person on whom a repairs notice has been served under section 43 of the ^{M28}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 shall not be entitled to serve a purchase notice in the circumstances mentioned in subsection (1)(a) in respect of the building in question—

(a) until the expiration of 3 months beginning with the date of the service of the repairs notice, and

(b) if during that period the compulsory acquisition of the building is begun in the exercise of powers under section 42 of that Act, unless and until the compulsory acquisition is discontinued.

(7) For the purposes of subsection (6) a compulsory acquisition—

(a) is started when the notice required by paragraph 3(b) of Schedule 1 to the ^{M29}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947 is served, and

(b) is discontinued—

(i) in the case of acquisition by the Secretary of State, when he decides not to make the compulsory purchase order, and

(ii) in any other case, when the order is withdrawn or the Secretary of State decides not to confirm it.

(8) No purchase notice shall be served in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of such an order as is mentioned in subsection (1)(c), except by virtue of a claim under subsection (2)(b).

Annotations:

Marginal Citations

M281997 c. 9.

M291947 c. 42.

89. Circumstances in which land incapable of reasonably beneficial use.

Where, for the purpose of determining whether the conditions specified in section 88(3) or (4) are satisfied in relation to any land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective development other than any development specified in paragraph 1 or 2 of Schedule 11.

Duties of authorities on service of purchase notice

90. Action by planning authority on whom purchase notice is served.

— (1) The planning authority on whom a purchase notice is served shall serve on the owner or lessee by whom the purchase notice was served a notice (a “response notice”) stating—

- (a) that the planning authority are willing to comply with the purchase notice,
- (b) that another local authority or statutory undertakers specified in the response notice have agreed to comply with it in their place, or
- (c) that for reasons so specified the planning authority are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have sent the Secretary of State a copy of the purchase notice and of the response notice.

(2) A response notice must be served before the end of the period of 3 months beginning with the date of service of the purchase notice.

(3) Where the planning authority on whom a purchase notice is served by an owner or lessee have served a response notice on him in accordance with subsection (1)(a) or (b), the planning authority or, as the case may be, the other local authority or statutory undertakers specified in the response notice shall be deemed—

- (a) to be authorised to acquire the interest of the owner or lessee compulsorily in accordance with the relevant provisions, and
- (b) to have served a notice to treat in respect of it on the date of service of the response notice.

(4) Where the planning authority propose to serve such a response notice as is mentioned in subsection (1)(c), they must first send the Secretary of State a copy—

- (a) of the proposed response notice, and
- (b) of the purchase notice.

(5) Where the planning authority on whom a purchase notice is served by an owner or lessee do not serve a response notice on him before the end of the period mentioned in subsection (2)—

- (a) the purchase notice shall be deemed to be confirmed at the end of that period, and
- (b) subsection (3) shall apply as if the authority had served a response notice on him on the last day of that period.

(6) A notice to treat which is deemed to have been served by virtue of subsection (3)(b) or (5)(b) may not be withdrawn under section 39 of the ^{M30}Land Compensation (Scotland) Act 1963.

Annotations:

Modifications etc. (not altering text)

C11 S. 90: power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 1 (as

replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

Marginal Citations

M301963 c. 51.

91. Procedure on reference of purchase notice to Secretary of State.

— (1) Where a copy of a purchase notice is sent to the Secretary of State under section 90(4), he shall consider whether to confirm the notice or to take other action under section 92 in respect of it.

(2) Before confirming a purchase notice or taking such other action, the Secretary of State shall give notice of his proposed action—

(a) to the person who served the purchase notice,

(b) to the planning authority on whom it was served, and

(c) if the Secretary of State proposes to substitute any other local authority or statutory undertakers for the planning authority on whom the notice was served, to them.

(3) A notice under subsection (2) shall specify the period (which must not be less than 28 days from its service) within which any of the persons, authorities or statutory undertakers on whom it is served may require the Secretary of State to give them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period any of those persons, authorities or statutory undertakers so require, the Secretary of State shall, before he confirms the purchase notice or takes any other action under section 92 in respect of it, give each of them such an opportunity.

(5) If, after any of those persons, authorities or statutory undertakers have appeared before and been heard by the appointed person, or the persons, authorities and undertakers concerned have agreed to dispense with a hearing, it appears to the Secretary of State to be expedient to take action under section 92 otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly.

Annotations:

Modifications etc. (not altering text)

C12S. 91(2)(c): power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 2 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

92. Action by Secretary of State in relation to purchase notice.

— (1) Subject to the following provisions of this section and to section 93(3), if the Secretary of State is satisfied that the conditions specified in subsection (3) or, as the case may be, subsection (4) of section 88 are satisfied in relation to a purchase notice, he shall confirm the notice.

(2) If it appears to the Secretary of State to be expedient to do so, he may, instead of confirming the purchase notice—

(a) in the case of a notice served on account of the refusal of planning permission, grant planning permission for the development in question;

(b) in the case of a notice served on account of planning permission for development being granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;

(c) in the case of a notice served on account of the revocation of planning permission by an order under section 65, cancel the order;

(d) in the case of a notice served on account of the modification of planning permission by such an order by the imposition of conditions, revoke or amend those conditions so far as

appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted; or

(e) in the case of a notice served on account of the making of an order under section 71 or paragraph 1 of Schedule 8, revoke the order or, as the case may be, amend the order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order.

(3) If it appears to the Secretary of State that the land, or any part of the land, to which the purchase notice relates could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which planning permission ought to be granted, he may, instead of confirming the purchase notice or, as the case may be, of confirming it so far as it relates to that part of the land, direct that, if an application for planning permission for that development is made, it must be granted.

(4) If it appears to the Secretary of State to be expedient that another local authority or statutory undertakers should acquire the interest of the owner or lessee for the purpose of any of their functions, he may, if he confirms the notice, modify it, in relation to either the whole or any part of the land to which the purchase notice relates, by substituting another local authority or statutory undertakers for the planning authority on whom the notice was served.

(5) Any reference in section 91 to the taking of action by the Secretary of State under this section includes a reference to the taking by him of a decision not to confirm the purchase notice either on the grounds that any of the conditions referred to in subsection (1) are not satisfied or by virtue of section 93.

Annotations:

Modifications etc. (not altering text)

C13S. 92(4): power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 3 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

93. Power to refuse to confirm purchase notice where land has restricted use by virtue of previous planning permission.

— (1) This section applies where a purchase notice is served in respect of land which consists in whole or in part of land which has a restricted use by virtue of an existing planning permission.

(2) For the purposes of this section, land is to be treated as having a restricted use by virtue of an existing planning permission if it is part of a larger area in respect of which planning permission has previously been granted (and has not been revoked) and either—

(a) it remains a condition of the planning permission (however expressed) that that part shall remain undeveloped or be preserved or laid out in a particular way as amenity land in relation to the remainder, or

(b) the planning permission was granted on an application which contemplated (expressly or by necessary implication) that the part should not be comprised in the development for which planning permission was sought, or should be preserved or laid out as mentioned in paragraph (a).

(3) Where a copy of the purchase notice is sent to the Secretary of State under section 90(4), although satisfied that the land has become incapable of reasonably beneficial use in its existing state, he need not confirm the notice under section 92(1) if it appears to him that the land having a restricted use by virtue of an existing planning permission ought, in accordance with that permission, to remain undeveloped or, as the case may be, remain or be preserved

or laid out as amenity land in relation to the remainder of the large area for which that planning permission was granted.

94. Effect of Secretary of State's action in relation to purchase notice.

— (1) Where the Secretary of State confirms a purchase notice—

- (a) the planning authority on whom the purchase notice was served, or
- (b) if under section 92(4) the Secretary of State modified the purchase notice by substituting another local authority or statutory undertakers for that planning authority, that other authority or those undertakers,

shall be deemed to be authorised to acquire the interest of the owner or lessee compulsorily in accordance with the relevant provisions, and to have served a notice to treat in respect of it on such date as the Secretary of State may direct.

(2) If, before the end of the relevant period, the Secretary of State has neither—

- (a) confirmed the purchase notice, nor
- (b) taken any such action in respect of it as is mentioned in section 92(2) or (3), nor
- (c) notified the owner or lessee by whom the notice was served that he does not propose to confirm the notice,

the notice shall be deemed to be confirmed at the end of that period, and the authority on whom the notice was served shall be deemed to be authorised as mentioned in subsection (1) and to have served a notice to treat in respect of the owner's interest at the end of that period.

(3) Subject to subsection (4), for the purposes of subsection (2) the relevant period is the period of 6 months beginning with the date on which a copy of the purchase notice was sent to the Secretary of State.

(4) The relevant period does not run if the Secretary of State has before him at the same time both—

- (a) a copy of the purchase notice sent to him under section 90(4), and
- (b) a notice of appeal under section 47, 130 or 154 of this Act or under section 18 or 35 of the ^{M31}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (appeals against refusal of listed building consent, etc. and appeals against listed building enforcement notices) or under section 19 of the ^{M32}Planning (Hazardous Substances)(Scotland) Act 1997 (appeals against decisions and failure to take decisions relating to hazardous substances) relating to any of the land to which the purchase notice relates.

(5) Where—

- (a) the Secretary of State has notified the owner or lessee by whom a purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice, and

(b) that decision is quashed under Part XI,

the purchase notice shall be treated as cancelled, but the owner or lessee may serve a further purchase notice in its place.

(6) The reference in subsection (5) to a decision to confirm, or not to confirm, the purchase notice includes—

- (a) any decision not to confirm the notice in respect of any part of the land to which it relates, and

(b) any decision to grant any permission, or give any direction, instead of confirming the notice, in respect of any part (or the whole) of the land to which it relates.

(7) For the purposes of determining whether a further purchase notice under subsection (5) was served within the period prescribed for the service of purchase notices, the planning decision in consequence of which the notice was served shall be treated as having been made on the date on which the decision of the Secretary of State was quashed.

(8) A notice to treat which is deemed to have been served by virtue of subsection (1) or (2) may not be withdrawn under section 39 of the ^{M33}Land Compensation (Scotland) Act 1963.

Annotations:

Modifications etc. (not altering text)

C14 S. 94(1)(b): power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 4 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

Marginal Citations

M311997 c. 9.

M321997 c. 10.

M331963 c. 51.

Compensation

95. Special provisions as to compensation where purchase notice served.

— (1) Where compensation is payable by virtue of section 76 in respect of expenditure incurred in carrying out any work on land, any compensation payable in respect of the acquisition of an interest in the land in pursuance of a purchase notice shall be reduced by an amount equal to the value of those works.

(2) Where—

(a) the Secretary of State directs under section 92(3) that, if an application for it is made, planning permission must be granted for the development of any land, and

(b) on a claim made to the planning authority within the prescribed time and in the prescribed manner, it is shown that the permitted development value of the interest in that land in respect of which the purchase notice was served is less than its Schedule 11 value, the planning authority shall pay the person entitled to that interest compensation of an amount equal to the difference.

(3) If the planning permission mentioned in subsection (2)(a) would be granted subject to conditions for regulating the design or external appearance, or the size or height of buildings, or for regulating the number of buildings to be erected on the land, the Secretary of State may direct that in assessing any compensation payable under subsection (2) those conditions must be disregarded, either altogether or to such extent as may be specified in the direction.

(4) The Secretary of State may give a direction under subsection (3) only if it appears to him to be reasonable to do so having regard to the local circumstances.

(5) Sections 86 and 87 shall have effect in relation to compensation under subsection (2) as they have effect in relation to compensation to which those sections apply.

(6) In this section—

“permitted development value”, in relation to an interest in land in respect of which a direction is given under section 92(3), means the value of that interest calculated with regard to that direction, but on the assumption that no planning permission would be granted otherwise than in accordance with that direction, and

“Schedule 11 value”, in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—

(a) subject to the conditions set out in Schedule 12, for any development of a class specified in paragraph 1 of Schedule 11, and

(b) for any development of a class specified in paragraph 2 of Schedule 11.

(7) Where a purchase notice in respect of an interest in land is served in consequence of an order under section 71 or paragraph 1 of Schedule 8, then if—

(a) that interest is acquired in accordance with this Chapter, or

(b) compensation is payable in respect of that interest under subsection (2), no compensation shall be payable in respect of that order under section 83.

Special provisions for requiring purchase of whole of partially affected agricultural unit

96. Counter-notice requiring purchase of remainder of agricultural unit.

— (1) This section applies where—

(a) an acquiring authority is deemed under this Chapter to have served notice to treat in respect of any agricultural land on a person (“the claimant”) who has a greater interest in the land than as tenant for a year or from year to year (whether or not he is in occupation of the land), and

(b) the claimant has such an interest in other agricultural land (“the unaffected area”) comprised in the same agricultural unit as that to which the notice relates.

(2) Where this section applies the claimant may serve on the acquiring authority a counter-notice—

(a) claiming that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit, and

(b) requiring the acquiring authority to purchase his interest in the whole of the unaffected area.

(3) Subject to subsection (4), “other relevant land” in subsection (2) means—

(a) land which is comprised in the same agricultural unit as the land to which the notice to treat relates and in which the claimant does not have such an interest as is mentioned in subsection (1), and

(b) land which is comprised in any other agricultural unit occupied by the claimant on the date on which the notice to treat is deemed to have been served and in respect of which he is then entitled to a greater interest than as tenant for a year or from year to year.

(4) Where a notice to treat has been served or is deemed under this Chapter or Schedule 15 to have been served in respect of any of the unaffected area or in respect of other relevant land as defined in subsection (3), then, unless and until the notice to treat is withdrawn, this section and section 97 shall have effect as if that land did not form part of the unaffected land or, as the case may be, did not constitute other relevant land.

(5) Where a counter-notice is served under subsection (2) the claimant shall also serve a copy of it on any other person who has an interest in the unaffected area (but failure to comply with this subsection shall not invalidate the counter-notice).

(6) A counter-notice under subsection (2) and any copy of that notice required to be served under subsection (5) must be served within the period of 2 months beginning with the date on which the notice to treat is deemed to have been served.

(7) This section is without prejudice to the rights conferred by sections 91 and 92 of the ^{M34}Lands Clauses Consolidation (Scotland) Act 1845 (provisions as to divided land).

Annotations:

Marginal Citations

M341845 c. 19.

97. Effect of counter-notice under section 96.

— (1) If the acquiring authority do not within the period of 2 months beginning with the date of service of a counter-notice under section 96 agree in writing to accept the counter-notice as valid, the claimant or the authority may, within 2 months after the end of that period, refer it to the Lands Tribunal.

(2) On such a reference the Lands Tribunal shall determine whether the claim in the counter-notice is justified and declare the counter-notice valid or invalid accordingly.

- (3) Where a counter-notice is accepted as valid under subsection (1) or declared to be valid under subsection (2), the acquiring authority shall be deemed—
- (a) to be authorised to acquire compulsorily the interest of the claimant in the land to which the requirement in the counter-notice relates under the same provision of this Chapter as they are authorised to acquire the other land in the agricultural unit in question, and
 - (b) to have served a notice to treat in respect of that land on the date on which notice to treat is deemed to have been served under that provision.
- (4) A claimant may withdraw a counter-notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the counter-notice has been determined by the Lands Tribunal or at any time before the end of 6 weeks beginning with the date on which it is determined.
- (5) Where a counter-notice is withdrawn by virtue of subsection (4) any notice to treat deemed to have been served in consequence of it shall be deemed to have been withdrawn.
- (6) Without prejudice to subsection (5), a notice to treat deemed to have been served by virtue of this section may not be withdrawn under section 39 of the ^{M35}Land Compensation (Scotland) Act 1963.
- (7) The compensation payable in respect of the acquisition of an interest in land in pursuance of a notice to treat deemed to have been served by virtue of this section shall be assessed on the assumptions mentioned in section 5(2), (3) and (4) of the ^{M36}Land Compensation (Scotland) Act 1973.
- (8) Where by virtue of this section the acquiring authority become or will become entitled to a lease of any land but not to the interest of the lessor—
- (a) the authority shall offer to renounce the lease to the lessor on such terms as the authority consider reasonable,
 - (b) the question of what is reasonable may be referred to the Lands Tribunal by the authority or the lessor and, if at the expiration of the period of 3 months after the date of the offer mentioned in paragraph (a) the authority and the lessor have not agreed on the question and that question has not been referred to the Tribunal by the lessor, it shall be so referred by the authority, and
 - (c) if that question is referred to the Tribunal, the lessor shall be deemed—
 - (i) to have accepted the renunciation of the lease at the expiry of one month after the date of the determination of the Tribunal or on such other date as the Tribunal may direct, and
 - (ii) to have agreed with the authority on the terms of surrender which the Tribunal has held to be reasonable.
- (9) For the purposes of subsection (8) any terms as to renunciation contained in the lease shall be disregarded.
- (10) Where the lessor—
- (a) refuses to accept any sum payable to him by virtue of subsection (8), or
 - (b) refuses or fails to make out his title to the satisfaction of the acquiring authority,
- they may pay into the bank within the meaning of section 3 of the ^{M37}Lands Clauses Consolidation (Scotland) Act 1845 any such sum payable to the lessor and sections 75, 76, 77 and 79 of that Act shall apply to that sum with the necessary modifications.
- (11) Where an acquiring authority who become entitled to the lease of any land as mentioned in subsection (8) are a body incorporated by or under any enactment, the corporate powers of the authority shall, if they would not otherwise do so, include the power to farm that land.

Annotations:

Marginal Citations

M351963 c. 51.

M361973 c. 56.

M371845 c. 19.

98. Provisions supplemental to sections 96 and 97.

— (1) Sections 96 and 97 apply in relation to the acquisition of interests in land by government departments which possess compulsory purchase powers as they apply in relation to the acquisition of interests in land by authorities who are not government departments.

(2) In sections 96 and 97—

“acquiring authority” has the same meaning as in the ^{M38}Land Compensation (Scotland) Act 1963;

“agricultural” and “agricultural land” have the meaning given in section 86 of the ^{M39}Agriculture (Scotland) Act 1948 and references to the farming of land include references to the carrying on in relation to the land of any agricultural activities;

“agricultural unit” has the meaning given in section 122(1); and

“government departments which possess compulsory purchase powers” means government departments being authorities possessing compulsory purchase powers within the meaning of the ^{M40}Land Compensation (Scotland) Act 1963.

Annotations:

Marginal Citations

M381963 c. 51.

M391948 c. 45.

M401963 c. 51.

Supplemental

99. Interpretation of Chapter I.

— (1) In this Chapter—

“the relevant provisions” means—

(a) the provisions of Part VIII, or

(b) in the case of statutory undertakers, any statutory provision (however expressed) under which they have power, or may be authorised, to purchase land compulsorily for the purposes of their undertaking; and

“statutory undertakers” includes public telecommunications operators.

(2) In the case of a purchase notice served by such a person as is mentioned in subsection (2)(b) of section 88, references in this Chapter to the owner or lessee of the land include references to that person unless the context otherwise requires.

Annotations:

Modifications etc. (not altering text)

C15S. 99: power to modify definition of “relevant provisions” conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 5 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

CHAPTER II

INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

Preliminary

100. Scope of Chapter II.

— (1) This Chapter shall have effect in relation to land falling within any paragraph of Schedule 14 (land affected by planning proposals of public authorities etc.); and in this Chapter such land is referred to as “blighted land”.

(2) Subject to the provisions of sections 112 and 113, an interest qualifies for protection under this Chapter if—

(a) it is an interest in a hereditament or part of a hereditament and on the relevant date it satisfies one of the conditions mentioned in subsection (3), or

(b) it is an interest in an agricultural unit or part of an agricultural unit and on the relevant date it is the interest of an owner-occupier of the unit;

and in this Chapter such an interest is referred to as “a qualifying interest”.

(3) The conditions mentioned in subsection (2)(a) are—

(a) that the annual value of the hereditament does not exceed such amount as may be prescribed for the purposes of this paragraph by an order made by the Secretary of State, and the interest is the interest of an owner-occupier of the hereditament, or

(b) that the interest is the interest of a resident owner-occupier of the hereditament.

(4) The Secretary of State may by regulations substitute for any reference in this Chapter to “annual value” or “hereditament” such other reference as he may consider appropriate; and such regulations may make such supplemental or consequential amendments of this Act or any other enactment whether passed before or after this Act as the Secretary of State thinks fit.

(5) In this section “the relevant date”, in relation to an interest, means the date of service of a notice under section 101 in respect of it.

(6) In this Chapter “blight notice” means a notice served under section 101.

Blight notices

101. Notice requiring purchase of blighted land.

— (1) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—

(a) he is entitled to a qualifying interest in that hereditament or unit,

(b) he has made reasonable endeavours to sell that interest or the land falls within paragraph 14 or 15 of Schedule 14 and the powers of compulsory acquisition remain exercisable, and

(c) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land, he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

(2) Subject to subsection (3), subsection (1) shall apply in relation to an interest in part of a hereditament or unit as it applies in relation to an interest in the whole of a hereditament or unit.

(3) Subsection (2) shall not enable any person—

(a) if he is entitled to an interest in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of his interest in part of a hereditament or unit, or

(b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the whole of that part.

(4) In this Chapter—

(a) subject to section 112(1), “the claimant”, in relation to a blight notice, means the person who served that notice, and

(b) any reference to the interest of the claimant, in relation to a blight notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (1).

(5) Where the claimant is a crofter or cottar, this section shall have effect as if—

(a) in subsection (1)(b) for the word “sell” there were substituted the word “assign”,

(b) in subsection (1)(c) for the words from “sell that interest” to “to sell” there were substituted the words “assign his interest except at a price substantially lower than that for which he might reasonably have been expected to assign it”, and

(c) in subsections (1) and (4) for the word “purchase” there were substituted the words “take possession of”.

102. Counter-notice objecting to blight notice.

— (1) Where a blight notice has been served in respect of a hereditament or an agricultural unit, the appropriate authority may serve on the claimant a counter-notice in the prescribed form objecting to the notice.

(2) A counter-notice under subsection (1) may be served at any time before the end of the period of 2 months beginning with the date of service of the blight notice.

(3) Such a counter-notice shall specify the grounds on which the appropriate authority object to the blight notice (being one or more of the grounds specified in subsection (4) or, as relevant, in section 110(1), 112(5) or 113(5)).

(4) Subject to the following provisions of this section, the grounds on which objection may be made in a counter-notice to a notice served under section 101 are—

(a) that no part of the hereditament or agricultural unit to which the notice relates is comprised in blighted land;

(b) that the appropriate authority (unless compelled to do so by virtue of this Chapter) do not propose to acquire any part of the hereditament, or in the case of an agricultural unit any part of the affected area, in the exercise of any relevant powers;

(c) that the appropriate authority propose in the exercise of relevant powers to acquire a part of the hereditament or, in the case of an agricultural unit, a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of this Chapter) do not propose to acquire any other part of that hereditament or area in the exercise of any such powers;

(d) in the case of land falling within paragraph 1 or 10 but not 11, 12 or 13 of Schedule 14, that the appropriate authority (unless compelled to do so by virtue of this Chapter) do not propose to acquire in the exercise of any relevant powers any part of the hereditament or, in the case of an agricultural unit, any part of the affected area during the period of 15 years from the date of the counter-notice or such longer period from that date as may be specified in the counter-notice;

(e) that, on the date of service of the notice under section 101, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;

(f) that (for reasons specified in the counter-notice) the interest of the claimant is not a qualifying interest;

(g) that the conditions specified in paragraphs (b) and (c) of section 101(1) are not fulfilled.

(5) Where the appropriate enactment confers power to acquire rights in or over land, subsection (4) shall have effect as if—

(a) in paragraph (b) after the word “acquire” there were inserted the words “or to acquire any rights in or over”,

(b) in paragraph (c) for the words “do not propose to acquire” there were substituted the words “propose neither to acquire, nor to acquire any right in or over”, and

(c) in paragraph (d) after the words “affected area” there were inserted “or to acquire any right in or over any part of it”.

(6) An objection may not be made on the grounds mentioned in paragraph (d) of subsection (4) if it may be made on the grounds mentioned in paragraph (b) of that subsection.

(7) An objection may not be made on the grounds mentioned in paragraphs (b) or (c) of subsection (4) in a counter-notice to a blight notice served by virtue of paragraphs 8 or 9 of Schedule 14.

(8) In this section, “relevant powers”, in relation to blighted land falling within any paragraph of Schedule 14, means any powers under which the appropriate authority are or could be authorised—

(a) to acquire that land or any rights in or over it compulsorily as being land falling within such paragraph, or

(b) to acquire that land or any rights in or over it compulsorily for any of the relevant purposes;

and “the relevant purposes”, in relation to any such land, means the purposes for which, in accordance with the circumstances by virtue of which that land falls within the paragraph in question, it is liable to be acquired or is indicated as being proposed to be acquired.

103. Further counter-notice where certain proposals have come into force.

— (1) Where—

(a) an appropriate authority have served a counter-notice objecting to a blight notice in respect of any land falling within—

(i) paragraph 1 of Schedule 14 by virtue of paragraph 1(4),

(ii) paragraph 2 of that Schedule by virtue of paragraph 2(2), or

(iii) paragraph 11 of that Schedule, and

(b) the relevant plan or alterations or, as the case may be, the relevant order or scheme comes into force (whether in its original form or with modifications),

the appropriate authority may serve on the claimant, in substitution for the counter-notice already served, a further counter-notice specifying different grounds of objection.

(2) Such a further counter-notice shall not be served—

(a) at any time after the end of the period of 2 months beginning with the date on which the relevant plan or alterations or, as the case may be, the relevant order or scheme come into force, or

(b) if the objection in the counter-notice already served has been withdrawn or the Lands Tribunal has already determined whether or not to uphold that objection.

104. Reference of objection to Lands Tribunal: general.

— (1) Where a counter-notice has been served under section 102 objecting to a blight notice, the claimant may require the objection to be referred to the Lands Tribunal.

(2) Such a reference may be required under subsection (1) at any time before the end of the period of 2 months beginning with the date of service of the counter-notice.

(3) On any such reference, if the objection is not withdrawn, the Lands Tribunal shall consider—

(a) the matters set out in the notice served by the claimant, and

(b) the grounds of the objection specified in the counter-notice,

and, subject to subsection (4), unless it is shown to the satisfaction of the Tribunal that the objection is not well-founded, the Tribunal shall uphold the objection.

(4) An objection on the grounds mentioned in section 102(4)(b), (c) or (d) shall not be upheld by the Tribunal unless it is shown to the satisfaction of the Tribunal that the objection is well-founded.

(5) If the Tribunal determines not to uphold the objection, the Tribunal shall declare that the notice to which the counter-notice relates is a valid notice.

(6) If the Tribunal upholds the objection, but only on the grounds mentioned in section 102(4)(c), the Tribunal shall declare that the notice is a valid notice in relation to the part of the hereditament, or in the case of an agricultural unit the part of the affected area, specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in that notice, but not in relation to any other part of the hereditament or affected area.

(7) In a case falling within subsection (5) or (6), the Tribunal shall give directions specifying the date on which notice to treat (as mentioned in section 105) or, in a case where the claimant is a crofter or cottar, notice of entry (as mentioned in that section) is to be deemed to have been served.

(8) This section shall have effect in relation to a further counter-notice served by virtue of section 103(1) as it has effect in relation to the counter-notice for which it is substituted.

105. Effect of valid blight notice.

— (1) Subsection (2) applies where a blight notice has been served and either—

(a) no counter-notice objecting to that notice is served in accordance with this Chapter, or

(b) where such a counter-notice has been served, the objection is withdrawn or, on a reference to the Lands Tribunal, is not upheld by the Tribunal.

(2) Where this subsection applies, the appropriate authority shall be deemed—

(a) to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in the hereditament, or in the case of an agricultural unit the interest of the claimant in so far as it subsists in the affected area, and

(b) to have served a notice to treat in respect of it on the date mentioned in subsection (3).

(3) The date referred to in subsection (2)—

(a) in a case where, on a reference to the Lands Tribunal, the Tribunal determines not to uphold the objection, is the date specified in directions given by the Tribunal in accordance with section 104(7), and

(b) in any other case, is the date on which the period of 2 months beginning with the date of service of the blight notice comes to an end.

(4) Subsection (5) applies where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 102(4)(c) and either—

(a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired—

(i) gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the hereditament or affected area specified in the counter-notice, and

(ii) withdraws his claim as to the remainder of that hereditament or area, or

(b) on a reference to the Lands Tribunal, the Tribunal makes a declaration in accordance with section 104(6) in respect of that part of the hereditament or affected area.

(5) Where this subsection applies, the appropriate authority shall be deemed—

(a) to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the hereditament or affected area specified in the counter-notice (but not in so far as it subsists in any other part of that hereditament or area), and

- (b) to have served a notice to treat in respect of it on the date mentioned in subsection (6).
- (6) The date referred to in subsection (5)—
- (a) in a case falling within paragraph (a) of subsection (4), is the date on which notice is given in accordance with that paragraph, and
- (b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Lands Tribunal in accordance with section 104(7).
- (7) Where the claimant is a crofter or cottar, this section applies as if in subsections (2) and (5) for the words from “acquire” to “in respect of it” there were substituted the words "require the crofter or cottar to give up possession of the land occupied by him and to have served a notice of entry in respect thereof under paragraph 3 of Schedule 2 to the ^{M41}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947".

Annotations:

Marginal Citations

M411947 c. 42.

106. Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire.

— (1) Subsection (2) shall have effect where the grounds of objection specified in a counter-notice served under section 102 consist of or include the grounds mentioned in paragraph (b) or (d) of subsection (4) of that section and either—

- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
- (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.

(2) If—

(a) a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes the whole or part of the hereditament or agricultural unit to which the counter-notice relates, or

(b) the land in question falls within paragraph 14 of Schedule 14, any power conferred by that order or, as the case may be, by special enactment for the compulsory acquisition of the interest of the claimant in the hereditament or agricultural unit or any part of it shall cease to have effect.

(3) Subsection (4) shall have effect where the grounds of objection specified in a counter-notice under section 102 consist of or include the grounds mentioned in paragraph (c) of subsection (4) of that section and either—

- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
- (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred;

and in subsection (4) any reference to “the part of the hereditament or affected area not required” is a reference to the whole of that hereditament or area except the part specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in the counter-notice.

(4) If—

(a) a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes any of the part of the hereditament or affected area not required, or

(b) the land in question falls within paragraph 14 of Schedule 14,

any power conferred by that order or, as the case may be, by the special enactment for the compulsory acquisition of the interest of the claimant in any land comprised in the part of the hereditament or affected area not required shall cease to have effect.

(5) Where the claimant is a crofter or cottar, this section shall have effect as if in subsections (2) and (4) for the words from “or, as the case may be, by” to “claimant in” there were substituted the words “to require the crofter or cottar to give up possession of”.

107. Withdrawal of blight notice.

— (1) Subject to subsection (3), the claimant may withdraw a blight notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been determined by the Lands Tribunal or, if there has been such a determination, at any time before the end of the period of 6 weeks beginning with the date of the determination.

(2) Where a blight notice is withdrawn by virtue of subsection (1) any notice to treat deemed to have been served in consequence of it shall be deemed to have been withdrawn.

(3) A claimant shall not be entitled by virtue of subsection (1) to withdraw a notice after the appropriate authority have exercised a right of entering and taking possession of land in pursuance of a notice to treat deemed to have been served in consequence of that notice.

(4) No compensation shall be payable in respect of the withdrawal of a notice to treat which is deemed to have been withdrawn by virtue of subsection (2).

Compensation

108. Special provisions as to compensation for acquisition in pursuance of blight notice.

— (1) Where—

(a) an interest in land is acquired in pursuance of a blight notice, and

(b) the interest is one in respect of which a compulsory purchase order is in force under section 1 of the ^{M42}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947, as applied by section 42 of the ^{M43}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, containing a direction for minimum compensation under section 45 of that Act of 1997,

the compensation payable for the acquisition shall be assessed in accordance with that direction and as if the notice to treat deemed to have been served in respect of the interest under section 105 had been served in pursuance of the compulsory purchase order.

(2) Where—

(a) an interest in land is acquired in pursuance of a blight notice, and

(b) the interest is one in respect of which a compulsory purchase order is in force under section 1 of the said Act of 1947 as applied by paragraph 5 of Schedule 8 to the ^{M44}Housing (Scotland) Act 1987 (acquisition of land for housing action areas),

the compensation payable for the acquisition shall be assessed in accordance with paragraph 12(2) and (3) of that Schedule and as if the notice to treat deemed to have been served in respect of the interest under section 105 had been served in pursuance of the compulsory purchase order.

(3) The compensation payable in respect of the acquisition by virtue of section 111 of an interest in land comprised in—

(a) the unaffected area of an agricultural unit, or

(b) if the appropriate authority have served a counter-notice objecting to the blight notice on the grounds mentioned in section 102(4)(c), so much of the affected area of the unit as is not specified in the counter-notice,

shall be assessed on the assumptions mentioned in section 5(2), (3) and (4) of the ^{M45}Land Compensation (Scotland) Act 1973.

(4) In subsection (3) the reference to “the appropriate authority” shall be construed as if the unaffected area of an agricultural unit were part of the affected area.

Annotations:

Marginal Citations

M421947 c. 42.

M431997 c. 9.

M441987 c. 26.

M451973 c. 56.

Special provisions for requiring purchase of whole of partially affected agricultural units

109. Inclusion in blight notice of requirement to purchase part of agricultural unit unaffected by blight.

— (1) This section applies where—

(a) a blight notice is served in respect of an interest in the whole or part of an agricultural unit, and

(b) on the date of service that unit or part contains land (“the unaffected area”) which is not blighted land as well as land (“the affected area”) which is such land.

(2) Where this section applies the claimant may include in the blight notice—

(a) a claim that the unaffected area is not reasonably capable of being farmed, either by itself or in conjunction with other relevant land, as a separate agricultural unit, and

(b) a requirement that the appropriate authority shall purchase his interest in the whole of the unit or, as the case may be, in the whole of the part of it to which the notice relates.

(3) Subject to section 110(4), “other relevant land” in subsection (2) means—

(a) if the blight notice is served only in respect of part of the land comprised in the agricultural unit, the remainder of it, and

(b) land which is comprised in any other agricultural unit occupied by the claimant on the date of service and in respect of which he is then entitled to an owner’s interest as defined in section 119(4).

(4) Where a blight notice to which this section applies is served by a crofter or cottar, subsection (2) shall have effect as if for paragraph (b) there were substituted the following paragraph—

"(b) a requirement that the appropriate authority shall take possession of the whole of the unit or, as the case may be, the whole of the part of it to which the notice relates."

110. Objection to section 109 notice.

— (1) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of section 109 shall include the ground that the claim made in the notice is not justified.

(2) Objection shall not be made to a blight notice served by virtue of section 109 on the grounds mentioned in section 102(4)(c) unless it is also made on the grounds mentioned in subsection (1).

(3) The Lands Tribunal shall not uphold an objection to a notice served by virtue of section 109 on the grounds mentioned in section 102(4)(c) unless it also upholds the objection on the grounds mentioned in subsection (1).

(4) Where objection is made to a blight notice served by virtue of section 109 on the ground mentioned in subsection (1) and also on those mentioned in section 102(4)(c), the Lands Tribunal, in determining whether or not to uphold the objection, shall treat that part of the

affected area which is not specified in the counter-notice as included in “other relevant land” as defined in section 109(3).

(5) If the Lands Tribunal upholds an objection but only on the ground mentioned in subsection (1), the Tribunal shall declare that the blight notice is a valid notice in relation to the affected area but not in relation to the unaffected area.

(6) If the Lands Tribunal upholds an objection both on the ground mentioned in subsection (1) and on the grounds mentioned in section 102(4)(c)(but not on any other grounds) the Tribunal shall declare that the blight notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in that notice but not in relation to any other part of the affected area or in relation to the unaffected area.

(7) In a case falling within subsection (5) or (6), the Lands Tribunal shall give directions specifying a date on which notice to treat (as mentioned in sections 105 and 111) is to be deemed to have been served.

(8) Section 104(6) shall not apply to any blight notice served by virtue of section 109.

111. Effect of section 109 notice.

— (1) In relation to a blight notice served by virtue of section 109—

(a) subsection (2) of section 105 shall have effect as if for the words “or in the case of an agricultural unit the interest of the claimant in so far as it subsists in the affected area” there were substituted the words “or agricultural unit”, and

(b) subsections (4) and (5) of that section shall not apply.

(2) Where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 110(1), then if either—

(a) the claimant, without referring that objection to the Lands Tribunal and before the time for so referring it has expired, gives notice to the appropriate authority that he withdraws his claim as to the unaffected area, or

(b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with section 110(5),

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the affected area (but not in so far as it subsists in the unaffected area), and to have served a notice to treat in respect of it on the date mentioned in subsection (3).

(3) The date referred to in subsection (2)—

(a) in a case falling within paragraph (a) of that subsection, is the date on which notice is given in accordance with that paragraph, and

(b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Tribunal in accordance with section 110(7).

(4) Where the appropriate authority have served a counter-notice objecting to a blight notice on the grounds mentioned in section 110(1) and also on the grounds mentioned in section 102(4)(c), then if either—

(a) the claimant, without referring that objection to the Lands Tribunal and before the time for so referring it has expired—

(i) gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice, and

(ii) withdraws his claim as to the remainder of that area and as to the unaffected area, or

(b) on a reference to the Tribunal, the Tribunal makes a declaration in accordance with section 110(6) in respect of that part of the affected area,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the

affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area or in the unaffected area) and to have served a notice to treat in respect of it on the date mentioned in subsection (5).

(5) The date referred to in subsection (4)—

(a) in a case falling within paragraph (a) of that subsection, is the date on which notice is given in accordance with that paragraph, and

(b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Tribunal in accordance with section 110(7).

(6) In relation to a blight notice served by virtue of section 109 references to “the appropriate authority” and “the appropriate enactment” shall be construed as if the unaffected area of an agricultural unit were part of the affected area.

(7) Where the claimant is a crofter or cottar this section shall have effect as if—

(a) in subsections (2) and (4), for the words from “acquire compulsorily” to “interest” and for the words “to treat in respect of it” there were substituted respectively the words "[take possession compulsorily of the land](#)" and the words "[of entry in respect of that land under paragraph 3 of Schedule 2 to the Acquisition of Land \(Authorisation Procedure\)\(Scotland\) Act 1947](#)", and

(b) in subsection (4)(a)(i), for the word “acquire” there were substituted the words "[take possession of](#)".

Successors, heritable creditors and partnerships

112. Powers of successors in respect of blight notice.

— (1) In relation to any time after the death of a person who has served a blight notice, sections 102(1), 103(1), 104(1), 105(4) and (5), 107(1) and 111(2) and (4) shall apply as if any reference in them to the claimant were a reference to the person who, on the claimant’s death, has succeeded to his interest in the hereditament or agricultural unit in question.

(2) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—

(a) he is the personal representative of a person (“the deceased”) who at the date of his death was entitled to an interest in that hereditament or unit,

(b) the interest was one which would have been a qualifying interest if a notice under section 101 had been served in respect of it on that date,

(c) he has made reasonable endeavours to sell that interest,

(d) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land, and

(e) one or more individuals are (to the exclusion of any body corporate) beneficially entitled to that interest,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

(3) Subject to subsection (4), subsection (2) shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the whole of a hereditament or agricultural unit.

(4) Subsection (3) shall not enable any person—

(a) if the deceased was entitled to an interest in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of the deceased’s interest in part of the hereditament or unit, or

(b) if the deceased was entitled to an interest only in part of the hereditament or agricultural unit, to make or serve any such claim or notice in respect of the deceased's interest in less than the whole of that part.

(5) Subject to sections 102(6) and (7) and 110(2) and (3), the grounds on which objection may be made in a counter-notice under section 102 to a notice under this section are those specified in paragraphs (a) to (c) of subsection (4) of that section and, in a case to which it applies, the grounds specified in paragraph (d) of that subsection and also the following grounds—

(a) that the claimant is not the personal representative of the deceased or that, on the date of the deceased's death, the deceased was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;

(b) that (for reasons specified in the counter-notice) the interest of the deceased is not such as is specified in subsection (2)(b);

(c) that the conditions specified in subsection (2)(c), (d) or (e) are not satisfied.

113. Power of heritable creditor to serve blight notice.

— (1) Where the whole or part of a hereditament or agricultural unit is comprised in blighted land and a person claims that—

(a) he is entitled as heritable creditor (by virtue of a power which has become exercisable) to sell an interest in the hereditament or unit, giving immediate vacant possession of the land,

(b) he has made reasonable endeavours to sell that interest or the land falls within paragraph 14 or 15 of Schedule 14 and the powers of compulsory acquisition remain exercisable, and

(c) in consequence of the fact that the hereditament or unit or a part of it was, or was likely to be, comprised in blighted land, he has been unable to sell that interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land,

then, subject to the provisions of this section, he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, this Chapter.

(2) Subject to subsection (3), subsection (1) shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the whole of a hereditament or agricultural unit.

(3) Subsection (2) shall not enable a person—

(a) if his interest as heritable creditor is in the whole of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of any interest in part of the hereditament or agricultural unit, or

(b) if his interest as heritable creditor is only in part of a hereditament or agricultural unit, to make or serve any such notice or claim in respect of any interest in less than the whole of that part.

(4) Notice under this section shall not be served unless the interest which the heritable creditor claims he has the power to sell—

(a) could be the subject of a notice under section 101 served by the person entitled to it on the date of service of the notice under this section, or

(b) could have been the subject of such a notice served by that person on a date not more than 6 months before the date of service of the notice under this section.

(5) Subject to sections 102(6) and (7) and 110(2) and (3), the grounds on which objection may be made in a counter-notice under section 102 to a notice under this section are those specified in paragraphs (a) to (c) of subsection (4) of that section and, in a case to which it applies, the grounds specified in paragraph (d) of that subsection and also the following grounds—

- (a) that, on the date of service of the notice under this section, the claimant had no interest as heritable creditor in any part of the hereditament or agricultural unit to which the notice relates;
- (b) that (for reasons specified in the counter-notice) the claimant had not on that date the power referred to in subsection (1)(a);
- (c) that the conditions specified in subsection (1)(b) and (c) are not fulfilled;
- (d) that (for reasons specified in the counter-notice) neither of the conditions specified in subsection (4) was, on the date of service of the notice under this section, satisfied with regard to the interest referred to in that subsection.

114. Prohibition on service of simultaneous notices under sections 101, 112 and 113.

— (1) No notice shall be served under section 101 or 112 in respect of a hereditament or agricultural unit, or any part of it, at a time when a notice already served under section 113 is outstanding with respect to it, and no notice shall be served under section 113 at a time when a notice already served under section 101 or 112 is outstanding with respect to the relevant hereditament, agricultural unit or part.

(2) For the purposes of subsection (1), a notice shall be treated as outstanding with respect to a hereditament, agricultural unit or part—

- (a) until it is withdrawn in relation to the hereditament, agricultural unit or part, or
- (b) in a case where an objection to the notice has been made by a counter-notice under section 102, until either—

- (i) the period of 2 months specified in section 104 elapses without the claimant having required the objection to be referred to the Lands Tribunal under that section, or
- (ii) the objection, having been so referred, is upheld by the Tribunal with respect to the hereditament, agricultural unit or part.

115. Special provisions as to partnerships.

— (1) This section shall have effect for the purposes of the application of this Chapter to a hereditament or agricultural unit occupied for the purposes of a partnership firm.

(2) Occupation for the purposes of the firm shall be treated as occupation by the firm, and not as occupation by any one or more of the partners individually, and the definitions of “owner-occupier” in section 119(1) and (2) shall apply in relation to the firm accordingly.

(3) If, after the service by the firm of a blight notice, any change occurs (whether by death or otherwise) in the constitution of the firm, any proceedings, rights or obligations consequential upon that notice may be carried on or exercised by or against, or, as the case may be, shall be incumbent upon, the partners for the time being constituting the firm.

(4) Nothing in this Chapter shall be construed as indicating an intention to exclude the operation of the definition of “person” in Schedule 1 to the ^{M46}Interpretation Act 1978 (by which, unless the contrary intention appears, “person” includes any body of persons corporate or unincorporate) in relation to any provision of this Chapter.

(5) Subsection (2) shall not affect the definition of “resident owner-occupier” in section 119(3).

Annotations:

Marginal Citations

M461978 c. 30.

Miscellaneous and supplementary provisions

116. Power of Secretary of State to acquire land affected by orders relating to new towns etc. where blight notice served.

— (1) Where a blight notice has been served in respect of land falling within paragraph 5, 6 or 7 of Schedule 14, then until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area the Secretary of State shall have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of the paragraph that applies.

(2) Where the Secretary of State acquires an interest under subsection (1), then—

(a) if the land is or becomes land within paragraph 6 or, as the case may be, paragraph 7(b) of Schedule 14, the interest shall be transferred by him to the development corporation established for the new town or, as the case may be, the urban development corporation established for the urban development area, and

(b) in any other case, the interest may be disposed of by him in such manner as he thinks fit.

(3) The ^{M47}Land Compensation (Scotland) Act 1963 shall have effect in relation to the compensation payable in respect of the acquisition of an interest by the Secretary of State under subsection (1) as if—

(a) the acquisition were by a development corporation under the ^{M48}New Towns (Scotland) Act 1968 or, as the case may be, by an urban development corporation under Part XVI of the ^{M49}Local Government, Planning and Land Act 1980,

(b) in the case of land within paragraph 5 of Schedule 14, the land formed part of an area designated as the site of a new town by an order which has come into operation under section 1 of the New Towns (Scotland) Act 1968, and

(c) in the case of land within paragraph 7(a) of Schedule 14, the land formed part of an area designated as an urban development area by an order under section 134 of the ^{M50}Local Government, Planning and Land Act 1980 which has come into operation.

(4) Where a blight notice to which subsection (1) relates has been served by a crofter or cottar the preceding subsections shall have effect as if there were substituted—

(a) in subsection (1), for the words “acquire compulsorily any interest in the land” the words “take possession of any land occupied by the crofter or cottar”,

(b) in subsection (2), for the words “acquires an interest” and “interest” the words “takes possession” and “possession” respectively, and

(c) in subsection (3), for the words from “acquisition of” to “acquisition were” the words “taking of possession of land by the Secretary of State under subsection (1) as if the taking of possession were”.

Annotations:

Marginal Citations

M471963 c. 51.

M481968 c. 16.

M491980 c. 65.

M501980 c. 65.



117.

Saving for claimant’s right to sell whole hereditament, etc.

— (1) The provisions of sections 102(4)(c), 104(6), 105(4) and (5) and 106(3) and (4) relating to hereditaments shall not affect—

(a) the right of a claimant under section 90 of the ^{M51}Lands Clauses Consolidation (Scotland) Act 1845 to sell the whole of the hereditament or, in the case of an agricultural unit, the whole of the affected area, which he has required the authority to purchase, or

(b) the right of a claimant under paragraph 4 of Schedule 2 to the ^{M52}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947 to sell (unless the Lands Tribunal otherwise determines) the whole of the hereditament or, as the case may be, affected area which he has required that authority to purchase.

(2) In consequence of subsection (1)(b), in determining whether or not to uphold an objection relating to a hereditament on the grounds mentioned in section 102(4)(c), the Lands Tribunal shall consider (in addition to the other matters which they are required to consider) whether—

(a) in the case of a house, building or factory, the part proposed to be acquired can be taken without material detriment to the house, building or factory, or

(b) in the case of a park or garden belonging to a house, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house.

Annotations:

Marginal Citations

M511845 c. 19.

M521947 c. 42.

118. No withdrawal of constructive notice to treat.

Without prejudice to the provisions of section 107(1) and (2), a notice to treat which is deemed to have been served by virtue of this Chapter may not be withdrawn under section 39 of the ^{M53}Land Compensation (Scotland) Act 1963.

Annotations:

Marginal Citations

M531963 c. 51.

119. Meaning of “owner-occupier” and “resident owner-occupier”.

— (1) Subject to the following provisions of this section, in this Chapter “owner-occupier”, in relation to a hereditament, means—

(a) a person who occupies the whole or a substantial part of the hereditament in right of an owner’s interest in it, and has so occupied the hereditament or that part of it during the whole of the period of 6 months ending with the date of service, or

(b) if the whole or a substantial part of the hereditament was unoccupied for a period of not more than 12 months ending with that date, a person who so occupied the hereditament or, as the case may be, that part of it during the whole of a period of 6 months ending immediately before the period when it was not occupied.

(2) Subject to the following provisions of this section, in this Chapter “owner-occupier”, in relation to an agricultural unit, means a person who—

(a) occupies the whole of that unit and has occupied it during the whole of the period of 6 months ending with the date of service, or

(b) occupied the whole of that unit during the whole of a period of 6 months ending not more than 12 months before the date of service,

and, at all times material for the purposes of paragraph (a) or, as the case may be, paragraph (b), has been entitled to an owner’s interest in the whole or part of that unit.

(3) In this Chapter “resident owner-occupier”, in relation to a hereditament, means—

(a) an individual who occupies the whole or a substantial part of the hereditament as a private dwelling in right of an owner's interest in it, and has so occupied the hereditament or, as the case may be, that part during the whole of the period of 6 months ending with the date of service, or

(b) if the whole or a substantial part of the hereditament was unoccupied for a period of not more than 12 months ending with that date, an individual who so occupied the hereditament or, as the case may be, that part during the whole of a period of 6 months ending immediately before the period when it was not occupied.

(4) In this section—

“owner's interest”, in relation to a hereditament or agricultural unit, or part of it, includes the interest of—

(a) the lessee under a lease of it not less than 3 years of which remain unexpired on the date of service, and

(b) a crofter or cottar; and

“date of service”, in relation to a hereditament or agricultural unit, means the date of service of a notice in respect of it under section 101.

120. “Appropriate authority” for purposes of Chapter II.

— (1) Subject to the following provisions of this section, in this Chapter “the appropriate authority”, in relation to any land, means the government department, local authority or other body or person by whom, in accordance with the circumstances by virtue of which the land falls within any paragraph of Schedule 14, the land is liable to be acquired or is indicated as being proposed to be acquired or, as the case may be, any right over the land is proposed to be acquired.

(2) If any question arises—

(a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Secretary of State or a local roads authority,

(b) which of two or more local roads authorities is the appropriate authority in relation to any land for those purposes, or

(c) which of two or more local authorities is the appropriate authority in relation to any land for those purposes,

that question shall be referred to the Secretary of State, whose decision shall be final.

(3) If any question arises as to which authority is the appropriate authority for the purposes of this Chapter—

(a) section 102(2) shall have effect as if the reference to the date of service of the blight notice were a reference to that date or, if it is later, the date on which that question is determined,

(b) section 113(4)(b) shall apply with the substitution for the period of 6 months of a reference to that period extended by so long as it takes to obtain a determination of the question, and

(c) section 119(1)(b), (2)(b) and (3)(b) shall apply with the substitution for the reference to 12 months before the date of service of a reference to that period extended by so long as it takes to obtain a determination of the question.

(4) In relation to land falling within paragraph 5, 6 or 7 of Schedule 14, until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area, this Chapter shall have effect as if “the appropriate authority” were the Secretary of State.

121. “Appropriate enactment” for purposes of Chapter II.

— (1) Subject to the following provisions of this section, in this Chapter “the appropriate enactment”, in relation to land falling within any paragraph of Schedule 14, means the enactment which provides for the compulsory acquisition of land as being land falling within that paragraph.

(2) In relation to land falling within paragraph 2 of that Schedule, an enactment shall for the purposes of subsection (1) be taken to be an enactment which provides for the compulsory acquisition of land as being land falling within that paragraph if—

(a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed, or

(b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.

(3) In relation to land falling within paragraph 2 of that Schedule by virtue of paragraph 2(2), “the appropriate enactment” shall be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to any such plan, proposal or modifications as are mentioned in paragraph 2(2)(a), (b) or (c).

(4) In relation to land falling within paragraph 3 or 4 of that Schedule, “the appropriate enactment” shall be determined in accordance with subsection (2) as if references in that subsection to the development plan were references to the resolution or direction in question.

(5) In relation to land falling within paragraph 5, 6 or 7 of that Schedule, until such time as a development corporation is established for the new town or, as the case may be, an urban development corporation is established for the urban development area, this Chapter shall have effect as if “the appropriate enactment” were section 116(1).

(6) In relation to land falling within paragraph 8 or 9 of that Schedule, “the appropriate enactment” means Part IV of the ^{M54}Housing (Scotland) Act 1987.

(7) In relation to land falling within paragraph 15 of that Schedule by virtue of paragraph 15(2), “the appropriate enactment” means the enactment which would provide for the compulsory acquisition of the land or of the rights over the land if the relevant compulsory purchase order were confirmed or made.

(8) Where, in accordance with the circumstances by virtue of which any land falls within any paragraph of that Schedule, it is indicated that the land is proposed to be acquired for roads purposes, any enactment under which a roads authority are or (subject to the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for roads purposes shall, for the purposes of subsection (1), be taken to be an enactment providing for the compulsory acquisition of that land as being land falling within that paragraph.

(9) In subsection (8) the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question—

(a) the coming into operation of any requisite order or scheme under the provisions of the ^{M55}Roads (Scotland) Act 1984;

(b) the making or approval of any requisite plans.

(10) If, apart from this subsection, two or more enactments would be the appropriate enactment in relation to any land for the purposes of this Chapter, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from this Chapter) the land would have been acquired by the appropriate authority.

[^{F2}(11) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of this Chapter, that question shall be referred to the Scottish Ministers whose decision shall be final.]

Annotations:

Amendments (Textual)

F2 S. 121(11) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(2); S.I. 1998/3178, art. 3

Marginal Citations

M541987 c. 26.

M551984 c. 54.

122. General interpretation of Chapter II.

— (1) Subject to the following provisions of this section, in this Chapter—

“the affected area”, in relation to an agricultural unit, means so much of that unit as, on the date of service, consists of land falling within any paragraph of Schedule 14;

“agricultural unit” means land which is occupied as a unit for agricultural purposes, including any dwellinghouse or other building occupied by the same person for the purpose of farming the land;

“annual value”, in relation to a hereditament, means the value which, on the date of service, is shown in the valuation roll as the rateable value of the hereditament, except that, where the rateable value differs from the net annual value, it means the value which on that date is shown in the valuation roll as the net annual value of it;

“blight notice” has the meaning given in section 100(6);

“the claimant” has the meaning given in section 101(4);

“cottar” has the meaning given in section 12(5) of the ^{M56}Crofters (Scotland) Act 1993;

“crofter” has the meaning given in section 3(3) of that Act;

“hereditament” means the aggregate of the lands and heritages (not being agricultural lands and heritages within the meaning of section 7 of the ^{M57}Valuation and Rating (Scotland) Act 1956) which form the subject of a single entry in the valuation roll for the time being in force for a valuation area;

“special enactment” means a local enactment, or a provision contained in an Act other than a local or private Act, which is a local enactment or provision authorising the compulsory acquisition of land specifically identified in it; and in this definition “local enactment” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure.

(2) Where any land is on the boundary between two or more valuation areas, and accordingly—

(a) different parts of that land form the subject of single entries in the valuation rolls for the time being in force for those areas respectively, but

(b) if the whole of that land had been in one of those areas, it would have formed the subject of a single entry in the valuation roll for that area,

the whole of that land shall be treated, for the purposes of the definition of “hereditament” in subsection (1) of this section, as if it formed the subject of a single entry in the valuation roll for a valuation area.

(3) Land which forms the subject of an entry in the valuation roll by reason only that it is land over which any sporting rights are exercisable, or that it is land over which a right of exhibiting advertisements is let out or reserved, shall not be taken to be a hereditament within that definition.

(4) Where, in accordance with subsection (2), land of which different parts form the subject of single entries in the valuation rolls for the time being in force for two or more valuation areas is treated as if it formed the subject of a single entry in the valuation roll for a valuation

area, the definition of “annual value” in subsection (1) shall apply as if any reference in that definition to a value shown in the valuation roll were a reference to the aggregate of the values shown (as rateable values or as net annual values, as the case may be) in those valuation rolls in relation to the different parts of that land.

(5) In this section “date of service” has the same meaning as in section 119.

Annotations:

Marginal Citations

M561993 c. 44.

M571956 c. 60.

PART VI

ENFORCEMENT

Application

123. Expressions used in connection with enforcement.

— (1) For the purposes of this Act—

(a) carrying out development without the required planning permission, or
(b) failing to comply with any condition or limitation subject to which planning permission has been granted,
constitutes a breach of planning control.

(2) For the purposes of this Act—

(a) the issue of an enforcement notice, or
(b) the service of a breach of condition notice,
under this Part constitutes taking enforcement action.

(3) In this Part “planning permission” includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.

124. Time limits.

— (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.

(4) Subsections (1) to (3) do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect, or
(b) taking further enforcement action in respect of any breach of planning control if, during the period of 4 years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach.

Planning contravention notices

125. Power to require information about activities on land.

- (1) Where it appears to the planning authority that there may have been a breach of planning control in respect of any land, they may serve notice to that effect (referred to in this Act as a “planning contravention notice”) on any person who—
- (a) is the owner or occupier of the land or has any other interests in it, or
 - (b) is carrying out operations on the land or is using it for any purpose.
- (2) A planning contravention notice may require the person on whom it is served to give such information as to—
- (a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land, and
 - (b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted, as may be specified in the notice.
- (3) Without prejudice to the generality of subsection (2), the notice may require the person on whom it is served, so far as he is able—
- (a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;
 - (b) to state when any use, operations or activities began;
 - (c) to give the name and address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;
 - (d) to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operation;
 - (e) to state the nature of his interest (if any) in the land and the name and address of any other person known to him to have an interest in the land.
- (4) A planning contravention notice may give notice of a time and place at which—
- (a) any offer which the person on whom the notice is served may wish to make to apply for planning permission, to refrain from carrying out any operations or activities or to undertake remedial works, and
 - (b) any representations which he may wish to make about the notice, will be considered by the authority, and the authority shall give him an opportunity to make in person any such offer or representations at that time and place.
- (5) A planning contravention notice must inform the person on whom it is served—
- (a) of the likely consequences of his failing to respond to the notice and, in particular, that enforcement action may be taken, and
 - (b) of the effect of section 143(6).
- (6) Any requirement of a planning contravention notice shall be complied with by giving information in writing to the planning authority.
- (7) The service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control.
- (8) In this section references to operations or activities on land include operations or activities in, under or over the land.

126. Penalties for non-compliance with planning contravention notice.

- (1) If at any time after the end of the period of 21 days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.
- (2) An offence under subsection (1) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for failing to comply with the requirement.

(4) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person—

(a) makes any statement purporting to comply with a requirement of a planning contravention notice which he knows to be false or misleading in a material particular, or

(b) recklessly makes such a statement which is false or misleading in a material particular, he shall be guilty of an offence.

(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Enforcement notices

127. Issue of enforcement notice.

— (1) The planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—

(a) that there has been a breach of planning control, and

(b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

(a) on the owner and on the occupier of the land to which it relates, and

(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

(a) not more than 28 days after its date of issue, and

(b) not less than 28 days before the date specified in it as the date on which it is to take effect.

128. Contents and effect of notice.

— (1) An enforcement notice shall state—

(a) the matters which appear to the planning authority to constitute the breach of planning control, and

(b) the paragraph of section 123(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—

(a) the alteration or removal of any buildings or works,

(b) the carrying out of any building or other operations,

(c) any activity on the land not to be carried on except to the extent specified in the notice, or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) An enforcement notice issued in respect of a breach of planning control consisting of demolition of a building may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings,

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control, and

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 131(3), shall take effect on that date.

(9) An enforcement notice shall specify the period for compliance with the notice at the end of which any steps are required to have been taken or any activities are required to have ceased, and may specify different periods for different steps or activities.

(10) Where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(11) An enforcement notice shall specify such additional matters as may be prescribed.

(12) Regulations may require every copy of an enforcement notice served under section 127 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 130.

(13) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so, and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 33 in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(14) Where—

(a) an enforcement notice requires the construction of a replacement building, and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted under section 33 in respect of development consisting of that construction.

129. Variation and withdrawal of enforcement notice.

— (1) The planning authority may—

(a) withdraw an enforcement notice issued by them, or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 128(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice.

130. Appeal against enforcement notice.

— (1) A person on whom an enforcement notice is served or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 127;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 128(9) falls short of what should reasonably be allowed.

(2) An appeal under this section shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect, or

(b) by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date.

(3) A person who gives notice under subsection (2) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

(a) specifying the grounds on which he is appealing against the enforcement notice, and

(b) giving such further information as may be prescribed.

Annotations:

Modifications etc. (not altering text)

C16S. 130: power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

131. Appeals: supplementary provisions.

— (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 130 and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, in so prescribing may—

(a) specify the matters on which information is to be given in a statement under section 130(3);

(b) require the planning authority to submit, within such time as may be specified, a statement indicating the submissions which they propose to put forward on the appeal;

(c) specify the matters to be included in such a statement;

(d) require the authority or the appellant to give such notice of an appeal as may be specified to such persons as may be specified;

(e) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be specified, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) Subject to section 132(3), the Secretary of State shall, if either the appellant or the planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where an appeal is brought under section 130 the enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(4) Schedule 4 applies to appeals under section 130, including appeals under that section as applied by regulations under any other provisions of this Act.

Annotations:

Modifications etc. (not altering text)

C17S. 131: power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

132. General provisions relating to determination of appeals.

— (1) On the determination of an appeal under section 130, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the enforcement notice.

(2) On such an appeal the Secretary of State may—

(a) correct any defect, error or misdescription in the enforcement notice, or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the planning authority.

(3) The Secretary of State may—

(a) dismiss an appeal if the appellant fails to comply with section 130(3) within the prescribed time, and

(b) allow an appeal and quash the enforcement notice if the planning authority fail to comply with any requirement imposed by virtue of paragraph (b), (c) or (e) of section 131(1).

(4) Where it would otherwise be a ground for determining an appeal in favour of the appellant that a person required by section 127(2) to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

Annotations:

Modifications etc. (not altering text)

C18S. 132: power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

133. Grant or modification of planning permission on appeal against enforcement notice.

— (1) On the determination of an appeal under section 130, the Secretary of State may—

(a) grant planning permission in respect of any of the matters stated in the enforcement notice as constituting a breach of planning control or any of those matters so far as relating to part of the land to which the notice relates,

(b) discharge any condition or limitation subject to which planning permission was granted,

(c) grant planning permission for such other development on the land to which the enforcement notice relates as appears to him to be appropriate, and

(d) determine whether on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which the permission was granted was lawful and, if so, issue a certificate under section 150.

(2) The provisions of sections 150 to 153 mentioned in subsection (3) shall apply for the purposes of subsection (1)(d) as they apply for the purposes of section 150, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made, and

(b) references to the planning authority were references to the Secretary of State.

(3) Those provisions are sections 150(5) to (7), 152(4)(so far as it relates to the form of the certificate), (6) and (7) and 153.

(4) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(5) The planning permission which may be granted under subsection (1) is any planning permission which might be granted on an application under Part III.

(6) Where the Secretary of State discharges a condition or limitation under subsection (1), he may substitute for it any other condition or limitation.

(7) Where an appeal against an enforcement notice is brought under section 130, the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(8) Where—

(a) the statement under section 130(3) specifies the ground mentioned in subsection (1)(a) of that section,

(b) any fee is payable under regulations made by virtue of section 252 in respect of the application deemed to be made by virtue of the appeal, and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(9) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(10) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(11) For the purposes of section 36 the decision shall be treated as having been given by the Secretary of State in dealing with an application for planning permission made to the planning authority.

Annotations:

Modifications etc. (not altering text)

C19S. 133: power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

C20S. 133(1) restricted (1.8.1999) by S.S.I. 1999/1, reg. 29

134. Validity of enforcement notices.

The validity of an enforcement notice shall not be questioned in any proceedings whatsoever on any of the grounds specified in section 130(1)(b) to (e) except by appeal under that section.

Annotations:

Modifications etc. (not altering text)

C21S. 134: power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

135. Execution and cost of works required by enforcement notice.

— (1) If any steps which are required by an enforcement notice to be taken have not been taken within the compliance period, the planning authority may—

(a) enter the land and take those steps, and

(b) recover from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in doing so.

(2) If that person did not appeal to the Secretary of State although entitled to do so, he shall not be entitled to dispute the validity of the action taken by the planning authority under subsection (1) in accordance with the enforcement notice.

(3) In computing the amount of the expenses which may be recovered by them under subsection (1), a planning authority may include in that amount such proportion of their administrative expenses as seems to them to be appropriate.

(4) Where a copy of an enforcement notice has been served in respect of any breach of planning control—

(a) any expenses incurred by the owner, lessee or occupier of any land for the purpose of complying with the notice, and

(b) any sums paid by the owner or lessee of any land under subsection (1) in respect of expenses incurred by the planning authority in taking steps required by such a notice to be taken,

shall be recoverable from the person by whom the breach of planning control was committed.

(5) If on a complaint by the owner of any land it appears to the sheriff that the occupier of the land is preventing the owner from carrying out work required to be carried out by an enforcement notice, the sheriff may by warrant authorise the owner to go on to the land and carry out that work.

(6) A planning authority taking steps under subsection (1) may sell any materials removed by them from the land unless those materials are claimed by the owner within 3 days of their removal.

(7) After any such sale the planning authority shall pay the proceeds to the owner less the expenses recoverable by them from him.

(8) Where a planning authority seek, under subsection (1), to recover any expenses from a person on the basis that he is the owner of any land, and such person proves that—

(a) he is receiving the rent in respect of that land merely as trustee, tutor, curator, factor or agent of some other person, and

(b) he has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands on behalf of that other person.

(9) A planning authority who by reason of subsection (8) have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.

(10) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) In this section and in sections 136, 140 and 141 any reference to the compliance period, in relation to an enforcement notice, is a reference to the period specified in the notice for compliance with it or such extended period as the planning authority may allow for compliance with it.

Annotations:

Modifications etc. (not altering text)

C22S. 135: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

136. Offence where enforcement notice not complied with.

— (1) Where, at any time after the end of the compliance period in respect of an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.

(2) Where the owner of the land is in breach of the notice he shall be guilty of an offence.

(3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.

(5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.

(6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

(7) Where—

(a) a person charged with an offence under this section has not been served with a copy of the enforcement notice, and

(b) the notice is not contained in the appropriate register kept under section 147, it shall be a defence for him to show that he was not aware of the existence of the notice.

(8) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000, and

(b) on conviction on indictment, to a fine.

(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Annotations:

Modifications etc. (not altering text)

C23S. 136: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

137. Effect of planning permission etc. on enforcement or breach of condition notice.

— (1) Where, after the service of—

(a) a copy of an enforcement notice, or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

(2) Where, after a breach of condition notice has been served, any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.

(3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this section shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice.

Annotations:

Modifications etc. (not altering text)

C24S. 137: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

138. Enforcement notice to have effect against subsequent development.

— (1) Compliance with an enforcement notice, whether in respect of—

(a) the removal or alteration of any building or works,

(b) the discontinuance of any use of land, or

(c) any other requirements contained in the notice,

shall not discharge the notice.

(2) Without prejudice to subsection (1), any provision of an enforcement notice requiring a use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently, to the extent that it is in contravention of Part III; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(3) Without prejudice to subsection (1), if any development is carried out on land by way of reinstating or restoring buildings or works which have been removed or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were removed or altered.

(4) A person who, without the grant of planning permission in that behalf, carries out any development on land by way of reinstating or restoring buildings or works which have been removed or altered in compliance with an enforcement notice shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Annotations:

Modifications etc. (not altering text)

C25S. 138: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

139. Power of Secretary of State to serve enforcement notice.

— (1) If it appears to the Secretary of State that it is expedient that an enforcement notice should be served in respect of any land, he may himself serve such a notice under section 127.

(2) An enforcement notice served by the Secretary of State shall have the same effect as if it had been served by the planning authority.

(3) The Secretary of State shall not serve such a notice without consulting the planning authority.

(4) The provisions of this Act relating to enforcement notices apply, so far as relevant, to an enforcement notice served by the Secretary of State as they apply to an enforcement notice served by a planning authority, but with the substitution for any reference to the planning authority of a reference to the Secretary of State, and any other necessary modifications.

Stop notices

140. Stop notices.

— (1) Where the planning authority consider it expedient that any relevant activity should cease before the expiry of the compliance period in respect of an enforcement notice, they may, when they serve the copy of the enforcement notice or afterwards, serve a notice (in this Act referred to as a “stop notice”) prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice.

(2) In this section, “relevant activity” means any activity specified in the enforcement notice as an activity which the planning authority require to cease and any activity carried out as part of that activity or associated with that activity.

(3) A stop notice may not be served where the enforcement notice has taken effect.

(4) A stop notice shall not prohibit the use of any building as a dwellinghouse.

(5) A stop notice shall not prohibit the carrying out of any activity if the activity has been carried out (whether continuously or not) for a period of more than 4 years ending with the service of the notice; and for the purposes of this subsection no account is to be taken of any period during which the activity was authorised by planning permission.

(6) Subsection (5) does not prevent a stop notice prohibiting any activity consisting of, or incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials.

(7) A stop notice shall specify the date when it is to come into effect, and that date—

(a) must not be earlier than 3 days after the date when the notice is served, unless the planning authority consider that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice, and

(b) must not be later than 28 days from the date when the notice is first served on any person.

(8) A stop notice may be served by the planning authority on any person who appears to them to have an interest in the land or to be engaged in the relevant activity specified in the enforcement notice.

(9) The planning authority may at any time withdraw a stop notice (without prejudice to their power to serve another) by notice which shall be—

(a) served on all persons who were served with the stop notice, and

(b) publicised by displaying it for 7 days in place of all or any relative site notices.

Annotations:

Modifications etc. (not altering text)

C26S. 140: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss.

9(3), 10(5), 38(6))

141. Stop notices: supplementary provisions.

— (1) A stop notice shall cease to have effect when—

- (a) the enforcement notice to which it relates is withdrawn or quashed,
 - (b) the compliance period specified under section 128(9) expires, or
 - (c) notice of the withdrawal of the stop notice is served under section 140(9),
- whichever occurs first.

(2) Where the enforcement notice to which a stop notice relates is varied so that it no longer relates to any relevant activity, the stop notice shall cease to have effect in relation to that activity.

(3) Where a stop notice has been served in respect of any land, the planning authority may publicise it by displaying on the land a notice (in this section and section 144 referred to as a “site notice”)—

- (a) stating that a stop notice has been served on a particular person or persons,
- (b) indicating its requirements, and
- (c) stating that any person contravening it may be prosecuted for an offence under section 144.

(4) A stop notice shall not be invalid by reason that a copy of the enforcement notice to which it relates was not served as required by section 127 if it is shown that the planning authority took all such steps as were reasonably practicable to effect proper service.

Annotations:

Modifications etc. (not altering text)

C27S. 141: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

142. Power of the Secretary of State to serve stop notice.

— (1) If it appears to the Secretary of State that it is expedient that a stop notice should be served in respect of any land, he may himself serve such a notice under section 140.

(2) A stop notice served by the Secretary of State shall have the same effect as if it had been served by the planning authority.

(3) The Secretary of State shall not serve such a notice without consulting the planning authority.

(4) The provisions of this Act relating to stop notices apply, so far as relevant, to a stop notice served by the Secretary of State as they apply to a stop notice served by a planning authority, but with the substitution for any reference to the planning authority of a reference to the Secretary of State, and any other necessary modifications.

143. Compensation for loss due to stop notice.

— (1) Subject to the provisions of this section, where a stop notice under section 140 ceases to have effect a person who, when the stop notice is first served, has an interest, whether as owner or occupier or otherwise, in the land to which the notice relates shall be entitled to be compensated by the planning authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in a case within subsection (1)(b), the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities.

(2) For the purposes of this section a stop notice ceases to have effect when—

- (a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 130(1),

- (b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity within the meaning of section 140(2),
 - (c) the enforcement notice is withdrawn by the planning authority otherwise than in consequence of the grant by them of planning permission for the development to which the notice relates, or
 - (d) the stop notice is withdrawn.
- (3) A claim for compensation under this section shall be made to the planning authority within the prescribed time and in the prescribed manner.
- (4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include any sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition.
- (5) No compensation is payable under this section—
- (a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control, or
 - (b) in the case of a claimant who was required to provide information under section 125, 126 or 272 in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the planning authority when responding to the notice.
- (6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the Lands Tribunal.
- (7) In relation to the determination of any such question, the provisions of sections 9 and 11 of the ^{M58}Land Compensation (Scotland) Act 1963 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Annotations:

Modifications etc. (not altering text)

C28 S. 143(1)-(6): power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

Marginal Citations

M581963 c. 51.

144. Penalties for contravention of stop notice.

- (1) If any person contravenes a stop notice after a site notice has been displayed or the stop notice has been served on him he shall be guilty of an offence.
- (2) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.
- (3) It shall be a defence in any proceedings under subsection (1) that—
- (a) the stop notice was not served on the accused, and
 - (b) he had no reasonable cause to believe that the activity was prohibited by the stop notice.
- (4) References in this section to contravening a stop notice include causing or permitting its contravention.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding £20,000, and
 - (b) on conviction on indictment, to a fine.

(6) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Annotations:

Modifications etc. (not altering text)

C29S. 144: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

Breach of condition notices

145. Enforcement of conditions.

— (1) This section applies where planning permission for carrying out any development has been granted subject to conditions.

(2) The planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a “breach of condition notice”) on—

(a) any person who is carrying out or has carried out the development, or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2)(b) are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may by notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is—

(a) such period of not less than 28 days beginning with the date of service of the notice as may be specified in the notice, or

(b) that period as extended by a further notice served by the planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice—

(a) any of the conditions specified in the notice is not complied with, and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove—

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice, or

(b) where the notice was served on him by virtue of subsection (2)(b), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section—

(a) “conditions” includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so.

Annotations:

Modifications etc. (not altering text)

C30S. 145: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

Interdicts

146. Interdicts restraining breaches of planning control.

— (1) Whether or not they have exercised or propose to exercise any of their other powers under this Act, a planning authority may seek to restrain or prevent any actual or apprehended breach of any of the controls provided for by or under this Act by means of an application for interdict.

(2) On an application under subsection (1) the court may grant such interdict as it thinks appropriate for the purpose of restraining or preventing the breach.

(3) In this section “the court” means the Court of Session or the sheriff.

Annotations:

Modifications etc. (not altering text)

C31S. 146 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

Registers

147. Register of enforcement, breach of condition and stop notices.

— (1) Every planning authority shall, with respect to enforcement notices, breach of condition notices and stop notices which have been served in relation to land in their district, keep a register—

(a) in such manner, and

(b) containing such information,

as may be prescribed; and there may also be prescribed circumstances in which an entry in the register shall be deleted.

(2) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Annotations:

Modifications etc. (not altering text)

C32S. 147: power to modify conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(c), 31 (with ss. 9(3), 10(5), 38(6))

Enforcement of orders for discontinuance of use, etc.

148. Penalties for contravention of orders under section 71 and Schedule 8.

— (1) Any person who without planning permission—

(a) uses land, or causes or permits land to be used—

(i) for any purpose for which an order under section 71 or paragraph 1 of Schedule 8 has required that its use shall be discontinued, or

(ii) in contravention of any condition imposed by such an order by virtue of subsection (1) of that section or, as the case may be, sub-paragraph (1) of that paragraph,

(b) resumes, or causes or permits to be resumed, development consisting of the winning and working of minerals or involving the depositing of mineral waste the resumption of which an order under paragraph 3 of that Schedule has prohibited, or

(c) contravenes, or causes or permits to be contravened, any such requirement as is specified in sub-paragraph (3) or (4) of that paragraph,
shall be guilty of an offence.

(2) Any person who contravenes any requirement of a suspension order or a supplementary suspension order under paragraph 5 or 6 of Schedule 8 or who causes or permits any requirement of such an order to be contravened shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum, and

(b) on conviction on indictment, to a fine.

(4) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable measures and exercised all due diligence to avoid commission of the offence by himself or by any person under his control.

(5) If in any case the defence provided by subsection (4) involves an allegation that the commission of the offence was due to the act or default of another person or due to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

149. Enforcement of orders under section 71 and Schedule 8.

— (1) This section applies where—

(a) any step required by an order under section 71 or paragraph 1 of Schedule 8 to be taken for the alteration or removal of any buildings or works or any plant or machinery,

(b) any step required by an order under paragraph 3 of that Schedule to be taken—

(i) for the alteration or removal of plant or machinery, or

(ii) for the removal or alleviation of any injury to amenity, or

(c) any step for the protection of the environment required to be taken by a suspension order or a supplementary suspension order under paragraph 5 or 6 of that Schedule,
has not been taken within the period specified in the order or within such extended period as the planning authority may allow.

(2) Where this section applies the planning authority may enter the land and take the required step and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

(3) A planning authority taking any step under subsection (1) may sell any materials removed by them from any land unless those materials are claimed by the owner within 3 days of their removal by the planning authority.

(4) Where such materials have been sold the planning authority shall pay the owner the net proceeds of the sale after deducting any expenses recoverable by them from him.

Certificate of lawful use or development

150. Certificate of lawfulness of existing use or development.

— (1) If any person wishes to ascertain whether—

- (a) any existing use of buildings or other land is lawful,
- (b) any operations which have been carried out in, on, over or under land are lawful, or
- (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act, uses and operations are lawful at any time if—

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason), and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act, any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

- (a) the time for taking enforcement action in respect of the failure has then expired, and
- (b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(4) If, on an application under this section, the planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

- (a) specify the land to which it relates,
- (b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 26(2)(f), identifying it by reference to that class),
- (c) give the reasons for determining the use, operations or other thing to be lawful, and
- (d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

- (a) section 3(3) of the ^{M59}Caravan Sites and Control of Development Act 1960,
- (b) section 5(2) of the ^{M60}Control of Pollution Act 1974, and
- (c) section 36(2)(a) of the ^{M61}Environmental Protection Act 1990.

Annotations:

Modifications etc. (not altering text)

C33 S. 150 modified (28.9.2000) by S.S.I. 2000/323, reg. 7(5)

Marginal Citations

M591960 c. 62.

M601974 c. 40.

M611990 c. 43.

151. Certificate of lawfulness of proposed use or development.

— (1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land, or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates,
(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 26(2)(f), identifying it by reference to that class),
(c) give the reasons for determining the use or operations to be lawful, and
(d) specify the date of the application for the certificate.

(4) There shall be an irrefutable presumption as to the lawfulness of any use or operations for which a certificate is in force under this section unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

152. Certificates under sections 150 and 151: supplementary provisions.

— (1) An application for a certificate under section 150 or 151 shall be made in such manner as may be prescribed by regulations or a development order and shall include such particulars, and be verified by such evidence, as may be required by such regulations or such an order or by any directions given under such regulations or such an order or by the planning authority.

(2) Provision may be made by such regulations or a development order for regulating the manner in which applications for certificates under those sections are to be dealt with by planning authorities.

(3) In particular, such regulations or such an order may provide for requiring the authority—

(a) to give to any applicant within such time as may be prescribed by the regulations or the order such notice as may be so prescribed as to the manner in which his application has been dealt with, and

(b) to give to the Secretary of State and to such other persons as may be prescribed by or under the regulations or the order, such information as may be so prescribed with respect to such applications made to the authority, including information as to the manner in which any application has been dealt with.

(4) A certificate under section 150 or 151 may be issued—

(a) for the whole or part of the land specified in the application, and
(b) where the application specifies two or more uses, operations or other things, for all of them or some one or more of them,

and shall be in such form as may be prescribed by such regulations or a development order.

(5) A certificate under section 150 or 151 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certificate.

(6) In section 36 references to applications for planning permission shall include references to applications for certificates under section 150 or 151.

(7) A planning authority may revoke a certificate under section 150 or 151 if, on the application for the certificate—

- (a) a statement was made or document used which was false in a material particular, or
- (b) any material information was withheld.

(8) Provision may be made by such regulations or a development order for regulating the manner in which certificates may be revoked and the notice to be given of such revocation.

153. Offences.

— (1) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for the issue of a certificate under section 150 or 151 of this Act—

- (a) knowingly or recklessly makes a statement which is false or misleading in a material particular,
 - (b) with intent to deceive, uses any document which is false or misleading in a material particular, or
 - (c) with intent to deceive, withholds any material information,
- he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

154. Appeals against refusal or failure to give decision on application.

— (1) Where an application is made to a planning authority for a certificate under section 150 or 151 and—

- (a) the application is refused or is refused in part, or
- (b) the planning authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by regulations or a development order or within such extended period as may at any time be agreed in writing by the applicant and the authority,

the applicant may appeal to the Secretary of State.

(2) An appeal under subsection (1) shall be by notice given within such period (not being less than 28 days) as may be prescribed by regulations or a development order.

(3) On any such appeal, if and so far as the Secretary of State is satisfied—

- (a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or
 - (b) in the case of an appeal under subsection (1)(b), that, if the planning authority had refused the application, their refusal would not have been well-founded,
- he shall grant the appellant a certificate under section 150 or 151 accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application.

(4) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal.

(5) Schedule 4 applies to appeals under this section.

155. Further provisions as to appeals to the Secretary of State.

— (1) Before determining an appeal under section 154(1), the Secretary of State shall, if either the appellant or the planning authority so wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(2) Where the Secretary of State or a person appointed by him under Schedule 4 to determine an appeal grants a certificate under section 150 or 151, the Secretary of State or that person shall give notice to the planning authority of that fact.

Rights of entry for enforcement purposes

156. Right to enter without warrant.

— (1) Any person duly authorised in writing by a planning authority may at any reasonable hour enter any land—

(a) to ascertain whether there is or has been any breach of planning control on the land or any other land;

(b) to determine whether any of the powers conferred on a planning authority by sections 127 to 138, 140, 141, 144, 145 and 147 to 155 should be exercised in relation to the land or any other land;

(c) to determine how any such power should be exercised in relation to the land or any other land;

(d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land, if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may at any reasonable hour enter any land to determine whether an enforcement notice should be issued in relation to the land or any other land, if there are reasonable grounds for entering for that purpose.

(3) The Secretary of State shall not so authorise any person without consulting the planning authority.

(4) Admission to any building used as a dwellinghouse shall not be demanded as of right by virtue of subsection (1) or (2) unless 24 hours' notice of the intended entry has been given to the occupier of the building.

157. Right to enter under warrant.

— (1) If the sheriff is satisfied—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 156(1) or (2), and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended, or

(ii) the case is one of urgency,

he may issue a warrant authorising any person duly authorised in writing to enter the land.

(2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant, and

(b) at a reasonable hour, unless the case is one of urgency.

158. Rights of entry: supplementary provisions.

— (1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 156 or 157 (referred to in this section as “a right of entry”)—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering,

(b) may take with him such other persons as may be necessary, and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

(4) The provisions of section 86 shall apply in relation to compensation under subsection (3) as they apply in relation to compensation under Part IV.

(5) If any person who enters any land, in exercise of a right of entry discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(7) A person who is guilty of an offence under subsection (5) shall be liable—

(a) on summary conviction to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both.

PART VII SPECIAL CONTROLS

CHAPTER I TREES

General duty of planning authorities as respects trees

159. Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees, and

(b) to make such orders under section 160 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

Tree preservation orders

160. Power to make tree preservation orders.

— (1) If it appears to a planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their district, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

(2) An order under subsection (1) is in this Act referred to as a “tree preservation order”.

(3) A tree preservation order may, in particular, make provision—

(a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees

except with the consent of the planning authority, and for enabling that authority to give their consent subject to conditions;

(b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;

(c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.

(4) The provisions referred to in subsection (3)(c) are—

(a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 32, 34, 35, 36(2) and (3), 38, 58 to 62, 69 and 70 and Schedules 6 and 7, and section 65 of the ^{M62}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997,

(b) sections 88 to 92, 94 and 95 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 88(1)(b) or (c)), and

(c) section 263.

(5) A tree preservation order may be made so as to apply, in relation to trees to be planted pursuant to any such conditions as are mentioned in section 159(a), as from the time when those trees are planted.

(6) Without prejudice to any other exemptions for which provision may be made by a tree preservation order, nothing in such an order shall prohibit the uprooting, felling or lopping of trees if—

(a) it is urgently necessary in the interests of safety,

(b) it is necessary for the prevention or abatement of a nuisance, or

(c) it is in compliance with any obligation imposed by or under an Act of Parliament, so long as, where paragraph (a) or (b) applies, notice in writing of the proposed operations is given to the planning authority as soon as practicable after the operations become necessary.

(7) This section shall have effect subject to—

(a) section 39(2) of the ^{M63}Housing and Planning Act 1986 (saving for effect of section 2(4) of the ^{M64}Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal), and

(b) section 15 of the ^{M65}Forestry Act 1967 (licences under that Act to fell trees comprised in a tree preservation order).

Annotations:

Marginal Citations

M621997 c. 9.

M631986 c. 63.

M641958 c. 69.

M651967 c. 10.

161. Form of and procedure applicable to orders.

— (1) Subject to section 163 and 249, a tree preservation order shall not take effect until it is confirmed by the planning authority and the planning authority may confirm any such order either without modification or subject to such modifications as they consider expedient.

(2) As soon as a tree preservation order is confirmed, the planning authority shall record it in the appropriate Register of Sasines or, as the case may be, register it in the Land Register of Scotland.

(3) Provision may be made by regulations with respect to—

- (a) the form of tree preservation orders, and
- (b) the procedure to be followed in connection with the confirmation of such orders.
- (4) Without prejudice to the generality of subsection (3), the regulations may make provision—
 - (a) that, before a tree preservation order is confirmed by the planning authority, notice of the making of the order shall be given to the owners, lessees and occupiers of land affected by the order and to such other persons, if any, as may be specified in the regulations,
 - (b) that objections and representations with respect to the order, if duly made in accordance with the regulations, shall be considered before the order is confirmed by the planning authority, and
 - (c) that copies of the order, when confirmed by the authority, shall be served on such persons as may be specified in the regulations.

162. Orders affecting land where Forestry Commissioners interested.

- (1) In relation to land in which the Forestry Commissioners have an interest, a tree preservation order may be made only if—
 - (a) there is not in force in respect of the land a plan of operations or other working plan approved by the Commissioners under a forestry dedication agreement, and
 - (b) the Commissioners consent to the making of the order.
- (2) For the purposes of subsection (1), the Forestry Commissioners have an interest in land if—
 - (a) they have made a grant or loan under section 1 of the ^{M66}Forestry Act 1979 in respect of it, or
 - (b) there is a forestry dedication agreement in force in respect of it.
- (3) A tree preservation order in respect of such land shall not have effect so as to prohibit, or to require any consent for, the cutting down of a tree in accordance with a plan of operations or other working plan approved by the Forestry Commissioners, and for the time being in force, under a forestry dedication agreement or under the conditions of a grant or loan made under section 1 of the Forestry Act 1979.
- (4) In this section—
 - (a) “a forestry dedication agreement” means an agreement entered into with the Commissioners under section 5 of the ^{M67}Forestry Act 1967; and
 - (b) references to provisions of the Forestry Act 1967 and the Forestry Act 1979 include references to any corresponding provisions replaced by those provisions or by earlier corresponding provisions.

Annotations:

Marginal Citations

M661979 c. 21.

M671967 c. 10.

163. Provisional tree preservation orders.

- (1) If it appears to a planning authority that a tree preservation order proposed to be made by that authority should take effect immediately without previous confirmation, they may include in the order as made by them a direction that this section shall apply to the order.
- (2) Notwithstanding section 161(1), an order which contains such a direction—
 - (a) shall take effect provisionally on such date as may be specified in it, and
 - (b) shall continue in force by virtue of this section until—

- (i) the expiration of a period of 6 months beginning with the date on which the order was made, or
 - (ii) the date on which the order is confirmed,
- whichever first occurs.
- (3) Provision shall be made by regulations for securing that the notices to be given of the making of a tree preservation order containing a direction under this section shall include a statement of the effect of the direction.

164. Power for Secretary of State to make tree preservation orders.

- (1) If it appears to the Secretary of State that it is expedient that a tree preservation order, or an order amending or revoking such an order, should be made, he may himself make such an order.
- (2) Such an order made by the Secretary of State shall have the same effect as if it had been made by the planning authority and confirmed by them under this Chapter.
- (3) The Secretary of State shall not make such an order without consulting the planning authority.
- (4) The provisions of this Chapter and of any regulations made under it with respect to the procedure to be followed in connection with the making and confirmation of any order mentioned in subsection (1) and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order by virtue of subsection (1), its making by him and the service of copies of it.

Compensation for loss or damage caused by orders etc.

165. Compensation in respect of tree preservation orders.

- (1) A tree preservation order may make provision for the payment by the planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of loss or damage caused or incurred in consequence of—
- (a) the refusal of any consent required under the order, or
 - (b) the grant of any such consent subject to conditions.
- (2) Except in so far as may be otherwise provided by section 166(5), any tree preservation order or any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (3) In relation to the determination of any such question, the provisions of sections 9 and 11 of the ^{M68}Land Compensation (Scotland) Act 1963 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Annotations:

Marginal Citations

M681963 c. 51.

166. Compensation in respect of requirement as to replanting of trees.

- (1) This section applies where—
- (a) a requirement is imposed by the planning authority or the Secretary of State under a tree preservation order for securing the replanting of all or any part of a woodland area which is felled in the course of forestry operations permitted by or under the order, and
 - (b) the Forestry Commissioners decide not to make any grant or loan under section 1 of the ^{M69}Forestry Act 1979 in respect of the replanting by reason that the requirement frustrates the

use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry.

(2) Where this section applies, the planning authority exercising functions under the tree preservation order shall be liable, on the making of a claim in accordance with this section, to pay compensation in respect of such loss or damage, if any, as is caused or incurred in consequence of compliance with the requirement.

(3) The Forestry Commissioners shall, at the request of the person under a duty to comply with such a requirement as is mentioned in subsection (1)(a), give a certificate stating—

(a) whether they have decided not to make such a grant or loan as is mentioned in subsection (1)(b), and

(b) if so, the grounds for their decision.

(4) A claim for compensation under this section must be served on the planning authority—

(a) within 12 months from the date on which the requirement was made, or

(b) where an application has been made to the Secretary of State for the determination of any question relating to the reasonableness of a requirement, within 12 months from the date of the determination of the Secretary of State,

but subject in either case to such extension of that period as the planning authority may allow.

(5) Any question of disputed compensation under this section shall be determined in accordance with section 70 of the ^{M70}Countrywide (Scotland) Act 1967.

Annotations:

Marginal Citations

M691979 c. 21.

M701967 c. 86.

Consequences of tree removal etc.

167. Replacement of trees.

— (1) If any tree in respect of which a tree preservation order is for the time being in force—

(a) is removed, uprooted or destroyed in contravention of the order, or

(b) except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its felling or uprooting is authorised only by virtue of section 160(6)(a),

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the planning authority dispense with it.

(3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees—

(a) on or near the land on which the trees removed, uprooted or destroyed stood, or

(b) on such other land as may be agreed between the planning authority and the owner of the land,

and in such places as may be designated by the planning authority.

(4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(5) The duty imposed by subsection (1) on the owner of any land shall attach to the person who is from time to time the owner of the land.

168. Enforcement of duties as to replacement of trees.

— (1) If it appears to the planning authority that—

(a) the provisions of section 167, or

(b) any conditions of a consent given under a tree preservation order which require the replacement of trees,

are not complied with in the case of any tree or trees, the authority may serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

(2) A notice under subsection (1) may be served by a planning authority only within 2 years from the date on which the failure to comply with those provisions or conditions came to the knowledge of the authority.

(3) A notice under subsection (1) shall specify a period at the end of which it is to take effect, being a period of not less than 28 days beginning with the date of service of the notice.

(4) The duty imposed by section 167(1) may only be enforced as provided by this section and not otherwise.

169. Appeal against section 168 notice.

— (1) A person on whom a notice under section 168(1) is served may appeal to the Secretary of State against the notice on any of the following grounds—

(a) that the provisions of section 167 or, as the case may be, the conditions mentioned in section 168(1)(b) are not applicable or have been complied with;

(b) that in all the circumstances of the case the duty imposed by section 167 should be dispensed with in relation to any tree;

(c) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;

(d) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;

(e) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.

(2) An appeal under subsection (1) may be made either by giving written notice to the Secretary of State before the end of the period specified in accordance with section 168(3), or by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period.

(3) A person who gives notice under subsection (2) shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed under subsection (4), a statement in writing—

(a) specifying the grounds on which he is appealing against the notice under section 168(1), and

(b) giving such further information as may be so prescribed.

(4) The Secretary of State may prescribe the procedure to be followed on appeals under this section, and (without prejudice to the generality of the foregoing provisions of this subsection) in so prescribing—

(a) may specify the time within which an appellant is to submit a statement under subsection

(3) and the matters on which information is to be given in such a statement;

(b) may require the planning authority to submit, within such time as may be specified, a statement indicating the submissions which they propose to put forward on the appeal;

(c) may specify the matters to be included in such a statement;

(d) may require the authority or the appellant to give such notice of an appeal under this section as may be specified to such persons as may be specified;

(e) may require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be specified, a copy of the notice and a list of the persons on whom the notice has been served.

(5) The Secretary of State may—

(a) dismiss an appeal if the appellant fails to comply with subsection (3) within the time prescribed under subsection (4)(a), and

(b) allow an appeal and quash the notice under section 168(1) if the planning authority fail to comply with any requirement imposed by virtue of paragraph (b), (c) or (e) of subsection (4).

(6) Subject to subsection (5), the Secretary of State shall, if either the planning authority or the appellant so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by him for the purpose.

(7) Where such an appeal is brought, the notice under section 168(1) shall be of no effect pending the final determination or the withdrawal of the appeal.

(8) On such an appeal the Secretary of State may—

(a) correct any defect, error or misdescription in the notice under section 168(1), or

(b) vary its terms,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the planning authority.

(9) On the determination of such an appeal the Secretary of State shall give directions for giving effect to the determination including, where appropriate, directions for quashing the notice under section 168(1).

(10) Schedule 4 applies to appeals under this section.

170. Execution and cost of works required by section 168 notice.

— (1) If, within the period specified in a notice under section 168(1) for compliance with it, or within such extended period as the planning authority may allow, any trees which are required to be planted by a notice under that section have not been planted, the planning authority may—

(a) enter the land and plant those trees, and

(b) recover from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in doing so.

(2) If the person mentioned in subsection (1)(b) was entitled to appeal to the Secretary of State but did not do so, he shall not be entitled in proceedings under that subsection to dispute the validity of the action taken in accordance with the notice by the planning authority.

(3) In computing the amount of the expenses which may be recovered by them under subsection (1), a planning authority may include in that amount such proportion of their administrative expenses as seems to them to be appropriate.

(4) Where a notice under section 168(1) has been served—

(a) any expenses incurred by the owner, lessee or occupier of any land for the purpose of complying with the notice, and

(b) any sums paid by the owner or lessee of any land under subsection (1) in respect of expenses incurred by the planning authority in planting trees required by such a notice to be planted,

shall be recoverable from the person responsible for the cutting down, destruction or removal of the original tree or trees.

(5) If on a complaint by the owner of any land it appears to the sheriff that the occupier of the land is preventing the owner from carrying out work required to be carried out by a notice under section 168(1), the sheriff may by warrant authorise the owner to go on to the land and carry out the work.

(6) A planning authority taking steps under subsection (1) may sell any materials removed by them from the land unless those materials are claimed by the owner within 3 days of their removal by the planning authority.

(7) Where such materials have been sold the planning authority shall pay the owner the proceeds of the sale after deducting any expenses recoverable by them from him.

(8) Where a planning authority seek under subsection (1) to recover any expenses from a person on the basis that he is the owner of any land, and such person proves that—

(a) he is receiving the rent in respect of that land merely as trustee, tutor, curator, factor or agent of some other person, and

(b) he has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands on behalf of that other person.

(9) A planning authority who by reason of subsection (8) have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.

(10) Any person who wilfully obstructs a person acting in the exercise of the power conferred by subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

171. Penalties for non-compliance with tree preservation order.

— (1) If any person, in contravention of a tree preservation order—

(a) cuts down, uproots or wilfully destroys a tree, or

(b) wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction to a fine not exceeding £20,000, and

(b) on conviction on indictment, to a fine.

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under subsection (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

(4) If any person contravenes the provisions of a tree preservation order otherwise than as mentioned in subsection (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Trees in conservation areas

172. Preservation of trees in conservation areas.

— (1) Subject to the provisions of this section and section 173, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 160(3)(a) be prohibited by a tree preservation order shall be guilty of an offence.

(2) Subject to section 173, this section applies to any tree in a conservation area in respect of which no tree preservation order is for the time being in force.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove—

(a) that he served notice of his intention to do the act in question (with sufficient particulars to identify the tree) on the planning authority in whose area the tree is or was situated, and

(b) that he did the act in question—

(i) with the consent of the planning authority in whose area the tree is or was situated, or

(ii) after the expiry of the period of 6 weeks from the date of the notice but before the expiry of the period of 2 years from that date.

(4) Section 171 shall apply to an offence under this section as it applies to a contravention of a tree preservation order.

173. Power to disapply section 172.

— (1) The Secretary of State may by regulations direct that section 172 shall not apply in such cases as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), the regulations may be framed so as to exempt from the application of that section cases defined by reference to all or any of the following matters—

(a) acts of such descriptions or done in such circumstances or subject to such conditions as may be specified in the regulations;

(b) trees in such conservation areas as may be so specified;

(c) trees of a size or species so specified; or

(d) trees belonging to persons or bodies of a description so specified.

(3) The regulations may, in relation to any matter by reference to which an exemption is conferred by them, make different provision for different circumstances.

(4) Regulations under subsection (1) may in particular, but without prejudice to the generality of that subsection, exempt from the application of section 172 cases exempted from section 160 by subsection (6) of that section.

174. Enforcement of controls as respects trees in conservation areas.

— (1) If any tree to which section 172 applies—

(a) is removed, uprooted or destroyed in contravention of that section, or

(b) is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of the provisions of such regulations under subsection (1) of section 173 as are mentioned in subsection (4) of that section,

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the planning authority dispense with it.

(3) The duty imposed by subsection (1) on the owner of any land attaches to the person who is from time to time the owner of the land and may be enforced as provided by section 168 and not otherwise.

175. Register of section 172 notices.

It shall be the duty of a planning authority to compile and keep available for public inspection free of charge at all reasonable hours and at a convenient place a register containing such particulars as the Secretary of State may determine of notices under section 172 affecting trees in their district.

Rights of entry

176. Rights to enter without warrant.

— (1) Any person duly authorised in writing by a planning authority may enter any land for the purpose of—

(a) surveying it in connection with making or confirming a tree preservation order with respect to the land,

(b) ascertaining whether an offence under section 171 or 172 has been committed on the land, or

(c) determining whether a notice under section 168(1) should be served on the owner of the land,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may enter any land for the purpose of surveying it in connection with making, amending or revoking a tree preservation order with respect to the land if there are reasonable grounds for entering for that purpose.

(3) Any person who is duly authorised in writing by a planning authority may enter any land in connection with the exercise of any functions conferred on the authority by or under sections 159 to 163 and 167 to 170.

(4) Any person who is an officer of the Valuation Office may enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of any land which is payable by the planning authority under section 165.

(5) Any person who is duly authorised in writing by the Secretary of State may enter any land in connection with the exercise of any functions conferred on the Secretary of State by or under sections 160 to 162, 168(1) to (3), 169 and 170.

(6) The Secretary of State shall not authorise any person as mentioned in subsection (2) without consulting the planning authority.

(7) Admission shall not be demanded as of right—

(a) by virtue of subsection (1) or (2) to any building used as a dwellinghouse, or

(b) by virtue of subsection (3), (4) or (5) to any land which is occupied, unless 24 hours' notice of the intended entry has been given to the occupier.

(8) Any right to enter by virtue of this section shall be exercised at a reasonable hour.

177. Right to enter under warrant.

— (1) If the sheriff is satisfied—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 176(1) or (2), and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended, or

(ii) the case is one of urgency,

he may issue a warrant authorising any person duly authorised in writing by a planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of subsection (1)(b)(i) of this section admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant, and

(b) at a reasonable hour, unless the case is one of urgency.

178. Rights of entry: supplementary provisions.

— (1) Any power conferred under or by virtue of section 176 or 177 to enter land (referred to in this section as “a right of entry”) shall be construed as including power to take samples from any tree and samples of the soil.

(2) A person authorised to enter land in the exercise of a right of entry—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering,

(b) may take with him such other persons as may be necessary, and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

CHAPTER II

LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD

Land adversely affecting other land

179. Notice requiring proper maintenance of land.

— (1) If it appears to a planning authority that the amenity of any part of their district, or an adjoining district, is adversely affected by the condition of any land in their district they may serve on the owner, lessee and occupier of the land a notice under this section requiring such steps for abating the adverse effect as may be specified in the notice to be taken within such period as may be so specified.

(2) Service under subsection (1) shall be effected by the service of a copy of the notice.

(3) Subject to section 180, a notice under this section shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (1).

(4) The planning authority may withdraw a notice under this section (without prejudice to their power to serve another) at any time before it takes effect; and if they so withdraw it, they shall forthwith give notice of the withdrawal to every person on whom the notice was served.

(5) No notice may be served under subsection (1) with reference to any building which is—

(a) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments, or

(b) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

(6) The provisions of section 135 shall, subject to any necessary modifications, apply in respect of a notice under this section as they apply in respect of an enforcement notice under section 127.

180. Appeal against notice under section 179.

— (1) A person on whom a notice under section 179 is served, or any other person having an interest in the land to which the notice relates, may at any time before the date specified in the notice as the date on which it is to take effect appeal to the Secretary of State against the notice, on any of the following grounds—

(a) that neither the amenity of any part of the planning authority's district nor that of any adjoining district has been adversely affected;

(b) that the steps required by the notice to be taken exceed what is necessary to remedy any such adverse effect;

(c) that the specified period for compliance with the notice falls short of what should reasonably be allowed;

- (d) that the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land or from continuing lawful operations carried out thereon; or
- (e) that the notice was served other than in accordance with section 179.
- (2) An appeal under this section shall be made by notice in writing to the Secretary of State.
- (3) The provisions of sections 130(3), 131(1) and (2) and 132(3) shall apply to appeals under this section as they apply to appeals under those sections.
- (4) On an appeal under this section the Secretary of State—
 - (a) may correct any informality, defect or technical error in the notice if he is satisfied that it is not material, and
 - (b) may disregard the failure of the planning authority to serve the notice upon a person upon whom it should have been served, if it appears to him that neither that person nor the appellant has been substantially prejudiced by that failure.
- (5) Where an appeal is brought under this section, the notice under section 179 shall be of no effect pending the final determination, or the withdrawal, of the appeal.
- (6) In determining an appeal under this section the Secretary of State shall give such directions as seem to him appropriate; and these may include directions for quashing the notice or for varying its terms in favour of the appellant.
- (7) Schedule 4 applies to appeals under this section.

181. Register of notices under section 179.

- (1) Every planning authority shall keep a register of notices under section 179 which have been served in relation to land in their district—
 - (a) in such manner, and
 - (b) containing such information,as may be prescribed; and there may also be prescribed circumstances in which an entry in the register shall be deleted.
- (2) Every register kept under subsection (1) shall be available for inspection by the public at all reasonable hours.

CHAPTER III
ADVERTISEMENTS

Advertisement regulations

182. Regulations controlling display of advertisements.

- (1) Regulations shall make provision for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of subsection (1), any such regulations may provide—
 - (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;
 - (b) for requiring the consent of the planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
 - (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions mentioned in subsection (3), subject to such adaptations and modifications as may be specified in the regulations;

(d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

(3) The provisions referred to in subsection (2)(c) are—

(a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 32, 34, 35, 36(2) and (3), 38, 58 to 62, 69 and 70 and Schedules 6 and 7, and section 65 of the ^{M71}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997,

(b) sections 88 to 92, 94 and 95 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 88(1)(b) or (c)), and

(c) section 263.

Annotations:

Marginal Citations

M711997 c. 9.

183. Power to make different advertisement regulations for different areas.

— (1) Regulations made under section 182 may make different provision with respect to different areas, and in particular may make special provision—

(a) with respect to conservation areas, and

(b) with respect to areas defined for the purposes of the regulations as areas of special control.

(2) An area may be defined as an area of special control if it is—

(a) a rural area, or

(b) an area which appears to the Secretary of State to require special protection on grounds of amenity.

(3) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.

(4) Areas of special control for the purposes of the regulations may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.

(5) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (4), the regulations shall provide—

(a) for the publication of notice of the proposed order in such manner as may be prescribed,

(b) for the consideration of objections duly made to it, and

(c) for the holding of such inquiries or other hearings as may be prescribed, before the order is made or approved.

(6) Nothing in this section or in any such regulations shall be construed as authorising the restricting or regulation of the display of any advertisement by reason only of the subject matter or wording of it.

184. Planning permission not needed for advertisements complying with regulations.

Where the display of advertisements in accordance with regulations made under section 182 involves development of land—

(a) planning permission for that development shall be deemed to be granted by virtue of this section, and

(b) no application shall be necessary for that development under Part III.

Repayment of expense of removing prohibited advertisements

185. Repayment of expense of removing prohibited advertisements.

— (1) Where, for the purpose of complying with any regulations made under section 182, works are carried out by any person—

- (a) for removing an advertisement which was being displayed on 16th August 1948, or
- (b) for discontinuing the use for the display of advertisements of a site used for that purpose on that date,

that person shall, on a claim made to the planning authority within such time and in such manner as may be prescribed, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in carrying out those works.

(2) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.

(3) In relation to the determination of any such question, the provisions of sections 9 and 11 of the ^{M72}Land Compensation (Scotland) Act 1963 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Annotations:

Marginal Citations

M721963 c. 51.

Enforcement of control over advertisements

186. Enforcement of control as to advertisements.

— (1) Regulations under section 182 may make provision for enabling the planning authority to require—

- (a) the removal of any advertisement which is displayed in contravention of the regulations, or
- (b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.

(2) For that purpose the regulations may apply any of the provisions of Part VI with respect to enforcement notices or the provisions of section 143(1) to (5), subject to such adaptations and modifications as may be specified in the regulations.

(3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed, not exceeding level 3 on the standard scale and, in the case of a continuing offence, one-tenth of level 3 on the standard scale for each day during which the offence continues after conviction.

(4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if—

- (a) he is the owner or occupier of the land on which the advertisement is displayed, or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns.

(5) A person shall not be guilty of an offence under subsection (3) by reason only—

- (a) of his being the owner or occupier of the land on which an advertisement is displayed, or
- (b) of his goods, trade, business or other concerns being given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

187. Power to remove or obliterate placards and posters.

— (1) Subject to the provisions of this section, a planning authority may remove or obliterate any placard or poster—

(a) which is displayed in their area, and

(b) which in their opinion is so displayed in contravention of regulations made under section 182.

(2) Subsection (1) does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.

(3) Subject to subsection (4), where a placard or poster identifies the person who displayed it or caused it to be displayed, the planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—

(a) that in their opinion it is displayed in contravention of regulations made under section 182, and

(b) that they intend to remove or obliterate it on the expiry of a period specified in the notice.

(4) Subsection (3) does not apply if—

(a) the placard or poster does not give his address, and

(b) the authority do not know it and are unable to ascertain it after reasonable inquiry.

(5) The period specified in a notice under subsection (3) must be not less than 2 days from the date of service of the notice.

(6) Any person duly authorised in writing by the planning authority may at any reasonable time enter any land for the purpose of exercising a power conferred by this section if—

(a) the land is unoccupied, and

(b) it would be impossible to exercise the power without entering the land.

PART VIII

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES ETC.

Acquisition for planning and public purposes

188. Acquisition of land by agreement.

— (1) A planning authority may acquire by agreement any land which they require for any purpose for which a planning authority may be authorised to acquire land under section 189.

(2) The Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the ^{M73}Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the ^{M74}Railways Clauses Consolidation (Scotland) Act 1845, and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the ^{M75}Mines (Working Facilities and Support) Act 1923, shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking or to the company shall be construed as references to the authority authorised to acquire the land under this section.

(3) The exercise by a planning authority of any power which they have under this section is subject to the provisions of sections 171A and 171B (promotion of economic development) of the ^{M76}Local Government (Scotland) Act 1973.

Annotations:

Modifications etc. (not altering text)

C34 S. 188(2) applied (with modifications)(26.3.2001) by 2000 c. 26, s. 95, Sch. 6 para. 7;

S.I. 2000/2957, art. 2(3), Sch. 3 (with arts. 3-8)

Marginal Citations

M731845 c. 19.

M741845 c. 33.

M751923 c. 20.

M761973 c. 65.

189. Compulsory acquisition of land in connection with development and for other planning purposes.

— (1) A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which—

(a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement;

(b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to—

(a) the provisions of the development plan, so far as material,

(b) whether planning permission for any development on the land is in force, and

(c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.

(3) Where a local authority exercise their powers under subsection (1) in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—

(a) any land adjoining that land which is required for the purposes of executing works for facilitating its development or use, or

(b) where the land forms part of a common or open space, any land which is required for the purpose of being given in exchange for the land which is being acquired.

(4) It is immaterial by whom the local authority propose any activity or purpose mentioned in subsection (1) or (3)(a) is to be undertaken or achieved and in particular the local authority need not propose to undertake that activity or achieve that purpose themselves.

(5) The Secretary of State may authorise a local authority to acquire compulsorily under subsection (1) land which is not in their area.

(6) Before giving an authorisation under subsection (5), the Secretary of State shall consult the local authority within whose area the land is situated.

(7) The ^{M77}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947 shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.

(8) The exercise by a local authority of any power which they have under this section, is subject to the provisions of sections 171A and 171B (promotion of economic development) of the ^{M78}Local Government (Scotland) Act 1973.

Annotations:

Marginal Citations

M771947 c. 42.

M781973 c. 65.

190. Compulsory acquisition of land by Secretary of State for the Environment.

- (1) The Secretary of State for the Environment may acquire compulsorily—
- (a) any land necessary for the public service, and
 - (b) any land which it is proposed to use not only for the public service but also—
 - (i) to meet the interests of proper planning of the area, or
 - (ii) to secure the best, or most economic development or use of the land, otherwise than for the public service.
- (2) Where the Secretary of State for the Environment has acquired or proposes to acquire any land under subsection (1) (“the primary land”) and in his opinion other land ought to be acquired together with the primary land—
- (a) in the interests of the proper planning of the area concerned,
 - (b) for the purpose of ensuring that the primary land can be used, or developed and used, (together with that other land) in what appears to him to be the best or most economic way, or
 - (c) where the primary land or any land acquired, or which he proposes to acquire, by virtue of paragraph (a) or (b) of this subsection or of section 122(1)(a) or (b) of the ^{M79}Local Government, Planning and Land Act 1980, forms part of a common or open space, for the purpose of being given in exchange for that land, he may compulsorily acquire that land.
- (3) Subject to subsection (4), the power of acquiring land compulsorily under this section shall include power to acquire a servitude or other right over land by the grant of a new right.
- (4) Subsection (3) shall not apply to a servitude or other right over any land which would for the purposes of the ^{M80}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947 form part of a common or open space.
- (5) That Act shall apply to any compulsory acquisition by the Secretary of State for the Environment under this section as it applies to a compulsory acquisition by another Minister in a case falling within section 1(1) of that Act.
- (6) In this section, “the public service” includes the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become a member;
 - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
 - (c) of a foreign Sovereign Power or the Government of such a Power.
- (7) For the purpose of subsection (6)(b), “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

Annotations:

Marginal Citations

M791980 c. 65.

M801947 c. 42.

Powers relating to land held for planning purposes

191. Disposal of land held for planning purposes.

- (1) Where a planning authority—
- (a) has acquired or appropriated any land for planning purposes, and
 - (b) holds that land for the purposes for which it was so acquired or appropriated,
- the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient for the purposes mentioned in subsection (2).

(2) Those purposes are to secure—

(a) the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it, whether by themselves or by any other person, or

(b) the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of their area.

(3) Subject to the provisions of subsection (7), any land disposed of under this section shall not be disposed of otherwise than at the best price or on the best terms that can reasonably be obtained.

(4) Where representations are made to the Secretary of State—

(a) that a planning authority have refused to dispose of any land under this section to any person or to agree with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him, and

(b) that the refusal constitutes unfair discrimination against that person or is otherwise oppressive,

the Secretary of State may cause the representations to be intimated to the authority.

(5) After considering any statement in writing made to him by the authority, the Secretary of State may, if he thinks fit, cause a public local inquiry to be held.

(6) After considering the report of the person appointed to hold the inquiry (if any), the Secretary of State may, if it appears to him that the representations are well founded and that it is expedient as mentioned in subsection (1) that the authority should dispose of the land under this section to that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.

(7) In relation to land acquired or appropriated for planning purposes for a reason mentioned in section 189(1)(a) or (3), the powers conferred by this section on a planning authority shall be so exercised as to secure, so far as may be practicable, to persons who—

(a) were living or carrying on business or other activities on any such land,

(b) desire to obtain accommodation on such land, and

(c) are willing to comply with any requirements of the authority as to the development and use of such land,

an opportunity to obtain accommodation on it suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(8) In subsection (7), “development” includes redevelopment.

(9) Where land is disposed of under this section by a planning authority to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.

(10) In relation to any such land as is mentioned in subsection (1), this section shall have effect to the exclusion of the provisions of any enactment, other than this Act, by virtue of or under which the planning authority are or may be authorised to dispose of land held by them.

Annotations:

Modifications etc. (not altering text)

C35S. 191 modified (27.5.1997) by 1997 c. 9, ss. 59(2), 83(2) (with s. 45(4))

192. Disposal by Secretary of State of land acquired under section 190.

— (1) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under section 190 to such person, in such manner and subject to such conditions as appear to him expedient.

(2) In particular, the Secretary of State may under subsection (1) dispose of land held by him for any purpose in order to secure its use for that purpose.

193. Development of land held for planning purposes.

— (1) This section applies to any land acquired or appropriated by a planning authority for planning purposes and held by them for those purposes.

(2) Subject to subsection (3), the functions of a planning authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of the authority by virtue of its constitution, to erect, construct or carry out any building or work on any land to which this section applies.

(3) Subsection (2) confers such power only if such power is not and could not be conferred on the authority or any other person by or under any enactment, other than an enactment in this Part.

(4) The functions of a planning authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (2), to repair, maintain and insure any buildings or works on land to which this section applies, and generally to deal therewith in a proper course of management.

(5) Nothing in this section shall be construed as authorising any act or omission on the part of a planning authority which is actionable at the instance of any person on any ground other than such a limitation as is mentioned in subsection (2).

Annotations:

Modifications etc. (not altering text)

C36S. 193 modified (27.5.1997) by 1997 c. 9, ss. 59(2), 83(2) (with s. 45(4))

Extinguishment of certain rights affecting acquired or appropriated land

194. Extinguishment of rights over land compulsorily acquired.

— (1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Part—

(a) all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land and all other rights or servitudes in or relating to that land shall be extinguished, and

(b) any such apparatus shall vest in the acquiring authority.

(2) Subsection (1) shall not apply—

(a) to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking,

(b) to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system, or

(c) to any telecommunication apparatus kept installed for the purposes of any such system.

(3) In respect of any right or apparatus not falling within subsection (2), subsection (1) shall have effect subject—

(a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) shall not apply to any right or apparatus specified in the direction, and

(b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or servitude or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.

(5) Any compensation payable under this section shall be determined in accordance with the ^{M81}Land Compensation (Scotland) Act 1963.

Annotations:

Marginal Citations

M811963 c. 51.

195. General vesting declarations.

— (1) Schedule 15 shall have effect for the purpose of enabling any authority to whom this section applies to vest in themselves by a declaration land which they are authorised by a compulsory purchase order to acquire and with respect to the effect of such a declaration, the payment and recovery of sums in respect of compensation for the acquisition of land so vested and other matters connected with it.

(2) This section applies to any Minister or local or other public authority authorised to acquire land by means of a compulsory purchase order, and any such authority is in Schedule 15 referred to as an acquiring authority.

(3) This section shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before 8th December 1969.

Annotations:

Modifications etc. (not altering text)

C37S. 195 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

S. 195 applied (with modifications) (23.12.1999) by S.I. 1999/201 art. 26(1)(2)

S. 195 applied (with modifications) (23.12.1999) by S.I. 1999/203 art. 27(1)

196. Power to override servitudes and other rights.

— (1) The interests and rights to which this section applies are any servitude, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(2) Subject to subsection (3) the erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a planning authority for planning purposes, whether done by the planning authority or by a person deriving title from them, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves—

(a) interference with an interest or right to which this section applies, or

(b) a breach of a restriction as to the use of land arising by virtue of any deed or contract.

(3) Nothing in subsection (2) authorises interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land which is—

(a) a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or

(b) a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.

(4) In respect of any interference or breach in pursuance of subsection (2), compensation—

(a) shall be payable under section 61 of the ^{M82}Lands Clauses Consolidation (Scotland) Act 1845 or under section 6 of the ^{M83}Railways Clauses Consolidation (Scotland) Act 1845, and

(b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where—

(i) the compensation is to be estimated in connection with a purchase under those Acts, or

(ii) the injury arises from the execution of works on land acquired under those Acts.

(5) Where a person deriving title from the planning authority by whom the land in question was acquired or appropriated—

(a) is liable to pay compensation by virtue of subsection (4), and

(b) fails to discharge that liability,

the liability shall, subject to subsection (6), be enforceable against the planning authority.

(6) Nothing in subsection (5) affects any agreement between the planning authority and any other person for indemnifying the planning authority against any liability under that subsection.

(7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the instance of any person on any ground other than such an interference or breach as is mentioned in subsection (2).

Annotations:

Marginal Citations

M821845 c. 19.

M831845 c. 33.

197. Provisions as to churches and burial grounds.

— (1) Any land consisting of a church or other building used or formerly used for religious worship, or the site of such a building, or a burial ground, which has been acquired by a Minister, a planning authority or statutory undertakers under this Part or under Chapter V of Part I of the ^{M84}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 or compulsorily under any other enactment, or which has been appropriated by a planning authority for planning purposes, may, subject to the following provisions of this section—

(a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and

(b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding anything in any enactment relating to churches or such other buildings or to burial grounds or any obligation or restriction imposed under any deed or agreement or otherwise as respects that church or other building or burial ground.

(2) In the case of land which—

(a) has been acquired by the Secretary of State under section 79(1) of the ^{M85}National Health Service (Scotland) Act 1978, and

(b) is held, used or occupied by a health service body, as defined in section 60(7) of the ^{M86}National Health Service and Community Care Act 1990,

subsection (1) shall apply with the omission of paragraph (a) and, in paragraph (b), of the words “in any other case”.

(3) No authority shall be required for the removal and reinterment of any human remains, or for the removal or disposal of any monuments.

(4) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the instance of any person on any ground other than contravention of any such enactment, obligation or restriction as is mentioned in subsection (1).

(5) In this section—

“burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and includes part of a burial ground; and

“monument” includes a tombstone or other memorial and any fixtures or furnishings.

Annotations:

Marginal Citations

M841997 c. 9.

M851978 c. 29.

M861990 c. 19.

198. Use and development of land for open spaces.

— (1) Any land being, or forming part of, a common or open space, which has been acquired by a Minister, a local authority or statutory undertakers under this Part or under Chapter V of Part I of the ^{M87}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 or compulsorily under any other enactment, or which has been appropriated by a planning authority for planning purposes, may—

(a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and

(b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

(2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the instance of any person on any ground other than contravention of any such enactment as is mentioned in subsection (1).

Annotations:

Marginal Citations

M871997 c. 9.

199. Displacement of persons from land acquired or appropriated.

— (1) Where—

(a) any land has been acquired or appropriated for planning purposes,

(b) the land is for the time being held by a planning authority for the purposes for which it was acquired or appropriated, and

(c) the carrying out of redevelopment on the land will involve the displacement of persons residing in premises on it,

it shall be the duty of the authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

(2) If the Secretary of State certifies that possession of a house which—

(a) has been acquired or appropriated by a planning authority for planning purposes, and

(b) is for the time being held by the authority for the purposes for which it was acquired or appropriated,

is immediately required for those purposes, nothing in the ^{M88}Rent (Scotland) Act 1984 shall prevent the acquiring or appropriating authority from obtaining possession of the house.

(3) Where—

(a) any land has been acquired by a Minister or a planning authority under this Part or under Chapter V of Part I of the ^{M89}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, or has been appropriated by a planning authority for planning purposes, and
(b) possession of any building on the land is required by that Minister or the planning authority in question, as the case may be, for the purposes for which the land was acquired or appropriated,

then, at any time after the tenancy of the occupier has expired or has been determined, the Minister or planning authority in question may serve a notice on the occupier of the building requiring him to remove from it within a period of 21 days.

(4) On the expiry of that period a certified copy of the notice to remove shall be sufficient warrant for ejection against the occupier or any party in his right in the event of non-compliance with the notice.

Annotations:

Marginal Citations

M881984 c. 58.

M891997 c. 9.

200. Modification of incorporated enactments for purposes of this Part.

— (1) Where it is proposed that land should be acquired compulsorily under section 189 or 190 and a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of Schedule 1 to the ^{M90}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947 or, as the case may be, is made in draft by the Secretary of State for the Environment in accordance with Part II of that Schedule, the confirming authority or the Secretary of State, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Secretary of State, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) Where a compulsory purchase order authorising the acquisition of any land under section 189 is submitted to the Secretary of State in accordance with Part I of Schedule 1 to the said Act of 1947, then if the Secretary of State—

(a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but

(b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,

he may confirm the order so far as it relates to the land mentioned in paragraph (a), and give directions postponing consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.

(3) Where the Secretary of State gives directions under subsection (2), the notices required by paragraph 6 of Schedule 1 to the said Act of 1947 to be published and served shall include a statement of the effect of the directions.

(4) In construing the Lands Clauses Acts and section 6 of the ^{M91}Railways Clauses Consolidation (Scotland) Act 1845, as incorporated by virtue of paragraph 1 of Schedule 2 to the Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947, in relation to any of the provisions of this Part—

(a) references to the execution of the works or to the construction of the railway shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section 196,

(b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 6 of the said Act of 1845 to the company shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out, and

(c) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister or statutory undertakers on land acquired by that Minister or those undertakers, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

Annotations:

Marginal Citations

M901947 c. 42.

M911845 c. 33.

201. Interpretation of this Part.

— (1) In this Part—

(a) any reference to the acquisition of land for planning purposes is a reference to the acquisition thereof under section 188 or 189 of this Act or section 47 of the ^{M92}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (or, as the case may be, under section 102 or 109 of the 1972 Act), and

(b) any reference to the appropriation of land for planning purposes is a reference to the appropriation thereof for purposes for which land can be or could have been acquired under those sections.

(2) In relation to a planning authority or body corporate, nothing in sections 196 to 198 shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.

(3) Any power conferred by section 197 or 198 to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work or not.

Annotations:

Marginal Citations

M921997 c. 9.

PART IX

ROADS, FOOTPATHS AND RIGHTS OF WAY

Stopping up and diversion of roads by Secretary of State

202. Roads affected by development: orders by Secretary of State.

— (1) The Secretary of State may by order authorise the stopping up or diversion of any road if he is satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III, or

(b) by a government department.

- (2) Such an order may make such provision as appears to the Secretary of State to be necessary or expedient for the construction or improvement of any other road.
- (3) Such an order may direct that the other road so constructed or improved—
- (a) shall be entered by the local roads authority in the list of public roads kept by them under section 1 of the ^{M93}Roads (Scotland) Act 1984, or
- (b) shall be deemed for the purposes of that Act to have been constructed by the Secretary of State under section 19 of that Act and shall, on such date as may be specified in the order, become a trunk road within the meaning of that Act.
- (4) Any order made under this section may contain such incidental and consequential provisions as appear to the Secretary of State to be necessary or expedient, including in particular—
- (a) provision for authorising the Secretary of State, or requiring any other authority or person specified in the order to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work;
- (b) provision for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the road to which the order relates.
- (5) An order may be made under this section authorising the stopping up or diversion of any road which is temporarily stopped up or diverted under any other enactment.
- (6) This section is without prejudice to—
- (a) any power conferred on the Secretary of State by any other enactment to authorise the stopping up or diversion of a road,
- (b) section 3 of the ^{M94}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947, or
- (c) section 206(1)(a).

Annotations:

Marginal Citations

M931984 c. 54.

M941947 c. 42.

Powers of local authorities to extinguish certain rights

203. Order extinguishing right to use vehicles on road.

— (1) This section applies where—

(a) a competent authority by resolution adopt a proposal for improving the amenity of part of their area, and

(b) the proposal involves a road in that area (being a road over which the public have a right of way with vehicles, but not a trunk road or a road classified as a principal road for the purposes of advances under section 3 of the Roads (Scotland) Act 1984) being changed to a footpath or bridleway.

(2) Subject to paragraph 5 of Schedule 16 and to subsection (9), the competent authority may by order provide for the extinguishment of any right which persons may have to use vehicles on that road.

(3) An order made under subsection (2) may include such provision as the competent authority (after consultation with the planning authority and the roads authority, if different from the competent authority) think fit for permitting the use on the road of vehicles (whether mechanically propelled or not) in such cases as may be specified in the order, notwithstanding the extinguishment of any such right as is mentioned in that subsection.

- (4) Such provision as is mentioned in subsection (3) may be framed by reference to—
- (a) particular descriptions of vehicles,
 - (b) particular persons by whom, or on whose authority, vehicles may be used, or
 - (c) the circumstances in which, or the times at which, vehicles may be used for particular purposes.
- (5) No provision contained in, or having effect under, any enactment, being a provision prohibiting or restricting the use of footpaths or bridleways, shall affect any use of a vehicle on a road in relation to which an order made under subsection (2) has effect, where the use is permitted in accordance with provisions of the order included by virtue of subsections (3) and (4).
- (6) Without prejudice to section 275(7), the competent authority may, subject to paragraph 5 of Schedule 16 and to subsection (9), by order revoke an order made by them in relation to a road under subsection (2); and if they do so, any right to use vehicles on the road in relation to which the order was made which was extinguished by virtue of the order under subsection (2) shall be reinstated.
- (7) An order under this section—
- (a) may make such provision as appears to the competent authority to be necessary or expedient for the construction or improvement of any other road (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of section 207(1)) and may direct that the other road so constructed or improved shall be entered by the local roads authority in the list of public roads kept by the local roads authority under section 1 of the ^{M95}Roads (Scotland) Act 1984, and
 - (b) may contain such incidental and consequential provisions as appear to the competent authority to be necessary or expedient, including in particular—
 - (i) provision for authorising the competent authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in section 202(4)(a), and
 - (ii) such provision as is mentioned in section 202(4)(b).
- (8) This section is without prejudice to—
- (a) any power conferred on the competent authority by any other enactment to authorise the stopping up or diversion of a road, or
 - (b) section 206(1)(b).
- (9) The competent authorities for the purposes of this section and section 204 are local authorities, and a competent authority shall not make an order under subsection (2) or (6), if they are not the roads authority, without obtaining the consent of that authority.

Annotations:

Modifications etc. (not altering text)

C38 S. 203: power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 6 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

Marginal Citations

M951984 c. 54.

204. Compensation for orders under section 203.

— (1) Any person who, at the time of an order under section 203(2) coming into force, has an interest in land having lawful access to a road to which the order relates shall be entitled to be compensated by the competent authority in respect of—

- (a) any depreciation in the value of his interest which is directly attributable to the order, and
- (b) any other loss or damage which is so attributable.

- (2) A claim for compensation under subsection (1) shall be made to the competent authority within the prescribed time and in the prescribed manner.
- (3) For the purpose of assessing any such compensation the rules set out in section 12 of the ^{M96}Land Compensation (Scotland) Act 1963 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (4) Where an interest in land is subject to a heritable security—
- (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the security,
- (b) a claim for any such compensation may be made by any creditor in a heritable security over the interest, but without prejudice to the making of a claim by the person entitled to the interest,
- (c) no compensation to which this section applies shall be payable in respect of the interest of the creditor in the heritable security (as distinct from the interest which is subject to the security), and
- (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the heritable security shall be paid to the creditor in the security, or if there is more than one such creditor, to the creditor whose security ranks first, and shall in either case be applied by him as if it were proceeds of sale by him under the powers competent to creditors in heritable securities.
- (5) Except in so far as may be provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (6) In relation to the determination of any such question, the provisions of sections 9 and 11 of the Land Compensation (Scotland) Act 1963 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Annotations:

Marginal Citations

M961963 c. 51.

205. Provision of amenity for road reserved to pedestrians.

— (1) Where an order has been made under section 203(2) in relation to a road, a competent authority may carry out and maintain any such works on or in the road, or place on or in it any such objects or structures, as appear to them—

(a) to be expedient for the purposes of—

(i) giving effect to the order, or

(ii) enhancing the amenity of the road and its immediate surroundings, or

(b) to be otherwise desirable for a purpose beneficial to the public.

(2) The powers exercisable by a competent authority under this section include—

(a) laying out any part of the road with lawns, trees, shrubs and flowerbeds, and

(b) providing facilities for recreation or refreshment.

(3) A competent authority may so exercise their powers under this section as to restrict the access of the public to any part of the road, but shall not so exercise them as—

(a) to prevent persons from entering the road at any place where they could enter it before the order under section 203 was made,

(b) to prevent the passage of the public along the road,

(c) to prevent normal access by pedestrians to premises adjoining the road,

(d) to prevent any use of vehicles which is permitted by an order made under section 203 and applying to the road,

(e) to prevent statutory undertakers from having access to any works of theirs under, in, on, over, along or across the road, or

(f) to prevent the operator of any telecommunications code system from having access to any works of his under, in, on, over, along or across the road.

(4) An order under section 203(6) may make provision requiring the removal of any obstruction of the road resulting from the exercise by a competent authority of their powers under this section.

(5) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not exercise any powers conferred by this section, if they are not the roads authority, without obtaining the consent of that authority.

Annotations:

Modifications etc. (not altering text)

C39S. 205: power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 7 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

206. Extinguishment of public rights of way over land held for planning purposes.

— (1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated—

(a) the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required;

(b) subject to paragraph 5 of Schedule 16, the local authority may by order extinguish any such right over the land if they are so satisfied.

(2) In this section any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with section 201 as if this section were in Part VIII.

Annotations:

Modifications etc. (not altering text)

C40S. 206: power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 8 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

Powers of planning authorities to stop up roads, etc.

207. Roads affected by development: orders by planning authorities.

— (1) Subject to paragraph 5 of Schedule 16 and to subsection (5), a planning authority may by order authorise the stopping up or diversion of any road which is not—

(a) a trunk road within the meaning of the ^{M97}Roads (Scotland) Act 1984, or

(b) a special road provided by the Secretary of State in pursuance of a scheme under that Act, if they are satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with planning permission granted under Part III, or by a government department.

(2) An order under this section—

- (a) may make such provision as appears to the planning authority to be necessary or expedient for the construction or improvement of any other road (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1)) and may direct that the other road so constructed or improved shall be entered by the local roads authority in the list of public roads kept by the local roads authority under section 1 of the ^{M98}Roads (Scotland) Act 1984, and
- (b) may contain such incidental and consequential provisions as appear to the planning authority to be necessary or expedient, including in particular—
- (i) provision for authorising the planning authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in section 202(4)(a), and
- (ii) such provision as is mentioned in section 202(4)(b).
- (3) An order may be made under this section authorising the stopping up or diversion of any road (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1)) which is temporarily stopped up or diverted under any other enactment.
- (4) This section is without prejudice to any power conferred on the planning authority by any other enactment to authorise the stopping up or diversion of a road.
- (5) The planning authority shall not make an order under this section without consulting the roads authority (in a case where they are themselves not that authority).

Annotations:

Marginal Citations

M971984 c. 54.

M981984 c. 54.

208. Footpaths and bridleways affected by development: orders by planning authorities.

— (1) Subject to paragraph 5 of Schedule 16, a planning authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable the development to be carried out—

- (a) in accordance with planning permission granted under Part III, or
- (b) by a government department.

(2) An order under this section may, if the planning authority are satisfied that it should do so, provide—

- (a) for the creation of an alternative footpath or bridleway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing path or way for such use;
- (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement, provision is made by the order;
- (c) for the preservation of any rights of statutory undertakers in respect of apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
- (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

(3) An order may be made under this section authorising the stopping up or diversion of a footpath or bridleway which is temporarily stopped up or diverted under any other enactment.

Procedure

209. Procedure for making and confirming orders by Secretary of State and planning authorities.

Schedule 16 shall have effect in relation to the procedure for the making and confirming of orders under this Part by the Secretary of State and planning authorities.

210. Recovery of costs of making orders.

— (1) Where a person requests a local authority to make an order to which this subsection applies, the local authority may require him, as a condition of their compliance with the request, to make such provision as they consider reasonable as regards any costs to be incurred by them in so complying.

(2) The orders to which subsection (1) applies are orders under any of the following enactments—

- (a) section 203 (orders extinguishing the right to use vehicles on a road);
- (b) section 207 (orders authorising the stopping up or diversion of certain roads);
- (c) section 208 (orders authorising the stopping up or diversion of footpaths or bridleways);
- (d) section 34 of the ^{M99}Countryside (Scotland) Act 1967 (orders as regards the closure of public paths); and
- (e) section 35 of that Act (orders as regards the diversion of public paths).

Annotations:

Marginal Citations

M991967 c. 86.

Supplementary provisions

211. Concurrent proceedings in connection with roads.

— (1) In relation to orders under sections 202, 203 and 207, regulations made under this Act may make provision for securing that any proceedings required to be taken for the purposes of the acquisition of land under section 104(1)(b)(i) of the ^{M100}Roads (Scotland) Act 1984 may be taken concurrently with any proceedings required to be taken for the purposes of the order.

(2) In relation to orders under section 206(1)(a) or (b), regulations may make provision for securing—

- (a) that any proceedings required to be taken for the purposes of such an order may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or
- (b) that any proceedings required to be taken for the purposes of the acquisition of any other land under section 104(1)(b)(ii) of the Roads (Scotland) 1984 Act may be taken concurrently with either or both of the proceedings referred to in the preceding paragraph.

Annotations:

Marginal Citations

M1001984 c. 54.

212. Telecommunication apparatus.

— (1) Where in pursuance of an order under section 202, 203 or 207 a road is stopped up, diverted or changed and immediately before the date on which the order became operative there was under, in, on, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of the telecommunication apparatus as if the order had not come into force.

(2) Notwithstanding subsection (1), any person entitled to land over which the road subsisted shall be entitled to require the alteration of the apparatus.

(3) Where—

(a) any such order provides for the improvement of a road for which the Secretary of State is not the roads authority, and

(b) immediately before the date on which the order came into force, there was under, in, on, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunications code system,

the local roads authority shall be entitled to require the alteration of the apparatus.

(4) Subsection (3) does not have effect so far as it relates to the alteration of any telecommunication apparatus for the purpose of authority's works within the meaning of Part IV of the ^{M101}New Roads and Street Works Act 1991.

(5) Where an order under section 206(1)(b) extinguishing a public right of way or an order under section 208 authorising the stopping up or diversion of any footpath or bridleway is made by a planning authority and, at the time of the publication of the notice required by paragraph 6 of Schedule 16, any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the land over which the right of way subsisted—

(a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of 3 months from the date on which the right of way is extinguished or, as the case may be, the footpath or bridleway is stopped up or diverted and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the authority which made the order of his intention to remove the apparatus or that part of it, as the case may be;

(b) the operator of the system may by notice given to the authority which made the order not later than the end of the said period of 3 months abandon the telecommunication apparatus or any part of it;

(c) subject to paragraph (b), the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which the operator has then neither removed nor given notice of his intention to remove;

(d) the operator of the system shall be entitled to recover from the authority which made the order the expense of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require; and

(e) where under the preceding provisions of this subsection the operator of the system has abandoned the whole or any part of any telecommunication apparatus that apparatus or that part of it shall vest in the authority which made the order and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.

(6) As soon as reasonably practicable after the making of any such order as is mentioned in subsection (5) in circumstances in which that subsection applies in relation to the operator of

any telecommunications code system, the authority which made the order shall give notice to the operator of the making of the order.

(7) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.

(8) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

Annotations:

Marginal Citations

M1011991 c. 22.

Temporary road orders: mineral workings

213. Temporary stopping up of roads, footpaths and bridleways for mineral workings.

— (1) Where the Secretary of State is satisfied—

(a) that an order under section 202 for the stopping up or diversion of a public road is required for the purpose of enabling minerals to be worked by surface working, and

(b) that the road can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,

the order may provide for the stopping up or diversion of the road during such period as may be prescribed by or under the order and for its restoration at the expiration of that period.

(2) Where a planning authority are so satisfied in respect of an order under section 207, the order may so provide.

(3) Where a planning authority are satisfied—

(a) that an order under section 208 for the stopping up or diversion of a footpath or bridleway is required for the purpose of enabling minerals to be worked by surface working, and

(b) that the footpath or bridleway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,

the order may provide for the stopping up or diversion of the footpath or bridleway during such period as may be prescribed by or under the order and for its restoration at the expiration of that period.

(4) Without prejudice to the provisions of section 202, 207 or 208, where provision is made in any order by virtue of subsection (1), (2) or (3) that order may also contain such provisions as appear to the Secretary of State or, as the case may be, the planning authority to be expedient—

(a) for imposing upon persons who, apart from the order, would be subject to any liability with respect to the repair of the original road, footpath or bridleway during the period prescribed by or under the order a corresponding liability in respect of any road, footpath or bridleway provided in pursuance of the order;

(b) for the stopping up at the expiry of that period of any road, footpath or bridleway so provided and for the reconstruction and maintenance of the original road, footpath or bridleway;

and any provision included in the order in accordance with section 202(4), section 207(2) or section 208(2) requiring payment to be made in respect of any cost or expenditure under the order may provide for the payment of a capital sum in respect of the estimated amount of that cost or expenditure.

(5) In relation to any road which is stopped up or diverted by virtue of an order under section 202 or 207, sections 224 and 225 shall have effect as if—

(a) for references to land which has been acquired as there mentioned and to the purchasing authority there were substituted respectively references to land over which the road subsisted and to the person entitled to possession of that land, and

(b) references in subsection (6) of each of those sections to a planning authority or statutory undertaker included references to any person (other than the Secretary of State) who is entitled to possession of that land, and sections 228 to 231 shall have effect accordingly.

PART X

STATUTORY UNDERTAKERS

Preliminary

214. Meaning of “statutory undertakers”.

— (1) Subject to the following provisions of this section, in this Act “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power or water and a relevant airport operator (within the meaning of Part V of the ^{M102}Airports Act 1986).

(2) Subject to the following provisions of this section, in this Act “statutory undertaking” shall be construed in accordance with subsection (1) and, in relation to a relevant airport operator (within the meaning of Part V of the Airports Act 1986), means an airport to which that Part of that Act applies.

(3) Subject to [^{F3}subsections (5) to (5B)], for the purposes of the provisions mentioned in subsection (4) any public gas transporter, [^{F4}any universal postal service provider in connection with the provision of a universal postal service] [^{F5}, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)] shall be deemed to be statutory undertakers and their undertakings statutory undertakings.

(4) The provisions referred to in subsection (3) are sections 26, 57, 69, 70, 77(3), 90 to 92, 94, 99, 121(11)(b), 194(2)(a), 196 to 198, 200, 202(4)(b), 205(3)(e), 208(2), 215(1) and (2), 216, 218, 219, 221 to 236, 239(10)(a), 255, 270(9), 277(2) and (3), and Schedules 6, 7, 14 and 16.

(5) Subsection (4) shall apply—

(a) as respects [^{F6}a universal postal service provider in connection with the provision of a universal postal service], as if the reference to sections 26, 194(2)(a), 196, 200, 202(4)(b), 205(3)(e), 208(2), 215(1) and (2) and 277(2) and (3) were omitted;

[^{F7}(b) as respects the Civil Aviation Authority, as if the references to sections 200, 215(1) and (2) and 277(2) and (3) were omitted and the reference to Schedule 16 included the words “except paragraph 3”]; and

(c) as respects any public gas transporter, as if the reference to Schedule 7 were omitted and the reference to Schedule 16 included the words “except paragraphs 1 and 3”.

[^{F8}(5A) For the purposes of this Act—

(a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;

(b) the person’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person’s undertaking as licence holder.]

[^{F9}(5B) The undertaking of a universal postal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]

(6) Any holder of a licence under section 6 of the ^{M103}Electricity Act 1989 shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking—

(a) for the purposes of the provisions mentioned in subsection (7)(a), if he holds a licence under subsection (1) of that section;

(b) for the purposes of the provisions mentioned in subsection (7)(b), if he is entitled to exercise any power conferred by Schedule 3 to that Act; and

(c) for the purposes of the provisions mentioned in subsection (7)(c), if he is entitled to exercise any power conferred by paragraph 2 of Schedule 4 to that Act.

(7) The provisions referred to in subsection (6) are—

(a) sections 26, 77(3), 90 to 92, 94, 99, 194(2)(a), 196, 200, 205(3)(e), 215(1) and (2), 216, 218, 219, 221 to 236, 239(10)(a), 255, 270(9), 277(2) and (3), Schedule 14 and paragraphs 2(2)(a) and (3)(a) of Schedule 16;

(b) sections 121(11)(b), 197 and 198; and

(c) sections 202(4)(b) and 208(2) and paragraphs 1, 6(2)(b)(iii) and (3), 8(5) and (7) and 9(1), (3) and (4) of Schedule 16.

Annotations:

Amendments (Textual)

F3 Words in s. 214(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 112(2)(a) (subject to art. 1(3))

F4 Words in s. 214(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 112(2)(b) (subject to art. 1(3))

F5 Words in s. 214(3) substituted (1.4.2001) by 2000 c. 38, s. 37, Sch. 5 para. 10(2) (with s. 106); S.I. 2001/869, art. 2

F6 Words in s. 214(5) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 112(3) (subject to art. 1(3))

F7 S. 214(5)(b): by 2000 c. 38, s. 37, Sch. 5 para. 10(3) (with s. 106); S.I. 2001/869, art. 2, it is provided (1.4.2001) that for the words “and the Civil Aviation Authority” there shall be substituted the words “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)”

F8 S. 214(5A) inserted (1.4.2001) by 2000 c. 38, s. 37, Sch. 5 para. 10(4) (with s. 106); S.I. 2001/869, art. 2

F9 S. 214(5B) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 112(4) (subject to art. 1(3))

Marginal Citations

M1021986 c. 31.

M1031989 c. 29.

215. Meaning of “operational land”.

— (1) Subject to the following provisions of this section and to section 216, in this Act “operational land” means, in relation to statutory undertakers—

(a) land which is used for the purpose of carrying on their undertaking, and

(b) land in which an interest is held for that purpose.

(2) Paragraphs (a) and (b) of subsection (1) do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

[^{F10}(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.

^{F10}(2B) Subject to section 216, in this Act “operational land” means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—

(a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or

(b) in which the licence holder, or a company associated with it, holds an interest for that purpose.

^{F10}(2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.]

[^{F11}(2D) Subsection (1) does not apply in relation to a universal postal service provider.

(2E) Subject to subsections (3) and (4) and section 216, in this Act “operational land” means, in relation to a universal postal service provider, land—

(a) which is used by the provider, or by a company associated with him, for any purpose in connection with the provision of a universal postal service, or

(b) in which the provider, or a company associated with him, holds an interest for any such purpose]

(3) In sections 77(3), 218 to 236 and paragraph 6 of Schedule 6 “operational land”, in relation to [^{F12}a universal postal service provider.] and the Civil Aviation Authority, means land of the Post Office’s or, as the case may be, of the Authority’s of any such class as may be prescribed by regulations.

(4) Such regulations—

(a) may define a class of land by reference to any circumstances whatsoever, and

(b) in the case of the Civil Aviation Authority, may make provision for different circumstances, including prescribing different classes of land for the purposes of different provisions.

(5) In the case of [^{F13}a universal postal service provider] or the Civil Aviation Authority, if any question arises as to whether land belonging to either of them falls within a class defined by such regulations, it shall be determined by the Secretary of State.

Annotations:

Amendments (Textual)

F10S. 215(2A)(2B)(2C) inserted (1.4.2001) by 2000 c. 38, s. 37, Sch. 5 para. 11 (with s. 105); S.I. 2001/869, art. 2

F11S. 215(2D)(2E) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 113(2)

F12Words in s. 215(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 113(3)

F13Words in s. 215(5) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 113(4)

216. Cases in which land is to be treated as not being operational land.

— (1) This section applies where an interest in land is held by statutory undertakers for the purpose of carrying on their undertaking and—

(a) the interest was acquired by them on or after 8th December 1969, or

(b) it was held by them immediately before that date but the circumstances were then such that the land did not fall to be treated as operational land for the purposes of the 1947 Act.

(2) Where this section applies in respect of any land then, notwithstanding the provisions of section 215, the land shall not be treated as operational land for the purposes of this Act unless it falls within subsection (3) or (4).

(3) Land falls within this subsection if—

(a) there is, or at some time has been, in force with respect to it a specific planning permission for its development, and

(b) that development, if carried out, would involve or have involved its use for the purpose of the carrying on of the statutory undertakers' undertaking.

(4) Land falls within this subsection if—

(a) the statutory undertakers' interest in the land was acquired by them as the result of a transfer under the provisions of the ^{M104}Transport Act 1968, the ^{M105}Gas Act 1986 or the ^{M106}Airports Act 1986 from other statutory undertakers, and

(b) immediately before transfer the land was operational land of those other undertakers.

(5) A specific planning permission for the purpose of subsection (3)(a) is a planning permission—

(a) granted on an application in that behalf made under Part III,

(b) granted by provisions of a development order granting planning permission generally for development which has received specific parliamentary approval,

(c) granted by a special development order in respect of development specifically described in the order,

(d) deemed to be granted by virtue of a direction of a government department under section 57(1), or

(e) deemed to be granted by virtue of paragraph 27 of Schedule 9 to the ^{M107}Post Office Act 1969.

(6) In subsection (5)—

(a) the reference in paragraph (a) to Part III includes a reference to Part III of the 1972 Act and the enactments in force before the commencement of that Act and replaced by Part III of it,

(b) the reference in paragraph (b) to development which has received specific parliamentary approval is a reference to development authorised—

(i) by a local or private Act of Parliament,

(ii) by an order approved by both Houses of Parliament, ^{F14} . . .

(iii) by an order which has been brought into operation in accordance with the provisions of the ^{M108}Statutory Orders (Special Procedure) Act 1945,

[^{F15};or

(iv) by an order which has been brought into operation in accordance with the provisions of the Scotland Act 1998 (Transitory and Transitional Provisions)(Orders subject to Special Parliamentary Procedure) Order 1999 ^{F16} or of an enactment comprised in, or contained in an instrument made under, an Act of the Scottish Parliament providing, or making provision for, the special procedure referred to in section 94(2) of the Scotland Act 1998]

being an Act or order which designates specifically both the nature of the development authorised by it and the land upon which it may be carried out, and

(c) the reference in paragraph (d) to section 57(1) includes a reference to section 37 of the 1972 Act and section 32 of the 1947 Act.

(7) This section shall not apply to land in the case of which an interest of the Postmaster General's vested in the Post Office by virtue of section 16 of the ^{M109}Post Office Act 1969.

(8) Where an interest in land is held by the Civil Aviation Authority this section shall not apply for the purpose of determining whether the land is operational land in relation to the Authority for the purposes of this Act.

Annotations:

Amendments (Textual)

F14 Word “or” in s. 216(6)(b)(ii) repealed (27.7.2000) by S.I. 2000/2040, art. 2, Sch. Pt. I para. 20(a), Pt. III

F15 Word “;or” and s. 216(6)(b)(iv) inserted (27.7.2000) by S.I. 2000/2040, art. 2, Sch. Pt. I para. 20(b)

F16 S.I. 1999/1593.

Marginal Citations

M1041968 c. 73.

M1051986 c. 44.

M1061986 c. 31.

M1071969 c. 48.

M1081945 c. 18.

M1091969 c. 49.

^{F17}217.....

Annotations:

Amendments (Textual)

F17S. 217 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(3) Pt IV; S.I. 1998/3178, art. 3

Application of Part III to statutory undertakers

218. Applications for planning permission by statutory undertakers.

— (1) Where—

(a) an application for planning permission to develop land to which this subsection applies is made by statutory undertakers and is referred to the [^{F18}Scottish Ministers] under Part III,

(b) an appeal is made to the [^{F18}Scottish Ministers] under that Part from the decision on such an application, or

(c) such an application is deemed to be made under subsection (7) of section 133 on an appeal under section 130 by statutory undertakers, the application or appeal shall be dealt with by the [^{F19}Scottish Ministers].

(2) Subsection (1) applies to—

(a) operational land, and

(b) land in which the statutory undertakers hold or propose to acquire an interest with a view to its being used for the purpose of carrying on their undertaking, where the planning permission, if granted on the application or appeal, would be for development involving the use of the land for that purpose.

^{F20}(3).....

(4) Subsection (2)(b) shall have effect in relation to the Civil Aviation Authority as if for the reference to development involving the use of land for the purpose of carrying on the Civil Aviation Authority’s undertaking there were substituted a reference to development involving the use of land for such of the purposes of carrying on that undertaking as may be prescribed.

Annotations:

Amendments (Textual)

F18 Words in s. 218(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(4)(a); S.I. 1998/3178, art. 3

F19 Words in s. 218(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 127(4)(a); S.I. 1998/3178

F20 S. 218(3) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(4)(b) Pt. IV; S.I. 1998/3178, art. 3

219. Conditional grants of planning permission.

Notwithstanding anything in Part III, planning permission to develop operational land of statutory undertakers shall not, except with their consent, be granted subject to conditions requiring—

- (a) that any buildings or works authorised by the permission shall be removed, or
- (b) that any use of the land so authorised shall be discontinued, at the end of a specified period.

220. Development requiring authorisation of government department.

— (1) [^{F21}Scottish Ministers] shall not be required under section 218(1) to deal with an application for planning permission for the development of operational land if the authorisation of a government department is required in respect of that development.

(2) Subsection (1) does not apply where the relevant authorisation has been granted without any direction as to the grant of planning permission.

(3) For the purposes of this section development shall be taken to be authorised by a government department if—

- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment,
 - (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development,
 - (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose,
 - (d) authority is given by the department—
 - (i) for the borrowing of money for the purpose of the development, or
 - (ii) for the application for that purpose of any money not otherwise so applicable, or
 - (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,
- and references in this section to the authorisation of a government department shall be construed accordingly.

Annotations:

Amendments (Textual)

F21 Words in s. 220(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(5); S.I. 1998/3178, art. 3

^{F22}**221.**

Annotations:

Amendments (Textual)

F22S. 221 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(6), Pt. IV; S.I. 1998/3178, art. 3

^{F23}**222.**

Annotations:

Amendments (Textual)

F23S. 222 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(6), Pt. IV; S.I. 1998/3178, art. 3

^{F24}**223.**

Annotations:

Amendments (Textual)

F24S. 223 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2. Pt. I para. 127(6), Pt. IV; S.I. 1998/3178, art. 3

Extinguishment of rights of statutory undertakers, etc.

224. Extinguishment of rights of statutory undertakers: preliminary notices.

— (1) This section applies where any land has been acquired by a Minister, a planning authority or statutory undertakers under Part VIII of this Act or Chapter V of Part I of the ^{M110}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 or compulsorily under any other enactment or has been appropriated by a planning authority for planning purposes, and—

- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, or
- (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

(2) For the purposes of this section the relevant period, in relation to a notice served in respect of any right or apparatus, is the period of 28 days from the date of service of the notice or such longer period as may be specified in it in relation to that right or apparatus.

(3) If the acquiring or appropriating authority is satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus is necessary for the purpose of carrying out any development with a view to which the land was acquired or appropriated, they may serve on the statutory undertakers a notice—

- (a) stating that at the end of the relevant period the right will be extinguished, or
- (b) requiring that before the end of that period the apparatus shall be removed.

(4) The statutory undertakers on whom a notice is served under subsection (3) may, before the end of the period of 28 days from the date of service of the notice, serve a counter-notice on the acquiring or appropriating authority—

- (a) stating that they object to all or any of the provisions of the notice, and
- (b) specifying the grounds of their objection.

- (5) If no counter-notice is served under subsection (4)—
- (a) any right to which the notice relates shall be extinguished at the end of the relevant period, and
 - (b) if at the end of that period any requirement of the notice as to the removal of any apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (6) If a counter-notice is served under subsection (4) on a planning authority or on statutory undertakers, the authority or undertakers may either—
- (a) withdraw the notice (without prejudice to the service of a further notice), or
 - (b) apply to the [^{F25}Scottish Ministers] for an order under this section embodying the provisions of the notice, with or without modification.
- (7) If a counter-notice is served under subsection (4) on [^{F26}the Scottish Ministers]—
- (a) [^{F26}the Scottish Ministers] may withdraw the notice (without prejudice to the service of a further notice), or
 - (b) [^{F26}the Scottish Ministers] may make an order under this section embodying the provisions of the notice, with or without modification.
- (8) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with section 201(1) as if this section were in Part VIII.

Annotations:

Amendments (Textual)

F25 Words in s. 224(6) substituted by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(7)(a); S.I. 1998/3178, art. 3

F26 Words in s. 224(7) substituted by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(7)(b); S.I. 1998/3178, art. 3

Marginal Citations

M1101997 c. 9.

225. Extinguishment of rights of telecommunications code system operators: preliminary notices.

— (1) This section applies where any land has been acquired by a Minister, a planning authority or statutory undertakers under Part VIII or under Chapter V of Part I of the ^{M111}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 or compulsorily under any other enactment or has been appropriated by a planning authority for planning purposes, and—

- (a) there subsists over that land a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, or

- (b) there is on, under or over the land telecommunication apparatus kept installed for the purposes of any such system.

(2) For the purposes of this section the relevant period, in relation to a notice served in respect of any right or apparatus, is the period of 28 days from the date of service of the notice or such longer period as may be specified in it in relation to that right or apparatus.

(3) If the acquiring or appropriating authority is satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus is necessary for the purpose of carrying out any development with a view to which the land was acquired or appropriated, they may serve on the operator of the telecommunications code system a notice—

- (a) stating that at the end of the relevant period the right will be extinguished, or

- (b) requiring that before the end of that period the apparatus shall be removed.
- (4) The operator of the telecommunications code system on whom a notice is served under subsection (2) may, before the end of the period of 28 days from the date of service of the notice, serve a counter-notice on the acquiring or appropriating authority—
- (a) stating that he objects to all or any of the provisions of the notice, and
- (b) specifying the grounds of his objection.
- (5) If no counter-notice is served under subsection (4)—
- (a) any right to which the notice relates shall be extinguished at the end of the relevant period, and
- (b) if at the end of that period any requirement of the notice as to the removal of any apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (6) If a counter-notice is served under subsection (4) on a planning authority or on statutory undertakers, the authority or undertakers may either—
- (a) withdraw the notice (without prejudice to the service of a further notice), or
- (b) apply to the [^{F27}Scottish Ministers] for an order under this section embodying the provisions of the notice, with or without modification.
- (7) If a counter-notice is served under subsection (4) on [^{F28}the Scottish Ministers]—
- (a) [^{F29}they] may withdraw the notice (without prejudice to the service of a further notice), or
- (b) [^{F29}they] may make an order under this section embodying the provisions of the notice, with or without modification.
- (8) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with section 201(1) as if this section were in Part VIII.

Annotations:

Amendments (Textual)

F27 Words in s. 225(6)(b) substituted (1.7.1999) by 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(8)(a); S.I. 1998/3178, art. 3

F28 Words in s. 225(7) substituted (1.7.1999) by 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(8)(b)(i); S.I. 1998/3178, art. 3

F29 Words in s. 225(7) substituted (1.7.1999) by 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(8)(b)(ii); S.I. 1998/3178, art. 3

Marginal Citations

M1111997 c. 9.

226. Notice for same purposes as sections 224 and 225 but given by undertakers to developing authority.

— (1) Subject to the provisions of this section, where land has been acquired or appropriated as mentioned in section 224(1) or 225(1) and—

- (a) there is on, under or over the land any apparatus vested in or belonging to statutory undertakers, and
- (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,
- the undertakers may serve on the acquiring or appropriating authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

- (2) No notice under this section shall be served later than 21 days after the beginning of the development of land which has been acquired or appropriated as mentioned in section 224(1) or, as the case may be, 225(1).
- (3) Where a notice is served under this section, the authority on whom it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice—
- (a) stating that they object to all or any of the provisions of the notice, and
 - (b) specifying the grounds of their objection.
- (4) If no counter-notice is served under subsection (3), the statutory undertakers shall, after the end of that period, have the rights claimed in their notice.
- (5) If a counter-notice is served under subsection (3), the statutory undertakers who served the notice under this section may either withdraw it or may apply to the [^{F30}Scottish Ministers] for an order under this section conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
- (6) Where, by virtue of this section or of an order of [^{F31}the Scottish Ministers] under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the acquiring or appropriating authority for the works to be carried out by that authority, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (7) In subsection (1)(a), the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system.
- (8) For the purposes of subsection (7), in this section—
- (a) references (except in subsection (1)(a)) to statutory undertakers shall have effect as references to the operator of any such system, and
 - ^{F32}(b)

Annotations:

Amendments (Textual)

- F30** Words in s. 226(5) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(9)(a); S.I. 1998/3178, art. 3
- F31** Words in s. 226(6) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(9)(b); S.I. 1998/3178, art. 3
- F32S.** 226(8)(b) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(9)(c), Pt. IV; S.I. 1998/3178, art. 3

227. Orders under sections 224 and 225.

- (1) Where [^{F33}the Scottish Ministers] propose to make an order under section 224(7) or 225(7), they shall prepare a draft of the order.
- (2) Before making an order under subsection (6) or (7) of section 224, or under subsection (6) or (7) of section 225, the [^{F34}Scottish Ministers] shall give the statutory undertakers or, as the case may be, the operator of the telecommunications code system on whom notice was served under subsection (3) of section 224 or, as the case may be, under subsection (3) of section 225 an opportunity of objecting to the application for, or proposal to make, the order.
- (3) If any such objection is made, before making the order the Ministers shall cause an inquiry to be held and shall give those statutory undertakers or, as the case may be, that operator (and, in a case falling within subsection (6) of either of those sections, the planning authority or statutory undertakers on whom the counter-notice was served) an opportunity of

appearing before, and being heard by, a person appointed for the purpose by the [^{F35}Scottish Ministers] .

(4) After complying with subsections (2) and (3) the Ministers may, if they think fit, make the order in accordance with the application or, as the case may be, in accordance with the draft order, either with or without modification.

(5) Where an order is made under section 224 or 225—

(a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order, and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

^{F36}(6)

Annotations:

Amendments (Textual)

F33 Words in s. 227(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(10)(a); S.I. 1998/3178, art. 3

F34 Words in s. 227(2) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(10)(b); S.I. 1998/3178, art. 3

F35 Words in s. 227(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(10)(c); S.I. 1998/3178, art. 3

F36 S. 227(6) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(10)(d), Pt. IV; S.I. 1998/3178, art. 3

Extension or modification of statutory undertakers' functions

228. Extension or modification of functions of statutory undertakers.

— (1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the [^{F37}Scottish Ministers] to be expedient that the powers and duties of those undertakers should be extended or modified, in order—

(a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for any purpose in connection with which a planning authority or [^{F38}the Scottish Ministers] may be authorised under Part VIII or under Chapter V of Part I of the ^{M112}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 to acquire land or in connection with which any such person may compulsorily acquire land under any other enactment, or

(b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in subsection (2).

(2) Those acts and events are—

(a) the acquisition under Part VIII or that Chapter or compulsorily under any other enactment of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question;

(b) the extinguishment of a right or the imposition of any requirement by virtue of section 224 or 225;

(c) a decision on an application made by the statutory undertakers for planning permission to develop any such land as is mentioned in paragraph (a);

(d) the revocation or modification of planning permission granted on any such application;

(e) the making of an order under section 71 or paragraph 1 of Schedule 8 in relation to any such land.

(3) The powers conferred by this section shall also be exercisable where, on a representation made by a planning authority [^{F39}, it appears to the Scottish Ministers] to be expedient that the powers and duties of statutory undertakers should be extended or modified in order to secure the provision of new services, or the extension of existing services, for any purpose in connection with which the planning authority ^{F40} . . . making the representation may be authorised under Part VIII or under Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 to acquire land or in connection with which the local authority ^{F40} . . . may compulsorily acquire land under any other enactment.

(4) Where the powers conferred by this section are exercisable, the [^{F41}Scottish Ministers] may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order—

(a) to secure the services in question, as mentioned in subsection (1)(a) or (3), or

(b) to secure the adjustment in question, as mentioned in subsection (1)(b),

as the case may be.

(5) Without prejudice to the generality of subsection (4), an order under this section may make provision—

(a) for empowering the statutory undertakers—

(i) to acquire (whether compulsorily or by agreement) any land specified in the order, and

(ii) to erect or construct any buildings or works so specified;

(b) for applying in relation to the acquisition of any such land or the construction of any such works enactments relating to the acquisition of land and the construction of works;

(c) where it has been represented that the making of the order is expedient for the purposes mentioned in subsection (1)(a) or (3), for giving effect to such financial arrangements between the planning authority ^{F42} . . . and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order;

(d) for such incidental and supplemental matters as appear to the [^{F43}Scottish Ministers] to be expedient for the purposes of the order.

(6) Orders under this section shall be subject to special parliamentary procedure.

Annotations:

Amendments (Textual)

F37 Words in s. 228(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(a); S.I. 1998/3178, art. 3

F38 Words in s. 228(1)(a) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(b); S.I. 1998/3178, art. 3

F39 Words in s. 228(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(c)(i); S.I. 1998/3178, art. 3

F40 Words in s. 228(3) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(c)(ii), Pt. IV; S.I. 1998/3178, art. 3

F41 Words in s. 228(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(d); S.I. 1998/3178, art. 3

F42 Words in s. 228(5)(c) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(e); S.I. 1998/3178, art. 3

F43 Words in s. 228(5)(d) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(11)(f); S.I. 1998/3178, art. 3

Marginal Citations

M1121997 c. 9.

229. Procedure in relation to orders under section 228.

— (1) As soon as possible after making such a representation as is mentioned in section 228(1) or (3) the statutory undertakers, the planning authority^{F44} . . . making the representation shall publish notice of the representation.

(2) A notice under subsection (1)—

(a) shall be published in such form and manner as the [^{F45}Scottish Ministers] may direct,

(b) shall give such particulars as they may direct of the matters to which the representation relates, and

(c) shall specify the time within which (being not less than 28 days), and the manner in which, objections to the making of an order on the representation may be made.

(3) A similar notice shall be served—

(a) on any persons appearing from the valuation roll to have an interest in any land to which the representation relates, and

(b) if directed by the [^{F45}Scottish Ministers], on such persons, or persons of such classes, as may be so directed.

Annotations:

Amendments (Textual)

F44Words in s. 229(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4 Sch. 2 Pt. I para. 127(12)(a), Pt. IV; S.I. 1998/3178, art. 3

F45Words in s. 229(2)(3)(b) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2)(b), 4, Sch. 2 Pt. I para. 127(12)(b); S.I. 1998/3178, art. 3

230. Relief of statutory undertakers from obligations rendered impracticable.

— (1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this subsection applies, [^{F46}Scottish Ministers], [^{F46}if they think fit], by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order.

(2) Subsection (1) applies to the following acts and events—

(a) the compulsory acquisition under Part VIII or under Chapter V of Part I of the ^{M113}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 or under any other enactment of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers, and

(b) the acts and events specified in section 228(2)(b) to (e).

(3) The [^{F47}Scottish Ministers] may direct statutory undertakers who have made a representation to [^{F47}them] under subsection (1) to publicise it in either or both of the following ways—

(a) by publishing in such form and manner as [^{F47}they] may direct a notice, giving such particulars as he may direct of the matters to which the representation relates and specifying the time within which (being not less than 28 days), and the manner in which, objections to the making of an order on the representation may be made;

(b) by serving such a notice on such persons, or persons of such classes, as [^{F47}they] may direct.

(4) The statutory undertakers shall comply with any direction given to them under subsection (3) as soon as practicable after the making of the representation under subsection (1).

- (5) If any objection to the making of an order under this section is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.
- (6) Immediately after an order is made under this section by the [^{F48}Scottish Ministers], [^{F48}they] shall—
- (a) publish a notice stating that the order has been made and naming a place where a copy of it may be seen at all reasonable hours, and
- (b) serve a similar notice—
- (i) on any person who duly made an objection to the order and has sent to the [^{F48}Scottish Ministers] a request in writing to serve [^{F48}them] with the notice required by this subsection, specifying an address for service, and
- (ii) on such other persons (if any) as the [^{F48}Scottish Ministers] [^{F48}think] fit.
- (7) Subject to subsection (8), and to the provisions of Part XI, an order under this section shall become operative on the date on which the notice required by subsection (6) is first published.
- (8) Where in accordance with subsection (5) the order is subject to special parliamentary procedure, subsection (7) shall not apply.

Annotations:

Amendments (Textual)

F46 Words in s. 230(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(13)(a); S.I. 1998/3178, art. 3

F47 Words in s.230(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(13)(b); S.I. 1998/3178, art. 3

F48 Word in s. 230(6) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(13)(c); S.I.1998/3178, art. 3

Marginal Citations

M1131997 c. 9.

231. Objections to orders under sections 228 and 230.

- (1) For the purposes of sections 228 and 230, an objection to the making of an order shall not be treated as duly made unless—
- (a) the objection is made within the time and in the manner specified in the notice required by section 229 or, as the case may be, section 230, and
- (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (2) Where an objection to the making of such an order is duly made in accordance with subsection (1) and is not withdrawn, the following provisions of this section shall have effect in relation to it.
- (3) Unless the [^{F49}Scottish Ministers] decides without regard to the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, before [^{F49}they] makes a final decision [^{F49}they]—
- (a) shall consider the grounds of the objection as set out in the statement, and
- (b) may, if [^{F49}they] [^{F49}think] fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (4) In so far as the [^{F50}Scottish Ministers], after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the

[^{F50}Scottish Ministers] may treat the objection as irrelevant for the purpose of making a final decision.

(5) If—

(a) after considering the grounds of the objection as so set out, the [^{F51}Scottish Ministers] is satisfied that, for the purpose of making a final decision, [^{F51}they] is sufficiently informed as to the matters to which the objection relates, or

(b) in a case where a further statement has been required, it is not submitted within the specified period,

the [^{F51}Scottish Ministers] may make a final decision without further investigation as to those matters.

(6) Subject to subsections (4) and (5), before making a final decision the [^{F52}Scottish Ministers] shall give the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the [^{F52}Scottish Ministers]

(7) If the objector takes that opportunity, the [^{F53}Scottish Ministers] shall give an opportunity of appearing and being heard on the same occasion to the statutory undertakers, planning authority ^{F54} . . . on whose representation the order is proposed to be made, and to any other persons to whom it appears to [^{F53}them] to be expedient to give such an opportunity.

(8) Notwithstanding anything in the previous provisions of this section, if it appears to the [^{F55}Scottish Ministers] that the matters to which the objection relates are such as to require investigation by public local inquiry before [^{F55}they] makes a final decision, he shall cause such an inquiry to be held.

(9) Where the [^{F56}Scottish Ministers] determines to cause such an inquiry to be held, any of the requirements of subsections (3) to (7) to which effect has not been given at the time of that determination shall be dispensed with.

(10) In this section any reference to making a final decision in relation to an order is a reference to deciding whether to make the order or what modification (if any) ought to be made.

^{F57}(11)

Annotations:

Amendments (Textual)

F49 Words in s. 231(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(a); S.I. 1998/3178, art. 3

F50 Words in s. 231(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(b); S.I. 1998/3178, art. 3

F51 Words in s. 231(5) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(c); S.I. 1998/3178, art. 3

F52 Words in s. 231(6) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(d); S.I. 1998/3178, art. 3

F53 Words in s. 231(7) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(e)

F54 Words in s. 231(7) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(e); S.I. 1998/3178, art. 3

F55 Words in s. 231(8) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(f); S.I. 1998/3178, art. 3

F56 Words in s. 231(9) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(g); S.I. 1998/3178, art. 3

F57 S. 231(11) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(14)(h); S.I. 1998/3178, art. 3

Compensation

232. Right to compensation in respect of certain decisions and orders.

— (1) Statutory undertakers shall, subject to the following provisions of this Part, be entitled to compensation from the planning authority—

(a) in respect of any decision made in accordance with section 218 by which planning permission to develop operational land of those undertakers is refused or is granted subject to conditions where—

(i) planning permission for that development would have been granted by a development order but for a direction given under such an order that planning permission so granted should not apply to the development, and

(ii) it is not development which has received specific parliamentary approval (within the meaning of section 216(6)(b));

(b) in respect of any order under section 65, as modified by section 221, by which planning permission which was granted on the application of those undertakers for the development of any such land is revoked or modified.

(2) Where by virtue of section 224—

(a) any right vested in or belonging to statutory undertakers is extinguished, or

(b) any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.

(3) Where by virtue of section 225—

(a) any right vested in or belonging to an operator of a telecommunications code system is extinguished, or

(b) any requirement is imposed on such an operator, the operator shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.

(4) Where—

(a) works are carried out for the removal or resiting of statutory undertakers' apparatus, and

(b) the undertakers have the right to carry out those works by virtue of section 226 or an order of ^{F58}the Scottish Ministers under that section,

the undertakers shall be entitled to compensation from the acquiring or appropriating authority.

(5) Subsection (1) shall not apply in respect of a decision or order if—

(a) it relates to land acquired by the statutory undertakers after 7th January 1947, and

(b) the [Scottish Ministers] include in the decision or order a direction that subsection (1) shall not apply to it.

(6) The ^{F58}[Scottish Ministers] may give a direction under subsection (5) only if they are satisfied, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that it is unreasonable that compensation should be recovered in respect of the decision or order in question.

(7) For the purposes of this section the conditions referred to in sections 58 and 59 shall be disregarded.

Annotations:

Amendments (Textual)

F58 Words in s. 232(4)(5)(6) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(15); S.I. 1998/3178, art. 3

233. Measure of compensation to statutory undertakers etc.

— (1) Where—

(a) statutory undertakers are entitled to compensation—

- (i) as mentioned in subsection (1), (2) or (4) of section 232,
- (ii) under the provisions of section 83 in respect of an order made under section 71 or paragraph 1, 3, 5 or 6 of Schedule 8 as modified by section 222, or
- (iii) in respect of a compulsory acquisition of land which has been acquired by those undertakers for the purposes of their undertaking, where the first-mentioned acquisition is effected under a compulsory purchase order confirmed or made without the [^{F59}Scottish Ministers' certificate], or

(b) the operator of a telecommunications code system is entitled to compensation as mentioned in section 232(3),

the amount of the compensation shall (subject to section 234) be an amount calculated in accordance with this section.

(2) Subject to subsections (4) to (6), that amount shall be the aggregate of—

(a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking or, as the case may be, the running of the telecommunications code system rendered necessary by the proceeding giving rise to compensation (a “business adjustment”),

(b) the appropriate amount for loss of profits, and

(c) where the compensation is under section 232(2) or (3) and is in respect of the imposition of a requirement to remove apparatus, the amount of any expenditure reasonably incurred by the statutory undertakers or, as the case may be, the operator in complying with the requirement, reduced by the value after removal of the apparatus removed.

(3) In subsection (2) “the appropriate amount for loss of profits” means—

(a) where a business adjustment is made, the aggregate of—

(i) the estimated amount of any decrease in net receipts from the carrying on of the undertaking or, as the case may be, the running of the telecommunications code system pending the adjustment, in so far as the decrease is directly attributable to the proceeding giving rise to compensation, and

(ii) such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking or, as the case may be, the running of the telecommunications code system in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment;

(b) where no business adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking or, as the case may be, the running of the telecommunications code system which is directly attributable to the proceeding giving rise to compensation.

(4) Where a business adjustment is made, the aggregate amount mentioned in subsection (2) shall be reduced by such amount (if any) as appears to the tribunal referred to in section 235(2) to be appropriate to offset—

(a) the estimated value of any property (whether moveable or heritable) belonging to the statutory undertakers or the operator and used for the carrying on of their undertaking or, as the case may be, the running of the telecommunications code system which in consequence of the adjustment ceases to be so used, in so far as the value of the property has not been taken into account under paragraph (c) of that subsection, and

(b) the estimated amount of any increase in net receipts from the carrying on of the undertaking or the running of the telecommunications code system in the period after the adjustment has been completed, in so far as that amount has not been taken into account in

determining the amount mentioned in paragraph (b) of that subsection and is directly attributable to the adjustment.

(5) Where a business adjustment is made the aggregate amount mentioned in subsection (2) shall be further reduced by any amount which appears to that tribunal to be appropriate, having regard to any increase in the capital value of heritable property belonging to the statutory undertakers or the operator which is directly attributable to the adjustment, allowance being made for any reduction made under subsection (4)(b).

(6) Where—

(a) the compensation is under section 232(4), and

(b) the acquiring or appropriating authority carry out the works,

then, in addition to any reduction falling to be made under subsection (4) or (5), the aggregate amount mentioned in subsection (2) shall be reduced by the actual cost to the authority of carrying out the works.

(7) References in this section to a decrease in net receipts shall be construed as references—

(a) to the amount by which a balance of receipts over expenditure is decreased,

(b) to the amount by which a balance of expenditure over receipts is increased, or

(c) where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, to the aggregate of the two balances,

and references to an increase in net receipts shall be construed accordingly.

(8) In this section—

“proceeding giving rise to compensation” means—

(a) except in relation to compensation under section 232(4), the particular action (that is to say, the decision, order, extinguishment of a right, imposition of a requirement or acquisition) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which that action may have been taken, and

(b) in relation to compensation under section 232(4), the circumstances making it necessary for the apparatus in question to be removed or resited; and

[^{F59}“[Scottish Ministers’ certificate](#)”] means such a certificate as is mentioned in paragraph 10 of Schedule 1 to the ^{M114}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947.

Annotations:

Amendments (Textual)

F59 Words in s. 233(1)(a)(iii)(8) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(16); S.I. 1998/3178, art. 3

Marginal Citations

M1141947 c. 42.

234. Exclusion of section 233 at option of statutory undertakers.

— (1) Where statutory undertakers are entitled to compensation in respect of such a compulsory acquisition as is mentioned in section 233(1)(c), the statutory undertakers may by notice in writing under this section elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section 12 of the ^{M115}Land Compensation (Scotland) Act 1963) which would be applicable apart from section 233.

(2) If the statutory undertakers so elect the compensation shall be ascertained accordingly.

(3) An election under this section may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.

(4) Any notice under this section shall be given to the acquiring authority before the end of the period of 2 months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

Annotations:

Marginal Citations

M1151963 c. 51.

235. Procedure for assessing compensation.

— (1) Where the amount of any such compensation as is mentioned in subsection (1) of section 233 falls to be ascertained in accordance with the provisions of that section, the compensation shall, in default of agreement, be assessed by the tribunal mentioned in subsection (2) below, if apart from this section it would not fall to be so assessed.

(2) The tribunal referred to in subsection (1) above shall consist of 4 persons, namely—

(a) an advocate or solicitor of not less than 7 years' standing, appointed by the Lord President of the Court of Session to act as chairman,

(b) two persons appointed by the [^{F60}Scottish Ministers' certificate] as persons having special knowledge and experience of the valuation of land and of civil engineering respectively, and

(c) for each claim coming before the tribunal, a person selected by the [^{F61}Scottish Ministers], as a person having special knowledge and experience of statutory undertakings of the kind carried on by the claimant, from the members of a panel appointed by [^{F62}those] Ministers of persons appearing to them to have such knowledge and experience of statutory undertakings.

(3) The Treasury may pay out of money provided by Parliament to the members of the tribunal such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Treasury may determine.

(4) For the purposes of any proceedings arising before the tribunal in respect of compensation falling to be ascertained as mentioned in subsection (1), sections 9 and 11 of the ^{M116}Land Compensation (Scotland) Act 1963 shall apply as they apply to proceedings on a question referred to the Lands Tribunal under section 8 of that Act, but with the substitution, in section 11, for references to the acquiring authority, of references to the person from whom the compensation is claimed.

Annotations:

Amendments (Textual)

F60 Words in s. 235(2)(b) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Pt. I para. 127(17)(a); S.I. 1998/3178, art. 3

F61 Words in s. 235(2)(c) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(17)(b)(i); S.I. 1998/3178, art. 3

F62 Words in s. 235(2)(c) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Pt. I para. 127(17)(b)(ii); S.I. 1998/3178, art. 3

Marginal Citations

M1161963 c. 51.

Advertisements

236. Special provisions as to display of advertisements on operational land.

Sections 218 to 222 and 232(1), (5) and (6) do not apply in relation to the display of advertisements on operational land of statutory undertakers.

PART XI
VALIDITY

237. Validity of development plans and certain orders, decisions and directions.

— (1) Except as provided by this Part, the validity of—

- (a) a structure plan, a local plan or any alteration, repeal or replacement of any such plan, whether before or after the plan, alteration, repeal or replacement has been approved or adopted,
- (b) a simplified planning zone scheme or any alteration of any such scheme, whether before or after the adoption or approval of the scheme or alteration,
- (c) an order under any provision of Part IX, whether before or after the order has been made,
- (d) an order under section 230, whether before or after the order has been made,
- (e) any such order as is mentioned in subsection (2), whether before or after it has been confirmed, or
- (f) any such action on the part of the Secretary of State as is mentioned in subsection (3), shall not be questioned in any legal proceedings whatsoever.

(2) The orders referred to in subsection (1)(e) are—

- (a) any order under section 65 or under the provisions of that section as applied by or under any other provision of this Act;
- (b) any order under section 71 or under the provisions of that section as applied by or under any other provisions of this Act;
- (c) any tree preservation order;
- (d) any order made in pursuance of section 183(4);
- (e) any order under paragraph 1, 3, 5 or 6 of Schedule 8.

(3) The action referred to in subsection (1)(f) is action on the part of the Secretary of State of any of the following descriptions—

- (a) any decision on an application referred to him under section 46;
- (b) any decision on an appeal under section 47;
- (c) any decision to confirm a completion notice under section 62;
- (d) any decision on an appeal under section 130;
- (e) any decision to confirm or not to confirm a purchase notice including—
 - (i) any decision not to confirm such a notice in respect of part of the land to which it relates, or
 - (ii) any decision to grant any permission, or give any direction, instead of confirming such a notice, either wholly or in part;
- (f) any decision on an appeal under section 154 against the refusal or partial refusal of an application for a certificate under section 150 or 151;
- (g) any decision on an appeal under section 180 against a notice under section 179;
- (h) any decision relating—
 - (i) to an application for consent under a tree preservation order,
 - (ii) to an application for consent under any regulations made under section 182 or 183, or
 - (iii) to any certificate or direction under any such order or regulations, whether it is a decision on appeal or a decision on an application referred to the Secretary of State for determination in the first instance.

(4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take any such action as is mentioned in subsection (3).

Annotations:

Modifications etc. (not altering text)

C41S. 237(3): power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(b), 31, 40(2) (with ss. 9(3), 10(5), 38(6))

238. Proceedings for questioning validity of development plans and certain schemes and orders.

— (1) If any person aggrieved by a structure plan or a local plan or by any alteration, repeal or replacement of any such plan desires to question the validity of the plan or, as the case may be, the alteration, repeal or replacement on the ground—

(a) that it is not within the powers conferred by Part II, or

(b) that any requirement of that Part or of any regulations made under it has not been complied with in relation to the approval or adoption of the plan or, as the case may be, its alteration, repeal or replacement,

he may make an application to the Court of Session under this section.

(2) On any application under this section the Court of Session—

(a) may by interim order wholly or in part suspend the operation of the plan or, as the case may be, the alteration, repeal or replacement, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;

(b) if satisfied that the plan or, as the case may be, the alteration, repeal or replacement is wholly or to any extent outside the powers conferred by Part II, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of that Part or of any regulations made under it, may wholly or in part quash the plan or, as the case may be, the alteration, repeal or replacement either generally or in so far as it affects any property of the applicant.

(3) Subsections (1) and (2) shall apply, subject to any necessary modifications, to a simplified planning zone scheme or an alteration of such a scheme or to an order under section 202, 203, 206, 207, 208 or 230 as they apply to any plan or an alteration, repeal or replacement there mentioned.

(4) An application under this section must be made within 6 weeks from the relevant date.

(5) For the purposes of subsection (4) the relevant date is—

(a) in the case of an application in respect of such a plan as is mentioned in subsection (1), the date of the publication of the first notice of the approval or adoption of the plan, alteration, repeal or replacement required by regulations under section 21;

(b) in the case of an application by virtue of subsection (3) in respect of a simplified planning zone scheme or an alteration of such a scheme, the date of the publication of the first notice of the approval or adoption of the scheme or alteration required by regulations under paragraph 12 of Schedule 5;

(c) in the case of an application by virtue of subsection (3) in respect of an order under section 202 or 206(1)(a), the date on which the notice required by paragraph 1(7) of Schedule 16 is first published;

(d) in the case of an application by virtue of subsection (3) in respect of an order under section 203, 206(1)(b), 207 or 208, the date on which the notice required by paragraph 11 of Schedule 16 is first published in accordance with that paragraph; and

(e) in the case of an application by virtue of subsection (3) in respect of an order under section 230, the date on which the notice required by subsection (6) of that section is first published;

but subject, in the case of those orders made under sections 202, 203 and 230, to section 241.

(6) In their application to simplified planning zone schemes and their alteration, subsections (1) and (2) shall have effect as if they referred to Part III instead of Part II.

239. Proceedings for questioning the validity of other orders, decisions and directions.

— (1) If any person—

(a) is aggrieved by any order to which this section applies and wishes to question the validity of that order on the grounds—

(i) that the order is not within the powers of this Act, or

(ii) that any of the relevant requirements have not been complied with in relation to that order, or

(b) is aggrieved by any action on the part of the Secretary of State to which this section applies and wishes to question the validity of that action on the grounds—

(i) that the action is not within the powers of this Act, or

(ii) that any of the relevant requirements have not been complied with in relation to that action,

he may make an application to the Court of Session under this section.

(2) Without prejudice to subsection (1), if the authority directly concerned with any order to which this section applies, or with any action on the part of the Secretary of State to which this section applies, wish to question the validity of that order or action on any of the grounds mentioned in subsection (1), the authority may make an application to the Court of Session under this section.

(3) An application under this section must be made within 6 weeks from the date on which the order is confirmed (or, in the case of an order under section 65 which takes effect under section 67 without confirmation, the date on which it takes effect) or, as the case may be, the date on which the action is taken.

(4) This section applies to any such order as is mentioned in subsection (2) of section 237 and to any such action on the part of the Secretary of State as is mentioned in subsection (3) of that section.

(5) On any application under this section the Court of Session—

(a) may, subject to subsection (6), by interim order suspend the operation of the order or action in question until the final determination of the proceedings;

(b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the relevant requirements in relation to it, may quash that order or action.

(6) Paragraph (a) of subsection (5) shall not apply to applications questioning the validity of tree preservation orders.

(7) In relation to a tree preservation order, or to an order made in pursuance of section 183(4), the powers conferred on the Court of Session by subsection (5) shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

(8) References in this section to the confirmation of an order include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.

(9) In this section “the relevant requirements”, in relation to any order or action to which this section applies, means any requirements of this Act or of the^{M117}Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under this Act or under that Act which are applicable to that order or action.

(10) Any reference in this section to the authority directly concerned with any order or action to which this section applies—

- (a) in relation to any such decision as is mentioned in section 237(3)(e), where the Secretary of State confirms the notice in question, wholly or in part, with the substitution of another local authority or statutory undertakers for the planning authority, includes a reference to that local authority or those statutory undertakers;
- (b) in any other case, is a reference to the planning authority.

Annotations:

Modifications etc. (not altering text)

- C42** S. 239: power to apply conferred (27.5.1997) by 1997 c. 10, ss. 23(1)(b), 31, 40(2) (with ss. 9(3), 10(5), 38(6))
S. 239(1)(b),(2): extended (1.8.1999) by S.S.I. 1999/1, reg. 43

Marginal Citations

M1171992 c. 53.

F63 240.

Annotations:

Amendments (Textual)

- F63S.** 240 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(18), Pt.IV; S.I. 1998/3178, art. 3

241. Special provisions as to orders subject to special parliamentary procedure.

— (1) Where an order under section 202, 203 or 230 is subject to special parliamentary procedure, then—

(a) if the order is confirmed by Act of Parliament under section 2(4), as read with section 10, of the ^{M118}Statutory Orders (Special Procedure) Act 1945, or under section 6 of that Act, sections 237 and 238 shall not apply to the order,

(b) in any other case, section 238 shall have effect in relation to the order as if, in subsection (4) of that section, for the reference to the date there mentioned there were substituted a reference to the date on which the order becomes operative under that Act (“the operative date”).

(2) Where by virtue of Part X any such action as is mentioned in section 240 is required to be embodied in an order, and that order is subject to special parliamentary procedure, then—

(a) if the order in which the action is embodied is confirmed by Act of Parliament under that Act of 1945, sections 237 and 239 shall not apply, and

(b) in any other case, the provisions of section 239 shall apply with the substitution, for any reference to the date on which the action is taken, of a reference to the operative date.

Annotations:

Marginal Citations

M1181945 (9 & 10 Geo.6) c. 18.

PART XII
CROWN LAND

Preliminary

242. Preliminary definitions.

— (1) In this Part—

“Crown land” means land in which there is a Crown interest;

“Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department; and

“private interest” means interest which is not a Crown interest.

(2) For the purposes of this Part “the appropriate authority”, in relation to any land—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;

(b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land; and

(c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.

(3) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

(4) A person who is entitled to occupy Crown land by virtue of a contract in writing shall be treated for the purposes of section 245(1)(c), so far as applicable to Parts III, VI and VII, and sections 243(2) to (7), 244, 248 and 249 as having an interest in land and references in section 248 to the disposal of an interest in Crown land, and in that section and sections 243(2) and 249 to a private interest in such land, shall be construed accordingly.

Application of Act as respects Crown land

243. Control of development on Crown land: special enforcement notices.

— (1) No enforcement notice shall be served under section 127 in respect of development carried out by or on behalf of the Crown after 1st July 1948 on land which was Crown land at the time when the development was carried out.

(2) The following provisions of this section apply to development of Crown land carried out otherwise than by or on behalf of the Crown at a time when no person is entitled to occupy it by virtue of a private interest.

(3) Where—

(a) it appears to a planning authority that development to which this section applies has taken place in their district, and

(b) they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations,

they may issue a notice under this section (a “special enforcement notice”).

(4) No special enforcement notice shall be issued except with the consent of the appropriate authority.

(5) A special enforcement notice shall specify—

(a) the matters alleged to constitute development to which this section applies, and

(b) the steps which the authority issuing the notice require to be taken for restoring the land to its condition before the development took place or for discontinuing any use of the land which has been instituted by the development.

(6) A special enforcement notice shall also specify—

(a) the date on which it is to take effect (“the specified date”), and

(b) the period within which any such steps as are mentioned in subsection (5)(b) are to be taken.

(7) A special enforcement notice may specify different periods for the taking of different steps.

244. Supplementary provisions as to special enforcement notices.

— (1) Not later than 28 days after the date of the issue of a special enforcement notice and not later than 28 days before the specified date, the planning authority who issued it shall serve a copy of it—

- (a) on the person who carried out the development alleged in the notice,
- (b) on any person who is occupying the land when the notice is issued, and
- (c) on the appropriate authority.

(2) The planning authority need not serve a copy of the notice on the person mentioned in subsection (1)(a) if they are unable after reasonable enquiry to identify or trace him.

(3) Any such person as mentioned in subsection (1)(a) or (b) may, at any time before the date specified in the notice as the date on which it is to take effect, appeal against the notice to the Secretary of State on the ground that the matters alleged in the notice—

- (a) have not taken place, or
- (b) do not constitute development to which section 243 applies.

(4) A person may appeal against a special enforcement notice under subsection (3) whether or not he was served with a copy of it.

(5) The provisions contained in or having effect under sections 130(2) and (3), 131(1) to (3), 132 and 133(1) shall apply to special enforcement notices issued by planning authorities and to appeals against them under subsection (3) as they apply to enforcement notices and to appeals under section 130.

(6) The Secretary of State may by regulations apply to special enforcement notices and to appeals under subsection (3) such other provisions of this Act (with such modifications as he thinks fit) as he thinks necessary or expedient.

245. Exercise of powers in relation to Crown land.

— (1) Notwithstanding any interest of the Crown in Crown land, but subject to the following provisions of this section—

(a) a plan approved, adopted or made under Part II may include proposals relating to the use of Crown land;

(b) any power to acquire land compulsorily under Part VIII may be exercised in relation to any interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown;

(c) any restrictions or powers imposed or conferred by Part III, VI or VII, by the provisions of Chapter I of Part V relating to purchase notices, or by any of the provisions of sections 218 to 222, shall apply and be exercisable in relation to Crown land, to the extent of any interest in it for the time being held otherwise than by or on behalf of the Crown.

(2) Except with the consent of the appropriate authority—

(a) no order or notice shall be made, issued or served under any of the provisions of section 71, 72, 125, 127, 129, 140, 145, 160 or 179 or paragraphs 1, 3, 5 and 6 of Schedule 8 or under any of those provisions as applied by any order or regulations made under Part VII, in relation to land which for the time being is Crown land;

(b) no interest in land which for the time being is Crown land shall be acquired compulsorily under Part VIII.

(3) No purchase notice shall be served in relation to any interest in Crown land unless—

(a) an offer has been previously made by the owner of that interest to dispose of it to the appropriate authority on equivalent terms, and

(b) that offer has been refused by the appropriate authority.

(4) In subsection (3) “equivalent terms” means that the price payable for the interest shall be equal to (and shall, in default of agreement, be determined in the same manner as) the

compensation which would be payable in respect of it if it were acquired in pursuance of a purchase notice.

(5) The rights conferred by the provisions of Chapter II of Part V shall be exercisable by a person who (within the meaning of those provisions) is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and those provisions shall apply accordingly.

246. Agreements relating to Crown land.

— (1) The appropriate authority and the planning authority for the district in which any Crown land is situated may make agreements—

(a) for securing the use of the land, so far as may be prescribed by any such agreement, in conformity with the provisions of the development plan applicable to it, and

(b) for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement.

(2) Any such agreement may contain such consequential provisions, including provisions of a financial character, as may appear to be necessary or expedient having regard to the purposes of the agreement.

(3) Subject to subsection (4), an agreement made under subsection (1)(b) may, if it has been recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, be enforceable at the instance of the planning authority against persons deriving title to the land from the appropriate authority.

(4) An agreement made under subsection (1)(b) shall not be enforceable against a third party who has in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the agreement being so recorded or, as the case may be, registered or against any person deriving title from such a third party.

(5) An agreement made under this section by a government department shall not have effect unless it is approved by the Treasury.

(6) In considering whether to make or approve an agreement under this section relating—

(a) to land belonging to a government department, or

(b) to land held in trust for Her Majesty for the purposes of a government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

247. Supplementary provisions as to Crown interest.

Where there is a Crown interest in any land, sections 78 to 82 of this Act, and Schedule 3 to the ^{M119}Planning (Consequential Provisions)(Scotland) Act 1997 in so far as it relates to those sections or sections 155 to 157 of the 1972 Act, shall have effect in relation to any private interest as if the Crown interest were a private interest.

Annotations:

Marginal Citations

M1191997 c. 11.

Provisions relating to anticipated disposal of Crown land

248. Application for planning permission etc. in anticipation of disposal of Crown land.

— (1) This section has effect for the purpose of enabling Crown land, or an interest in Crown land, to be disposed of with the benefit of planning permission or a certificate under section 151.

(2) Notwithstanding the interest of the Crown in the land in question, an application for any such permission or certificate may be made by—

(a) the appropriate authority, or

(b) any person authorised by that authority in writing,

and, subject to subsections (3) to (5), all the statutory provisions relating to the making and determination of any such application shall accordingly apply as if the land were not Crown land.

(3) Any planning permission granted by virtue of this section shall apply only—

(a) to development carried out after the land in question has ceased to be Crown land, and

(b) so long as that land continues to be Crown land, to development carried out by virtue of a private interest in the land.

(4) Any application made by virtue of this section for a certificate under section 151 shall be determined as if the land were not Crown land.

(5) The Secretary of State may by regulations—

(a) modify or exclude any of the statutory provisions referred to in subsection (2) in their application by virtue of that subsection and any other statutory provisions in their application to permissions or certificates granted or made by virtue of this section,

(b) make provision for requiring a planning authority to be notified of any disposal of, or of an interest in, any Crown land in respect of which an application has been made by virtue of this section, and

(c) make such other provision in relation to the making and determination of applications by virtue of this section as he thinks necessary or expedient.

(6) This section shall not be construed as affecting any right to apply for any such permission or certificate as is mentioned in subsection (1) in respect of Crown land in a case in which such an application can be made by virtue of a private interest in the land.

(7) In this section “statutory provisions” means provisions contained in or having effect under any enactment and references to the disposal of an interest in Crown land include references to the grant of an interest in such land.

249. Tree preservation orders in anticipation of disposal of Crown land.

— (1) A planning authority may make a tree preservation order in respect of Crown land in which no interest is for the time being held otherwise than by or on behalf of the Crown, if they consider it expedient to do so for the purpose of preserving trees or woodlands on the land in the event of its ceasing to be Crown land or becoming subject to a private interest.

(2) No tree preservation order shall be made by virtue of this section except with the consent of the appropriate authority.

(3) A tree preservation order made by virtue of this section shall not take effect until the first occurrence of a relevant event.

(4) For the purposes of subsection (3), a relevant event occurs in relation to any land if it ceases to be Crown land or becomes subject to a private interest.

(5) A tree preservation order made by virtue of this section—

(a) shall not require confirmation under section 161 until after the occurrence of the event by virtue of which it takes effect, and

(b) shall by virtue of this subsection continue in force until—

(i) the expiration of the period of 6 months beginning with the occurrence of that event, or

(ii) the date on which the order is confirmed,

whichever occurs first.

(6) Where a tree preservation order takes effect in accordance with subsection (3), the appropriate authority shall as soon as practicable give to the authority who made the order a notice in writing of the name and address of the person who has become entitled to the land in question or to a private interest in it.

(7) The procedure prescribed under section 161 in connection with the confirmation of a tree preservation order shall apply in relation to an order made by virtue of this section as if the order were made on the date on which the notice under subsection (6) is received by the authority who made it.

Annotations:

Modifications etc. (not altering text)

C43S. 249(3) extended (27.5.1997) by 1997 c. 11, ss. 5, 6(2), Sch. 3 para. 10(2)

250. Requirement of planning permission for continuance of use instituted by the Crown.

— (1) A planning authority in whose area any Crown land is situated may agree with the appropriate authority that subsection (2) shall apply to such use of land by the Crown as is specified in the agreement, being a use resulting from a material change made or proposed to be made by the Crown in the use of the land.

(2) Where an agreement is made under subsection (1) in respect of any Crown land, then, if at any time the land ceases to be used by the Crown for the purpose specified in the agreement, this Act shall have effect in relation to any subsequent private use of the land as if—

(a) the specified use by the Crown had required planning permission, and

(b) that use had been authorised by planning permission granted subject to a condition requiring its discontinuance at that time.

(3) The condition referred to in subsection (2) shall not be enforceable against any person who had a private interest in the land at the time when the agreement was made unless the planning authority by whom the agreement was made have notified him of the making of the agreement and of the effect of that subsection.

(4) An agreement made under subsection (1) shall be recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, and the condition referred to in subsection (2) shall not be enforceable against any person acquiring title to the land after the agreement is made unless the agreement has been so recorded or registered before he acquired title.

(5) References in this section to the use of land by the Crown include references to its use on behalf of the Crown, and “private use” means use otherwise than by or on behalf of the Crown.

Enforcement in respect of war-time breaches of planning control by the Crown

251. Enforcement in respect of war-time breaches of planning control by the Crown.

— (1) This section applies where during the war period—

(a) works not complying with planning control were carried out on land, or

(b) a use of land not complying with planning control was begun by or on behalf of the Crown.

(2) Subject to subsection (4), if at any time after the end of the war period there subsists in the land a permanent or long-term interest which is neither held by or on behalf of the Crown nor subject to any interest or right to possession so held, the planning control shall, so long as such an interest subsists in the land, be enforceable in respect of those works or that use notwithstanding—

(a) that the works were carried out or the land used by or on behalf of the Crown, or
(b) the subsistence in the land of any interest of the landlord in a lease held by or on behalf of the Crown.

(3) A person entitled to make an application under this subsection with respect to any land may apply at any time before the relevant date to an authority responsible for enforcing any planning control for a determination—

(a) whether works on the land carried out, or a use of the land begun, during the war period fail to comply with any planning control which the authority are responsible for enforcing, and

(b) if so, whether the works or use should be deemed to comply with that control.

(4) Where any works on land carried out, or use of land begun, during the war period remain or continues after the relevant date and no such determination has been given, the works or use shall by virtue of this subsection be treated for all purposes as complying with that control unless steps for enforcing the control have been begun before that date.

(5) Schedule 17 shall have effect for the purpose of making supplementary provision concerning the enforcement of breaches of planning control to which this section applies and the making and determination of applications under subsection (3).

(6) In this section and that Schedule—

“authority responsible for enforcing planning control” means, in relation to any works on land or use of land, the authority empowered by virtue of section 72 of the 1947 Act or of paragraph 28 of Schedule 22 to the 1972 Act (including that paragraph as it continues in effect by virtue of paragraph 3 of Schedule 3 to the ^{M120}Planning (Consequential Provisions)(Scotland) Act 1997) to serve an enforcement notice in respect of it or the authority who would be so empowered if the works had been carried out, or the use begun, otherwise than in compliance with planning control;

“the relevant date”, in relation to any land, means the date with which the period of 5 years from the end of the war period ends, but for the purposes of this definition any time during which, notwithstanding subsection (2), planning control is unenforceable by reason of the subsistence in or over the land of any interest or right to possession held by or on behalf of the Crown shall be disregarded;

“owner” includes in relation to any land any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and “owned” shall be construed accordingly;

“permanent or long-term interest”, in relation to any land, means the interest of the proprietor of the dominium utile or, in the case of land other than feudal land, of the owner, a tenancy of the land granted for a term of more than 10 years and not subject to a subsisting right of the landlord to determine the tenancy at or before the expiration of 10 years from the beginning of the term, or a tenancy granted for a term of 10 years or less with a right of renewal which would enable the tenant to prolong the term of the tenancy beyond 10 years;

“tenancy” includes a tenancy under a sub-lease and a tenancy under an agreement for a lease or sub-lease, but does not include an option to take a tenancy and does not include a mortgage;

“war period” means the period extending from 3rd September 1939 to 26th March 1946; and

“works” includes any building, structure, excavation or other work on land.

(7) References in this section and that Schedule to non-compliance with planning control mean—

(a) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to a resolution to prepare a scheme under the ^{M121}Town and Country Planning (Scotland) Act 1932, that the works were carried out or the use begun otherwise than in

accordance with the terms of an interim development order or of permission granted under such an order, and

(b) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to such a scheme, that the works were carried out or the use begun otherwise than in conformity with the provisions of the scheme,

and references in this Act to compliance with planning control shall be construed accordingly.

(8) References in this section and that Schedule to the enforcement of planning control shall be construed as references to the exercise of the powers conferred by section 72 of the 1947 Act or by paragraph 28 of Schedule 22 to the 1972 Act (including that paragraph as it continues in effect by virtue of Schedule 3 to the ^{M122}Planning (Consequential Provisions)(Scotland) Act 1997).

Annotations:

Marginal Citations

M1201997 c. 11.

M1211932 c. 49.

M1221997 c. 11.

PART XIII

FINANCIAL PROVISIONS

252. Fees for planning applications etc.

— (1) The Secretary of State may by regulations make such provision as he thinks fit for the payment of a fee of the prescribed amount to a planning authority in respect of an application made to them under the planning Acts or any order or regulations made under them for any permission, consent, approval, determination or certificate.

(2) The Secretary of State may by regulations make such provision as he thinks fit for the payment—

(a) of fees of prescribed amounts to him and to the planning authority in respect of any application for planning permission deemed to be made under section 133(7), and

(b) of a fee of the prescribed amount to him in respect of any other application for planning permission which is deemed to be made to him under this Act or any order or regulations made under it.

(3) Regulations under subsection (1) or (2) may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.

(4) No such regulations shall be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.

(5) The reference to the planning Acts in subsection (1) does not include a reference to section 251 of this Act.

Annotations:

Modifications etc. (not altering text)

C44S. 252 applied (27.5.1997) by 1997 c. 10, ss. 29(3), 40(2) (with ss. 9(3), 10(5), 31, 38(6))

253. Grants for research and education.

The Secretary of State may, ^{F64} . . . , make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

Annotations:

Amendments (Textual)

F64Words in 253 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(19), Pt. IV; S.I. 1998/3178, art. 3

254. Contributions by Ministers towards compensation paid by planning authorities.

— (1) Where—

(a) compensation is payable by a planning authority under this Act in consequence of any decision or order to which this section applies, and

(b) that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,

the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.

(2) This section applies to any decision or order given or made under Part III, the provisions of Part V relating to purchase notices, Part VI, Part VII or Schedule 3 or 4 or Part I of Schedule 8.

255. Contributions by local authorities and statutory undertakers.

— (1) Without prejudice to section 5(9) of the ^{M123}Roads (Scotland) Act 1984 (power of local roads authority to contribute towards costs incurred by Secretary of State in construction or improvement of trunk road) any local authority may contribute towards any expenses incurred by a local roads authority or the Secretary of State—

(a) in the acquisition of land under Part VIII of this Act or Chapter V of Part I of the ^{M124}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997,

(b) in the construction or improvement of roads on land so acquired, or

(c) in connection with any development required in the interests of the proper planning of the area of the local authority.

(2) Any local authority and any statutory undertakers may contribute towards any expenses incurred by a planning authority in or in connection with—

(a) the carrying out of a survey or the preparation of a structure plan or a local plan or the alteration, repeal or replacement of such a plan under Part II;

(b) the performance of any of their functions under Part III, the provisions of Part V relating to purchase notices, Part VI (except sections 156 and 157, Part VII (except section 168), Part VIII or Schedule 3 or 8.

(3) In the application of subsection (2) to a local authority, “planning authority” means a planning authority other than that local authority.

Annotations:

Marginal Citations

M1231984 c. 54.

M1241997 c. 9.

256. Assistance for acquisition of property where objection made to blight notice in certain cases.

— (1) A local authority may, subject to such conditions as may be approved by the Secretary of State, advance money to any person for the purpose of enabling him to acquire a hereditament or agricultural unit in respect of which a counter-notice has been served under section 102 specifying the grounds mentioned in subsection (4)(d) of that section as, or as one of, the grounds of objection.

(2) No advance may be made under subsection (1) in the case of a hereditament if its annual value exceeds such amount as may be prescribed for the purposes of section 100(3)(a).

257. Recovery from acquiring authorities of sums paid by way of compensation.

— (1) This section applies where—

(a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and

(b) a notice is recorded or registered under section 79(1) in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.

(2) Where this section applies the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 79(2)) is to be treated as attributable to that land.

(3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.

(4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(5) In this section “authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected.

258. Sums recoverable from acquiring authorities reckonable for purposes of grant.

Where—

(a) a sum is recoverable from any authority under section 257 by reference to an acquisition or purchase of an interest in land, and

(b) a grant became or becomes payable to that or some other authority under an enactment in respect of that acquisition or purchase or of a subsequent appropriation of the land, the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

259. Financial provision.

— (1) There shall be paid out of money provided by Parliament—

(a) any expenses incurred by the Secretary of State in the payment of expenses of any committee established under section 182(2)(d),

- (b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part IV or sections 143, 165, 166 or 185,
 - (c) any expenses incurred by the Secretary of State under Part IX,
 - (d) any expenses incurred by the Secretary of State in the making of grants under section 253, and
 - (e) any administrative expenses incurred by the Secretary of State for the purposes of this Act.
- (2) There shall be paid out of money provided by Parliament any expenses incurred by any government department (including the Secretary of State)—
- (a) in the acquisition of land under Part VIII,
 - (b) in the payment of compensation under section 194(4), 232(2) or 270, or
 - (c) under section 254.

260. General provision as to receipts of Secretary of State.

Subject to section 82, any sums received by the Secretary of State under any provision of this Act shall be paid into the Consolidated Fund.

Expenses of local authorities

261. Expenses of, and borrowing by, local authorities.

- (1) Any expenses incurred by a local roads authority under the provisions of this Act specified in Part I of Schedule 18 shall be defrayed in the same manner as expenses incurred by the authority on roads.
- (2) Any expenses incurred by a local authority under the provisions of this Act specified in Part I of Schedule 18 in pursuance of a purchase notice or in the acquisition of land under this Act for the purposes of any function of that authority, shall be defrayed in the same manner as other expenses incurred by that authority for the purposes of that function.
- (3) A local authority may borrow for the purposes of this Act in accordance with the provisions of Part VII of the ^{M125}Local Government (Scotland) Act 1973.
- (4) Nothing in this section shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the ^{M126}Local Authorities Loans Act 1945.

Annotations:

Modifications etc. (not altering text)

C45 S. 261(3)(4) extended (27.5.1997) by 1997 c. 9, ss. 80(5), 83(2) (with s. 45(4))

C46 S. 261(3)(4) applied (27.5.1997) by 1997 c. 10, ss. 37(4), 40(2) (with ss. 9(3), 10(5), 38(6))

Marginal Citations

M1251973 c. 65.

M1261945 c. 18.

PART XIV

MISCELLANEOUS AND GENERAL PROVISIONS

Application of Act in special cases

262. Power to modify Act in relation to minerals.

— (1) In relation to development consisting of the winning and working of minerals or involving the depositing of mineral waste, the provisions specified in Part I of Schedule 18 shall have effect subject to such adaptations and modifications as may be prescribed by regulations.

(2) Such regulations ^{F65} . . . shall be of no effect unless they are approved by resolution of each House of Parliament.

(3) Any such regulations shall not apply—

(a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works on it which are occupied or used for those purposes, or

(b) to the winning and working of peat by any person for the domestic requirements of that person.

(4) Nothing in subsection (1) or (3) shall be construed as affecting the prerogative right of Her Majesty to any gold or silver mine.

Annotations:

Amendments (Textual)

F65 Words in s. 262(2) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(20), Pt. IV; S.I. 1998/3178, art. 3

263. Application of certain provisions to planning authorities.

— (1) In relation to land of planning authorities and to the development by local authorities of land in respect of which they are the planning authorities, the provisions specified in Part II of Schedule 18 shall have effect subject to such exceptions and modifications as may be prescribed by regulations.

(2) Subject to section 57, such regulations may in particular provide for securing—

(a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under those provisions, shall be made to the Secretary of State and not to the planning authority, and

(b) that any order or notice authorised to be made or served under those provisions in relation to such land shall be made or served by the Secretary of State and not by the planning authority.

(3) Sections 34 and 35 and 38(1) and (2) shall apply, with the necessary modifications, in relation to applications made to the Secretary of State in pursuance of such regulations as they apply in relation to applications for planning permission which fall to be determined by the planning authority.

(4) In relation to statutory undertakers who are planning authorities, section 236 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed.

(5) In relation to an urban development corporation which is the planning authority by virtue of an order under section 149(6) of the ^{M127}Local Government, Planning and Land Act 1980, subsections (1) to (3) shall have effect for the purposes of Part III of this Act prescribed in the order, and in relation to the kinds of development so prescribed as if—

(a) in subsection (1) the reference to development by local authorities of land in respect of which they are the planning authorities included a reference to development by the corporation of land in respect of which it is the planning authority, and

(b) in subsection (2)—

- (i) in paragraph (a) the words "the corporation" were substituted for the words "such an authority", and the word "corporation" were substituted for the words "planning authority", and
- (ii) in paragraph (b) the word "corporation" were substituted for the words "planning authority".

Annotations:

Modifications etc. (not altering text)

C47 S. 263 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

Marginal Citations

M1271980 c. 65.

Natural Heritage Areas

264. Natural Heritage Areas.

— (1) Every planning authority shall compile and make available for inspection free of charge at reasonable hours and at a convenient place a list containing such particulars as the Secretary of State may determine of any area in their district which has been designated as a Natural Heritage Area under section 6 of the^{M128}Natural Heritage (Scotland) Act 1991.

(2) Where any area is for the time being designated as a Natural Heritage Area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under the planning Acts.

Annotations:

Marginal Citations

M1281991 c. 28.

[^{F66}*National Parks*

Annotations:

Amendments (Textual)

F66S. 264A and cross heading inserted (8.9.2001) by 2000 asp 10, s. 36, Sch. 5 para. 18 (with s. 32); S.I. 2000/312, art. 2

F67

264A National Parks

In the exercise, with respect to any land in a National Park, of any power under the planning Acts, special attention shall be paid to the desirability of exercising the power consistently with the National Park Plan as adopted under section 12(7)(a) of the National Parks (Scotland) Act 2000 (asp 10).]

Annotations:

Amendments (Textual)

F67S. 264A inserted (8.9.2001) by 2000 asp 10, s. 36, Sch. 5 para. 18 (with s. 32); S.I. 2000/312, art. 2

Local inquiries and other hearings

265. Local inquiries.

- (1) Subject to the provisions of this section, the Minister may cause a local inquiry to be held for the purposes of the exercise of any of his functions under this Act.
- (2) The Minister shall appoint a person to hold the inquiry and to report on it to him.
- (3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has lodged and has not withdrawn objections in relation to any matter in question at the inquiry, and shall be published in such newspaper or newspapers as the Minister may direct.
- (4) Subject to subsections (5) and (6), the person appointed to hold the inquiry may, on the motion of any party to it or of his own motion, serve a notice in writing on any person requiring him to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry.
- (5) No person shall be required in obedience to such a notice to attend at any place which is more than 10 miles from the place where he resides unless the necessary expenses are paid or tendered to him.
- (6) Nothing in subsection (4) shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (7) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in place of evidence on oath by any person, a statement in writing by that person.
- (8) Any person who—
- (a) refuses or wilfully neglects to attend in obedience to a notice under subsection (4) or to give evidence, or
- (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale or to imprisonment for a period not exceeding 3 months.
- (9) The Minister may make orders as to the expenses incurred—
- (a) by the Minister in relation to—
- (i) the inquiry, and
- (ii) arrangements made for an inquiry which does not take place, and
- (b) by the parties to the inquiry,
- and as to the parties by whom any of the expenses mentioned in paragraphs (a) and (b) shall be paid.
- (10) What may be recovered by the Minister is the entire administrative expense of the inquiry, so that, in particular—
- (a) there shall be treated as expenses incurred in relation to the inquiry such reasonable sum as the Minister may determine in respect of the general staff expenses and overheads of his department, and
- (b) there shall be treated as expenses incurred by the Minister holding the inquiry any expenses incurred in relation to the inquiry by any other Minister or Government department and, where appropriate, such reasonable sum as that Minister or department may determine in respect of general staff expenses and overheads.
- (11) The Minister may by regulations prescribe for any description of inquiry a standard daily amount and where an inquiry of that description does take place what may be recovered is—

- (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the inquiry sits or the person appointed to hold the inquiry is otherwise engaged on work connected with the inquiry,
 - (b) expenses actually incurred in connection with the inquiry on travelling or subsistence allowances or the provision of accommodation or other facilities for the inquiry,
 - (c) any expenses attributable to the appointment of an assessor to assist the person appointed to hold the inquiry, and
 - (d) any legal expenses or disbursements incurred or made by or on behalf of the Minister in connection with the inquiry.
- (12) Any order of the Minister under subsection (9) requiring any party to pay expenses may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (13) In this section, except where the context otherwise requires, “Minister” means the Secretary of State, or any other Minister authorised under this Act to hold a local inquiry.

Annotations:

Modifications etc. (not altering text)

C48S. 265 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

C49S. 265(4)-(13) applied (27.5.1997) by 1997 c. 10, ss. 19, 40(2), Sch. para. 6(4)-(6) (with ss. 9(3), 10(5), 31, 38(6))

266. Orders as to expenses of parties where no local inquiry held.

- (1) This section applies to proceedings under this Act where the Secretary of State is required, before reaching a decision, to afford any person an opportunity of appearing before and being heard by a person appointed by him.
- (2) The Secretary of State has the same power to make orders under section 265(9) in relation to proceedings to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.

Annotations:

Modifications etc. (not altering text)

C50S. 266 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

S. 266 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

267. Procedure on certain appeals and applications.

- (1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings under this Act where he is required, before reaching a decision, to afford any person an opportunity of appearing before and being heard by a person appointed by him and which are to be disposed of without an inquiry or hearing to which rules under section 9 of the ^{M129}Tribunals and Inquiries Act 1992 apply.
- (2) The regulations may in particular make provision as to the procedure to be followed—
 - (a) where steps have been taken with a view to the holding of such an inquiry or hearing which does not take place, or
 - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Secretary of State and the proceedings are the subject of a direction that the matter shall instead be determined by the Secretary of State, or
 - (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,

and may provide that such steps shall be treated as compliance, in whole or in part, with the requirements of the regulations.

(3) The regulations may also—

(a) provide for a time limit within which any party to the proceedings must lodge written submissions and any supporting documents,

(b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Secretary of State to give directions setting the time limit in a particular case or class of case,

(c) empower the Secretary of State to proceed to a decision taking into account only such written submissions and supporting documents as were lodged within the time limit, and

(d) empower the Secretary of State, after giving the parties written notice of his intention to do so, to proceed to a decision notwithstanding that no written submissions were lodged within the time limit, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.

Annotations:

Modifications etc. (not altering text)

C51 S. 267 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))
S. 267 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

Marginal Citations

M1291992 c. 53.

268. Inquiries under Private Legislation Procedure (Scotland) Act 1936.

— (1) Where the Ministers concerned so direct—

(a) any inquiry in relation to an order under this Act which in certain events becomes subject to special parliamentary procedure, and

(b) any hearing in connection with—

(i) an appeal against the refusal, or the grant, subject to conditions, of an application by statutory undertakers for planning permission to develop operational land,

(ii) such an application made by statutory undertakers and referred to the Secretary of State, or

(iii) the revocation or modification of planning permission to develop operational land granted to statutory undertakers,

shall be held by Commissioners under the ^{M130}Private Legislation Procedure (Scotland) Act 1936.

(2) Any such direction shall be deemed to have been given under section 2, as read with section 10, of the ^{M131}Statutory Orders (Special Procedure) Act 1945.

(3) Subsections (5), (6) and (7) of section 231 shall not apply to an order mentioned in subsection (1)(a).

(4) Nothing in subsections (2) to (13) of section 265 shall apply to any inquiry to which subsection (1)(a) applies.

(5) The provisions of the Statutory Orders (Special Procedure) Act 1945 in relation to the publication of notices in the Edinburgh Gazette and in a newspaper shall, notwithstanding anything contained in that Act, not apply to any order under this Act which is subject to special parliamentary procedure.

Annotations:

Marginal Citations

M1301936 c. 52.

M1311945 (9 & 10 Geo. 6) c. 18.

Rights of entry

269. Rights of entry.

— (1) Any person duly authorised in writing by the Secretary of State or by a planning authority may at any reasonable time enter upon any land for the purpose of surveying it in connection with—

(a) the preparation, approval, adoption, making or amendment of a structure plan or local plan relating to the land under Part II, including the carrying out of any survey under that Part,

(b) any application under Part III or sections 182 or 183, or under any order or regulations made under any of those provisions, for any permission, consent or determination to be given or made in connection with that land or any other land under that Part or those sections or under any such order or regulations, or

(c) any proposal by the planning authority or by the Secretary of State to make or serve any order or notice under Part III (other than section 61), Part VII (other than sections 160 to 163, 167 and 172 to 175) or under any order or regulations made under any of those provisions.

(2) Any person duly authorised in writing by the Secretary of State or the planning authority may at any reasonable time enter upon any land for the purpose of ascertaining whether a stop notice or an enforcement notice is being complied with.

(3) Any person who is an officer of the Valuation Office or is duly authorised in writing by the Secretary of State may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation under this Act in respect of that land or any other land.

(4) Any person who is an officer of the Valuation Office or is duly authorised in writing by a planning authority may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land which is payable by the planning authority under Part IV, section 204(1) or Part X (other than section 232(2) or (3) or 233(1)(a)(iii)).

(5) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local authority or Minister authorised to acquire land under section 189 or 190, or by a local authority who have power to acquire land under Part VIII, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, or in connection with any claim for compensation in respect of any such acquisition.

(6) Subject to section 270, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.

270. Supplementary provisions as to rights of entry.

— (1) A person authorised under section 269 to enter upon any land—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering, and

(b) shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under section 269 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any person who, in compliance with the provisions of section 269, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall be guilty of an offence.

(4) Subsection (3) does not apply if the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(5) A person who is guilty of an offence under subsection (3) shall be liable—

(a) on summary conviction to a fine not exceeding the statutory maximum, and

(b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both.

(6) Where any damage is caused to land or moveable property—

(a) in the exercise of a right of entry conferred under section 269, or

(b) in the making of any survey for the purpose of which any such right of entry has been so conferred,

compensation may be recovered by any person suffering the damage from the Secretary of State or authority on whose behalf the entry was effected.

(7) Section 86 shall apply in relation to compensation under subsection (6) as it applies in relation to compensation under Part IV.

(8) No person shall carry out under section 269 any works authorised by virtue of subsection (6) of that section unless notice of his intention to do so was included in the notice required by subsection (1).

(9) The authority of the [^{F68}Scottish Minister] shall be required for the carrying out under section 269(6) of works so authorised if the land in question is held by statutory undertakers, and they object to the proposed works on the ground that the carrying out of the work would be seriously detrimental to the carrying on of their undertaking.

Annotations:

Amendments (Textual)

F68Words in s. 270(9) substituted (1.7.1999) by 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(21); S.I. 1998/3178, art. 3

Miscellaneous and general provisions

271. Service of notices.

— (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given—

(a) by delivering it to the person on whom it is to be served or to whom it is to be given,

(b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address,

(c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address,

(d) in the case of a person on whom the notice is required to be served as being a person appearing from the valuation roll to have an interest in land, by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his address as entered in the valuation roll, or

(e) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—

(a) being addressed to him either by name or by the description of “the owner”, “the lessee” or “the occupier”, as the case may be, of the premises (describing them) it is delivered or sent in the manner specified in subsection (1)(a), (b) or (c), or

(b) it is so addressed and is marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, and—

(i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or

(ii) is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.

(3) Where—

(a) the notice or other document is required to be served on or given to all persons who have interests in or are occupiers of premises comprised in any land, and

(b) it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied,

the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to “the owners and any lessees and occupiers” of that part of the land (describing it) and is affixed conspicuously to some object on the land.

Annotations:

Modifications etc. (not altering text)

C52S. 271 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

S. 271 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

272. Power to require information as to interests in land.

— (1) For the purpose of enabling any order to be made or any notice or other document to be served by him or them under this Act, the Secretary of State or a local authority may in writing require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land to supply in writing such information as to the matters mentioned in subsection (2) as may be so specified.

(2) Those matters are—

(a) the nature of his interest in the land,

(b) the name and address of any other person known to him as having an interest in the land, whether as superior, owner, heritable creditor, lessee or otherwise,

(c) the purpose for which the land is currently being used,

(d) the time when that use began,

(e) the name and address of any person known to the person on whom the notice is served as having used the premises for that purpose, and

(f) the time when any activities being carried out on the premises began.

(3) A notice under subsection (1) may require information to be given within a specified period which is not less than 21 days from the date of service on him.

(4) Any person who has been required under subsection (1) to give any information and fails to give it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any person who has been so required to give any information and knowingly makes any misstatement in respect of it shall be guilty of an offence and liable—

(a) on summary conviction to a fine not exceeding the statutory maximum, and

(b) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine or both.

(6) It shall be a defence in any proceedings under subsection (4) that the accused did not know and had no reasonable cause to know the information required of him.

Annotations:

Modifications etc. (not altering text)

C53S. 272 extended (27.5.1997) by 1997 c. 9, ss. s.79(1), 83(2) (with s. 45(4))

S. 272 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

C54S. 272: power to modify conferred (27.5.1997) by 1980 c. 65, Sch. 30 Pt. II para. 9 (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12))

273. Offences by corporations.

— (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

(2) In subsection (1) “director”, in relation to any body corporate—

(a) which was established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, and

(b) whose affairs are managed by its members,

means a member of that body corporate.

Annotations:

Modifications etc. (not altering text)

C55S. 273 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

S. 273 excluded (27.5.1997) by 1997 c. 9, ss. 79(2), 83(2) (with s. 45(4))

S. 273 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

274. Combined applications.

— (1) Regulations may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed, of—

(a) an application for planning permission in respect of any development and

(b) an application required, under any enactment specified in the regulations, to be made to a local authority in respect of that development.

(2) Before making such regulations, the Secretary of State shall consult such local authorities or associations of local authorities as appear to him to be concerned.

(3) Different provision may be made by any such regulations in relation to areas in which different enactments are in force.

(4) If an application required to be made to a local authority under an enactment specified in any such regulations is made in accordance with the provisions of the regulations, it shall be valid notwithstanding anything in that enactment prescribing, or enabling any authority to prescribe, the form in which, or the manner in which, such an application is to be made.

(5) Subsection (4) is without prejudice to—

(a) the validity of any application made in accordance with the enactment in question, or
(b) any provision of that enactment enabling a local authority to require further particulars of the matters to which the application relates.

(6) In this section “application” includes a submission.

(7) Subsection (1) shall apply in relation to applications for an approval required by a development order as it applies in relation to applications for planning permission.

275. Regulations and orders.

— (1) The Secretary of State may make regulations—

(a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any planning authority which is a local authority,

(b) for any purpose for which regulations are authorised or required to be made under this Act, other than a purpose for which regulations are authorised or required to be made by another Minister, and

(c) for any of the purposes mentioned in section 28 of the ^{M132}Land Compensation (Scotland) Act 1963 (power to prescribe matters relevant to Part IV).

(2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

(3) Any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The power to make development orders under section 30 and to make orders under sections 5, 26(2)(f), 54 and 100(3)(a) or paragraph 7 or 8 of Schedule 1 shall be exercisable by statutory instrument.

(5) Any statutory instrument which contains a development order or an order under section 5, 54 or 100(3)(a) or paragraph 4(5) or 5(5) of Schedule 9 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Without prejudice to subsection (5), where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than an enactment specified in subsection (7)) the order shall not have effect until that provision is approved by a resolution of each House of Parliament.

(7) The enactments referred to in subsection (6) are—

(a) section 32(1) of the ^{M133}Public Health (Scotland) Act 1897,

(b) any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the development order applies by means of a byelaw, order or regulation not requiring confirmation by Parliament, and

(c) any enactment which has been previously excluded or modified by a development order, and any enactment having substantially the same effect as any such enactment.

(8) Without prejudice to section 14 of the ^{M134}Interpretation Act 1978, any power conferred by this Act to make an order shall include power to vary or revoke any such order by a subsequent order.

Annotations:

Marginal Citations

M1321963 c. 51.

M1331897 c. 38.

M1341978 c. 30.

276. Act not excluded by special enactments.

For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of the 1947 Act, or by any local Act passed at any time during the Session of Parliament held during the regnal years 10 & 11 Geo. 6, for authorising or regulating any development of the land.

Annotations:

Modifications etc. (not altering text)

C56S. 276 extended (27.5.1997) by 1997 c. 9, ss. 79(1), 83(2) (with s. 45(4))

S. 276 applied (27.5.1997) by 1997 c. 10, ss. 36, 40(2) (with ss. 9(3), 10(5), 38(6))

277. Interpretation.

— (1) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section and to any transitional provision made by the ^{M135}Planning (Consequential Provisions)(Scotland) Act 1997—

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

“the 1947 Act” means the ^{M136}Town and Country Planning (Scotland) Act 1947;

“the 1972 Act” means the ^{M137}Town and Country Planning (Scotland) Act 1972;

“advertisement” means any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the foregoing provisions of this definition), includes any hoarding or similar structure used or designed, or adapted for use and anything else used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“aftercare condition” has the meaning given by paragraph 2(2) of Schedule 3;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

^{F69} . . . ;

“breach of condition notice” has the meaning given by section 145;

“breach of planning control” has the meaning given by section 123;

“bridleway” has the same meaning as in section 47 of the ^{M138}Countryside (Scotland) Act 1967;

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“building or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly and references to the removal of buildings or works include demolition of buildings and filling in of trenches;

“building operations” has the meaning given by section 26;

“caravan site” has the meaning given by section 1(4) of the ^{M139}Caravan Sites and Control of Development Act 1960;

“common” includes any town or village green;

“compliance period”, in relation to an enforcement notice, shall be construed in accordance with section 135(11);

“compulsory acquisition” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person;

“conservation area” means an area designated under section 61 of the ^{M140}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997;

“depositing of mineral waste” means any process whereby a mineral-working deposit is created or enlarged and “depositing of refuse or waste materials” includes the depositing of mineral waste;

“development” has the meaning given by section 26, and “develop” shall be construed accordingly;

“development order” has the meaning given by section 30;

“development plan” shall be construed in accordance with section 24;

“disposal” [^{F70}, [except in section 191\(9\),](#)] means disposal by way of sale, excambion or lease, or by way of the creation of any servitude, right or privilege, or in any other manner, except by way of appropriation, gift or the creation of a heritable security, and “dispose of” shall be construed accordingly;

“enactment” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, byelaw or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

“enforcement notice” means a notice under section 127;

“engineering operations” includes the formation or laying out of means of access to roads;

“enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission in accordance with section 55;

“erection”, in relation to buildings as defined in this subsection, includes, extension, alteration and re-erection;

“footpath” has the same meaning as in section 47 of the ^{M141}Countryside (Scotland) Act 1967;

“functions” includes powers and duties;

“government department” includes any Minister of the Crown;

“heritable security” means—

(a) a heritable security within the meaning of the ^{M142}Conveyancing (Scotland) Act 1924, but excluding [^{F71}[a security by way of ground annual and](#)] a real burden ad factum praestandum and including a security constituted by way of ex facie absolute disposition, or

(b) an assignation in security of a lease recorded under the ^{M143}Registration of Leases (Scotland) Act 1857,

and “heritable creditor” shall be construed accordingly;

“improvement”, in relation to a road, has the same meaning as in the ^{M144}Roads (Scotland) Act 1984;

“land” includes land covered with water and any building as defined by this section and, in relation to the acquisition of land under Part VIII, includes any interest in land and any servitude or right in or over land;

“Lands Tribunal” means the Lands Tribunal for Scotland;

“lease” includes a sub-lease, but does not include an option to take a lease;

“local authority” means a council constituted under section 2 of the ^{M145}Local Government etc. (Scotland) Act 1994;

“local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;

“mineral-working deposit” means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;

“minerals” includes all substances of a kind ordinarily worked for removal by underground or surface working;

“mining operations” has the meaning given by section 26;

“Minister” means any Minister of the Crown or other government department;

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

“operational land” has the meaning given by section 215;

“owner”, in relation to any land, includes (except in section 35) any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease of agreement, the unexpired period of which exceeds 3 years;

“the planning Acts” means this Act, the ^{M146}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the ^{M147}Planning (Hazardous Substances)(Scotland) Act 1997 and the ^{M148}Planning (Consequential Provisions)(Scotland) Act 1997;

“planning authority” has the meaning given by section 1;

“planning contravention notice” has the meaning given by section 125;

“planning decision” means a decision made on an application under Part III;

“planning permission” means permission under Part III;

“planning permission granted for a limited period” has the meaning given by section 41(3);

“prescribed”(except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

“public gas transporter” has the same meaning as in Part I of the ^{M149}Gas Act 1986;

“purchase notice” has the meaning given by section 88;

“restoration condition” has the meaning given by paragraph 2(2) of Schedule 3;

“road” has the same meaning as in the ^{M150}Roads (Scotland) Act 1984;

“simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with section 49;

“statutory undertakers” and “statutory undertaking” have the meanings given by section 214;

“steps for the protection of the environment” has the meaning given by paragraph 5(3) of Schedule 8;

“stop notice” has the meaning given by section 140;

“suspension order” and “supplementary suspension order” have the meanings given by paragraphs 5 and 6 respectively of Schedule 8;

“tree preservation order” has the meaning given by section 160;

[^{F72}“universal postal service provider” means a universal service provider within the meaning of the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act;]

“urban development area” and “urban development corporation” have the same meaning as in section 171 of the ^{M151}Local Government, Planning and Land Act 1980;

“use”, in relation to land, does not include the use of land for the carrying out of any building or other operations on it;

“Valuation Office” means the Valuation Office of the Inland Revenue Department; and

“the winning and working of minerals” includes the extraction of minerals from a mineral working deposit.

^{F73}(2)

[^{F74}(3) If, in relation to anything required or authorised to be done under this Act, any question arises whether land of statutory undertakers is operational land, that question shall be determined by the Scottish Ministers.]

(4) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

(5) With respect to references in this Act to planning decisions—

(a) in relation to a decision altered on appeal by the reversal or variation of the whole or part of it, such references shall be construed as references to the decision as so altered;

(b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the planning authority and not to the decision of the Secretary of State on the appeal;

(c) in relation to a decision given on an appeal in the circumstances mentioned in section 47(2), such references shall be construed as references to the decision so given;

(d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section 47(2), the time when in accordance with that section notification of a decision of the planning authority is deemed to have been received.

(6) Section 27 shall apply for determining for the purposes of this Act when development of land shall be taken to be initiated.

(7) In this Act any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feuduty and ground annual.

[^{F75}(8) Any reference in this Act to the dominium utile in relation to land which is not held on feudal tenure shall be construed as a reference to the interest in the land of the owner of it.]

(9) References in the Planning Acts to any of the provisions in Part II of Schedule 18 include, except where the context otherwise requires, references to those provisions as modified under section 263(1) to (4).

(10) Without prejudice to section 20(2) of the ^{M152}Interpretation Act 1978, references in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

Annotations:

Amendments (Textual)

F69 S. 277(1): definition of “the appropriate Minister” repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(22)(a), Pt. IV; S.I. 1998/3178, art. 3

F70 S. 277(1): words in definition of “disposal” repealed (*prosp.*) by 2000 asp 5, ss. 76(1)(2), 77, Sch. 12 Pt. I para. 60(5)(a)(i), Sch. 13 Pt. I (with ss. 58, 62, 75)

F71 S. 277(1): words in definition of “heritable security” repealed (*prosp.*) by 2000 asp 5, ss. 76(1)(2), 77, Sch. 12 Pt. I para. 60(5)(a)(ii), Sch. 13 Pt. I (with ss. 58, 62, 75)

F72 Definition of “universal service provider” in s. 277 inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 115 (subject to art. 1(3))

F73 S. 277(2) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(22)(b), Pt. IV; S.I. 1998/3178, art. 3

F74 S. 277(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para.

127(22)(c); S.I. 1998/3178, art. 3

F75 S. 277(8) repealed (*prosp.*) by 2000 asp 5, ss. 76(1)(2), 77, Sch. 12 Pt. I para. 60(5)(b), Sch. 13 Pt. I (with ss. 58, 62, 75)

Marginal Citations

M1351997 c. 11.

M1361947 c. 53.

M1371972 c. 52.

M1381967 c. 86.

M1391960 c. 62.

M1401997 c. 9.

M1411967 c. 86.

M1421924 c. 27.

M1431857 c. 26.

M1441984 c. 54.

M1451994 c. 39.

M1461997 c. 9.

M1471997 c. 10.

M1481997 c. 11.

M1491986 c. 44.

M1501984 c. 54.

M1511980 c. 65.

M1521978 c. 30.

278. Citation, commencement and extent.

— (1) This Act may be cited as the Town and Country Planning (Scotland) Act 1997.

(2) Except as provided in Schedule 3 to the ^{M153}Planning (Consequential Provisions)(Scotland) Act 1997, this Act shall come into force at the end of the period of 3 months beginning with the day on which it is passed.

(3) Subject to subsection (4), this Act extends to Scotland only.

(4) Section 70 and Schedule 7 extend also to England and Wales.

Annotations:

Marginal Citations

M1531997 c. 11.

SCHEDULES

SCHEDULE 1

Section 24(4).

OLD DEVELOPMENT PLANS

Preliminary

1. In this Schedule “old development plan” means a development plan to which paragraph 2 of Schedule 5 to the 1972 Act (continuation in force of development plans prepared before structure plans became operative) applied immediately before the commencement of this Act.

Continuation in force of old development plans

2. Any old development plan which immediately before the commencement of this Act was in force as respects any area shall, subject to the provisions of this Schedule, continue in force as respects that area and be treated for the purposes of this Act, any other enactment relating to town and country planning and the ^{M154}Land Compensation (Scotland) Act 1963 as being comprised in the development plan for that area.

Annotations:

Marginal Citations

M1541963 c. 51.

Structure plans to prevail over old development plans

3. Subject to the following provisions of this Schedule, where by virtue of paragraph 2 the old development plan for any area is treated as being comprised in a development plan for that area and there is a conflict between any of its provisions and those of the structure plan for that area, the provisions of the structure plan shall be taken to prevail for the purposes of Parts III and V to VIII and section 85 of this Act, the ^{M155}Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and the ^{M156}Planning (Hazardous Substances)(Scotland) Act 1997.

Annotations:

Marginal Citations

M1551997 c. 9.

M1561997 c. 10.

Street authorisation maps

4. Where immediately before the commencement of this Act a street authorisation map prepared in pursuance of the ^{M157}Town and Country Planning (Development Plans)(Scotland) Regulations 1966 was treated for the purposes of the 1972 Act as having been adopted as a local plan for an area by a planning authority, it shall continue to be so treated.

Annotations:

Marginal Citations

M157S.I. 1966/1385.

Development plans for compensation purposes

5. Where there is no local plan in force in an area to which a structure plan applies, then, for any of the purposes of the Land Compensation (Scotland) Act 1963—
(a) the development plan or current development plan shall as respects that area be taken as being—
(i) the structure plan so far as applicable to the area, and any alterations to it, together with the Secretary of State's notice of approval of the plan and alterations, or
(ii) the old development plan,
whichever gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, and

- (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in—
- (i) any area wholly or partly within that area selected by the structure plan as an action area, or
 - (ii) the area so defined in the old development plan,
- whichever leads to such assumptions as are mentioned in paragraph (a).

Discontinuance of old development plan on adoption of local plan

- 6.** Subject to paragraph 7, on the adoption or approval of a local plan under section 17 or 19 so much of any old development plan as relates to the area to which the local plan relates shall cease to have effect.
- 7.** The Secretary of State may by order direct that any of the provisions of the old development plan shall continue in force in relation to the area to which the local plan relates and, if he does so, the provisions of the old development plan specified in the order shall continue in force to the extent so specified.
- 8.** The Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the district of a planning authority or in its application to part of that district and make such consequential amendments to the plan as appear to him to be necessary or expedient.
- 9.** Before making an order with respect to a development plan under paragraph 7 or 8, the Secretary of State shall consult the planning authority for the district to which the plan relates.

SCHEDULE 2

Section 28(7).

EXEMPTIONS FROM PLANNING PERMISSION FOR CERTAIN LAND USES IN 1948

- 1.** Where on 1st July 1948 land was being temporarily used for a purpose other than the purpose for which it was normally used, planning permission is not required for the resumption of the use of the land for the latter purpose before 8th December 1969.
- 2.** Where on 1st July 1948 land was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for another purpose, planning permission is not required in respect of the use of the land for that other purpose on similar occasions on or after 8th December 1969 if the land has been used for that other purpose on at least one similar occasion since 1st July 1948 and before the beginning of 1969.
- 3.** Where land was unoccupied on 1st July 1948, but had before that date been occupied at some time on or after 7th January 1937, planning permission is not required in respect of any use of the land begun before 8th December 1969 for the purpose for which the land was last used before 1st July 1948.
- 4.** Notwithstanding anything in paragraphs 1 to 3, the use of land as a caravan site shall not, by virtue of any of those paragraphs, be treated as a use for which planning permission is not required, unless the land was so used on one occasion at least during the period of 2 years ending with 9th March 1960.

SCHEDULE 3

Sections 41(6) and 65(5).

CONDITIONS RELATING TO MINERAL WORKING

PART I

CONDITIONS IMPOSED ON GRANT OF PERMISSION

Duration of development

- 1.** — (1) Every planning permission for development—
- (a) consisting of the winning and working of minerals, or
 - (b) involving the depositing of mineral waste,
- shall be subject to a condition as to the duration of the development.
- (2) Except where a condition is specified under sub-paragraph (3), the condition in the case of planning permission granted or deemed to be granted after 22nd February 1982 is that the winning and working of minerals or the depositing of mineral waste must cease not later than the expiration of the period of 60 years beginning with the date of the permission.
- (3) An authority granting planning permission after that date or directing after that date that planning permission shall be deemed to be granted may specify a longer or shorter period than 60 years, and if they do so, the condition is that the winning and working of minerals or the depositing of mineral waste must cease not later than the expiration of a period of the specified length beginning with the date of the permission.
- (4) A longer or shorter period than 60 years may be prescribed for the purposes of sub-paragraphs (2) and (3).
- (5) The condition in the case of planning permission granted or deemed to have been granted before 22nd February 1982 is that the winning and working of minerals or the depositing of mineral waste must cease not later than the expiration of the period of 60 years beginning with that date.
- (6) A condition to which planning permission for development is subject by virtue of this paragraph—
- (a) is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 41(1)(b), but
 - (b) is to be regarded for the purposes of sections 47 and 48 as a condition imposed by a decision of the planning authority, and may accordingly be the subject of an appeal under section 47.

Power to impose aftercare conditions

- 2.** — (1) Where—
- (a) planning permission for development consisting of the winning and working of minerals or involving the depositing of refuse or waste materials is granted, and
 - (b) the permission is granted subject to a restoration condition,
- it may be granted subject also to any such aftercare condition as the planning authority think fit.
- (2) In this Act—
- “restoration condition” means a condition requiring that after the winning and working is completed or the depositing has ceased, the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material; and

“aftercare condition” means a condition requiring that such steps shall be taken as may be necessary to bring land to the required standard for whichever of the following uses is specified in the condition, namely—

- (a) use for agriculture,
 - (b) use for forestry, or
 - (c) use for amenity.
- (3) An aftercare condition may either—
- (a) specify the steps to be taken, or
 - (b) require that the steps be taken in accordance with a scheme (in this Schedule referred to as an “aftercare scheme”) approved by the planning authority.
- (4) A planning authority may approve an aftercare scheme in the form in which it is submitted to them or may modify it and approve it as modified.
- (5) The steps that may be specified in an aftercare condition or an aftercare scheme may consist of planting, cultivating, fertilising, watering, draining or otherwise treating the land.
- (6) Where a step is specified in a condition or a scheme, the period during which it is to be taken may also be specified, but no step may be required to be taken after the expiry of the aftercare period.
- (7) In sub-paragraph (6) “the aftercare period” means a period of 5 years from compliance with the restoration condition or such other maximum period after compliance with that condition as may be prescribed; and in respect of any part of a site, the aftercare period shall commence on compliance with the restoration condition in respect of that part.
- (8) The power to prescribe maximum periods conferred by sub-paragraph (7) includes power to prescribe maximum periods differing according to the use specified.
- (9) In this paragraph “forestry” means the growing of a utilisable crop of timber.

Meaning of “required standard”

- 3.** — (1) In a case where—
- (a) the use specified in an aftercare condition is a use for agriculture,
 - (b) the land was in use for agriculture at the time of the grant of the planning permission or had previously been used for that purpose and had not at the time of the grant been used for any authorised purpose since its use for agriculture ceased, and
 - (c) the planning authority is aware of, or can readily ascertain, the physical characteristics of the land when it was last used for agriculture,
- the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.
- (2) In any other case where the use specified in an aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.
- (3) Where the use specified in an aftercare condition is a use for forestry, the land is brought to the required standard when it is reasonably fit for that use.
- (4) Where the use specified in an aftercare condition is a use for amenity, the land is brought to the required standard when it is suitable for sustaining trees, shrubs or other plants.
- (5) In this paragraph—
- “authorised” means authorised by planning permission; and
- “forestry” has the same meaning as in paragraph 2.

Consultations

4. — (1) Before imposing an aftercare condition specifying a use for forestry, the planning authority shall consult the Forestry Commission as to whether it is appropriate to specify that use.

(2) Where after consultations required by sub-paragraph (1) the planning authority are satisfied that the use that they ought to specify is a use for forestry, they shall consult the Forestry Commission with regard to whether the steps to be taken should be specified in the aftercare condition or in an aftercare scheme.

(3) The planning authority shall also consult the Forestry Commission—

(a) as to the steps to be specified in an aftercare condition which specifies a use for agriculture or for forestry, and

(b) before approving an aftercare scheme submitted in accordance with an aftercare condition which specifies such a use.

(4) The planning authority shall also, from time to time as they consider expedient, consult the Forestry Commission as to whether the steps specified in an aftercare condition or an aftercare scheme are being taken.

(5) In this paragraph “forestry” has the same meaning as in paragraph 2.

Certificate of compliance

5. If, on the application of any person with an interest in land in respect of which an aftercare condition has been imposed, the planning authority are satisfied that the condition has been complied with they shall issue a certificate to that effect.

Recovery of expenses of compliance

6. A person who has complied with an aftercare condition but who has not himself won and worked minerals or deposited refuse or waste materials shall be entitled, subject to any condition to the contrary contained in a contract which is enforceable against him by the person who last carried out such operations, to recover from that person any expenses reasonably incurred in complying with the aftercare condition.

PART II

CONDITIONS IMPOSED ON REVOCATION OR MODIFICATION OF PERMISSION

7. An order under section 65 may, in relation to planning permission for development consisting of the winning and working of minerals or involving the depositing of refuse or waste materials, include such aftercare condition as the planning authority think fit if—

(a) it also includes a restoration condition, or

(b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act.

8. Paragraphs 2(3) to (9) and 3 to 6 shall apply in relation to an aftercare condition so imposed as they apply in relation to such a condition imposed under paragraph 2.

SCHEDULE 4

Sections 48, 131, 154, 169 and 180.

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Determination of appeals by appointed person

- 1.** — (1) The Secretary of State may by regulations prescribe classes of appeals under sections 47, 130, 154, 169 and 180 which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.
- (2) Those classes of appeals shall be so determined except in such classes of case—
- (a) as may for the time being be prescribed, or
- (b) as may be specified in directions given by the Secretary of State.
- (3) Such regulations may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- (4) This paragraph shall not affect any provision in this Act or any instrument made under it that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.
- (5) A person appointed under this paragraph is referred to in this Schedule as an “appointed person”.

Powers and duties of appointed persons

- 2.** — (1) An appointed person shall have the same powers and duties—
- (a) in relation to an appeal under section 47, as the Secretary of State has under section 48(1), (3), (5) and (8);
- (b) in relation to an appeal under section 130, as he has under sections 132(1), (2) and (4) and 133(1) to (4);
- (c) in relation to an appeal under section 154, as he has under subsection (2) and (3) of that section;
- (d) in relation to an appeal under section 169, as he has under subsections (5), (6), (8) and (9) of that section;
- (e) in relation to an appeal under section 180, as he has under subsections (4) and (6) of that section; and
- (f) in relation to an appeal under paragraph 6(11) or (12) or 11(1) of Schedule 9 or paragraph 9(1) of Schedule 10, as he has under paragraph 18 of Schedule 8.
- (2) Sections 48(2), 131(2) and 155(1) shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the planning authority whether they wish to appear before and be heard by the appointed person.
- (3) If both the parties express a wish not to appear and be heard, the appeal may be determined without their being heard.
- (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
- (5) Sub-paragraph (2) does not apply in the case of an appeal under section 47 if the appeal is referred to a Planning Inquiry Commission under section 69.
- (6) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
- (7) Except as provided by section 239, the decision of an appointed person on an appeal shall be final.

Determination of appeals by Secretary of State

- 3.** — (1) The Secretary of State may, if he thinks fit, direct that an appeal which would otherwise fall to be determined by an appointed person shall instead be determined by the Secretary of State.
- (2) Such a direction shall state the reasons for which it is given and shall be served on the appellant, the planning authority and any person who has made representations relating to the

subject matter of the appeal which the authority are required to take into account under section 38(2) and, if any person has been appointed under paragraph 1, on him.

(3) Where in consequence of such a direction an appeal falls to be determined by the Secretary of State himself, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.

(4) The Secretary of State shall give the appellant, the planning authority and any person who has made any such representations as mentioned in sub-paragraph (2) an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose if—

(a) the reasons for the direction raise matters with respect to which any of those persons have not made representations, or

(b) in the case of the appellant or the planning authority, either of them was not asked in pursuance of paragraph 2(2) whether they wish to appear before and be heard by the appointed person, or expressed no wish in answer to that question, or expressed a wish to appear and be heard, but was not given an opportunity of doing so.

(5) Sub-paragraph (4) does not apply in the case of an appeal under section 47 if the appeal is referred to a Planning Inquiry Commission under section 69.

(6) Except as provided by sub-paragraph (4), the Secretary of State need not give any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made.

(7) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

4. — (1) The Secretary of State may by a further direction revoke a direction under paragraph 3 at any time before the determination of the appeal.

(2) Such a further direction shall state the reasons for which it is given and shall be served on the person, if any, previously appointed to determine the appeal, the appellant, the planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under section 38(2).

(3) Where such a further direction has been given, the provisions of this Schedule relevant to the appeal shall apply, subject to sub-paragraph (4), as if no direction under paragraph 3 had been given.

(4) Anything done by or on behalf of the Secretary of State in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) shall, unless that person directs otherwise, be treated as having been done by him.

Appointment of another person to determine appeal

5. — (1) At any time before the appointed person has determined the appeal the Secretary of State may—

(a) revoke his appointment, and

(b) appoint another person under paragraph 1 to determine the appeal instead.

(2) Where such a new appointment is made the consideration of the appeal or any inquiry or other hearing in connection with it shall be begun afresh.

(3) Nothing in sub-paragraph (2) shall require—

(a) the question referred to in paragraph 2(2) to be asked again with reference to the new appointed person if before his appointment it was asked with reference to the previous

appointed person (any answers being treated as given with reference to the new appointed person), or
(b) any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Local inquiries and hearings

- 6.** — (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—
(a) may hold a local inquiry in connection with the appeal, and
(b) shall do so if the Secretary of State so directs.
(2) Where an appointed person—
(a) holds a hearing by virtue of paragraph 2(4), or
(b) holds an inquiry by virtue of this paragraph,
an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.
(3) Subject to sub-paragraph (4), the expenses of any such hearing or inquiry shall be paid by the Secretary of State.
(4) Subsections (4) to (13) of section 265 apply to an inquiry held under this paragraph as they apply to an inquiry held under that section.
(5) The appointed person has the same power to make orders under subsection (9) of that section in relation to proceedings under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.
(6) For the purposes of this paragraph, references to the Minister in subsections (9) and (12) of that section shall be treated as references to the appointed person.

Supplementary provisions

7. If, before or during the determination of an appeal under section 47 which is to be or is being determined in accordance with paragraph 1, the Secretary of State forms the opinion mentioned in section 48(7), he may direct that the determination shall not be begun or proceeded with.

- 8.** — (1) The ^{M158}Tribunals and Inquiries Act 1992 shall apply to a local inquiry or other hearing held in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in section 10(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
(2) The functions of determining an appeal and doing anything in connection with it conferred by this Schedule on an appointed person who is [^{F76}a member of the staff of the Scottish Administration shall be treated for the purposes of the Scottish Public Services Ombudsman Act 2002 (asp 11) as functions conferred on the Scottish Ministers.]

Annotations:

Amendments (Textual)

F76 Words in Sch. 4 para. 8 substituted (23.10.2002) by 2002 asp 11, s. 25, Sch. 6 para. 17; S.S.I. 2002/467, art. 2

Modifications etc. (not altering text)

C57 Sch. 4 para. 8 modified by S.I. 1999/1351, art. 17(a); S.I. 1999/3178

Marginal Citations

M1581992 c. 53.

SCHEDULE 5

Section 50(3).

SIMPLIFIED PLANNING ZONES

General

1. — (1) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the planning authority think appropriate for explaining or illustrating the provisions of the scheme.

(2) A simplified planning zone scheme shall specify—

(a) the development or classes of development permitted by the scheme,

(b) the land in relation to which permission is granted, and

(c) any conditions, limitations or exceptions subject to which it is granted, and shall contain such other matters as may be prescribed.

Notification of proposals to make or alter scheme

2. An authority who decide under section 50(2) to make or alter a simplified planning zone scheme shall—

(a) notify the Secretary of State of their decision as soon as practicable, and

(b) determine the date on which they will begin to prepare the scheme or the alterations.

Power of Secretary of State to direct making or alteration of scheme

3. — (1) If a person requests a planning authority to make or alter a simplified planning zone scheme but the authority—

(a) refuse to do so, or

(b) do not within the period of 3 months from the date of the request decide to do so, he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.

(2) A person may not require the reference of the matter to the Secretary of State if—

(a) in the case of a request to make a scheme, a simplified planning zone scheme relating to the whole or part of the land specified in the request has been adopted or approved within the 12 months preceding his request, or

(b) in the case of a request to alter the scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within that period.

(3) The Secretary of State shall, as soon as practicable after a matter is referred to him—

(a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and

(b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.

(4) After the Secretary of State has—

(a) considered the matter and any written representations made by the applicant or the authority, and

(b) carried out such consultations with such persons as he thinks fit, he may give the authority a simplified planning zone direction.

(5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.

4. — (1) A simplified planning zone direction is—

(a) if the request was for the making of a scheme, a direction to make a scheme which the Secretary of State considers appropriate, and

(b) if the request was for the alteration of a scheme, a direction to alter it in such manner as he considers appropriate,

and, in either case, requires the planning authority to take all the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme.

(2) A direction under sub-paragraph (1)(a) or (b) may extend—

(a) to the land specified in the request to the authority,

(b) to any part of the land so specified, or

(c) to land which includes the whole or part of the land so specified,

and accordingly may direct that land shall be added to or excluded from an existing simplified planning zone.

Steps to be taken before depositing proposals

5. — (1) A planning authority proposing to make or alter a simplified planning zone scheme shall, before determining the content of their proposals, comply with this paragraph.

(2) They shall—

(a) consult—

(i) the Secretary of State, and

(ii) any local roads authority in whose area the proposed zone or any part of it lies, as to the effect any proposals they may make might have on existing or future roads, and

(b) consult or notify such persons as regulations may require them to consult or, as the case may be, notify.

(3) They shall take such steps as may be prescribed, or as the Secretary of State may in a particular case direct, to publicise—

(a) the fact that they propose to make or alter a simplified planning zone scheme, and

(b) the matters which they are considering including in the proposals.

(4) They shall consider any representations that are made in accordance with regulations.

Procedure after deposit of proposals

6. Where a planning authority have prepared a proposed simplified planning zone scheme, or proposed alterations to a simplified planning zone scheme, they shall—

(a) make copies of the proposed scheme or alterations available for inspection at such places as may be prescribed,

(b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed scheme or alterations are so available and the places at which, and times during which, they may be inspected,

(c) take such steps as may be prescribed for inviting representations or objections to be made within such period as may be prescribed, and

(d) send a copy of the proposed scheme or alterations to the Secretary of State and to any local roads authority whom they have consulted under paragraph 5(2)(a).

Procedure for dealing with objections

7. — (1) Where objections to the proposed scheme or alterations are made, the planning authority may—
- (a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or
 - (b) require the objections to be considered by a person appointed by the Secretary of State.
- (2) A planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.
- (3) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons for the purposes of this paragraph;
 - (b) include provision enabling the Secretary of State to direct a planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (4) The ^{M159}Tribunals and Inquiries Act 1992 applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 10(1)(statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a planning authority.
- (5) The planning authority shall—
- (a) where a person appointed under or by virtue of this paragraph is in the public service of the Crown, pay the Secretary of State, and
 - (b) in any other case, pay the person so appointed,
- a sum, determined in accordance with regulations under sub-paragraph (6), in respect of the performance by the person so appointed of his functions in relation to the inquiry or hearing (whether or not it takes place).
- (6) Regulations made by the Secretary of State may make provision with respect to the determination of the sum referred to in sub-paragraph (5) and may in particular prescribe, in relation to any class of person appointed under or by virtue of this paragraph, a standard daily amount applicable in respect of each day on which a person of that class is engaged in holding, or in work connected with, the inquiry or hearing.
- (7) Without prejudice to the generality of sub-paragraph (6), the Secretary of State may, in prescribing by virtue of that sub-paragraph a standard daily amount for any class of person—
- (a) where the persons of that class are in the public service of the Crown, have regard to the general staff costs and overheads of his department, and
 - (b) in any other case, have regard to the general administrative costs incurred by persons of that class in connection with the performance by them of their functions in relation to such inquiries and hearings.

Annotations:

Modifications etc. (not altering text)

C58 Sch. 5 para. 7(5)-(7) amended (27.5.1997) by 1997 c. 11, ss. 5, 6(2), Sch. 3 para. 14

Marginal Citations

M1591992 c. 53.

Adoption of proposals by planning authority

8. — (1) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of

any person holding an inquiry or hearing or considering the objections under paragraph 7, the planning authority may by resolution adopt the proposals (subject to the following provisions of this paragraph and of paragraph 9).

(2) They may adopt the proposals as originally prepared or as modified so as to take account of—

(a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or

(b) any other considerations which appear to the authority to be material.

(3) After copies of the proposals have been sent to the Secretary of State and before they have been adopted by the planning authority, the Secretary of State may, if it appears to him that the proposals are unsatisfactory, direct the authority to consider modifying the proposals in such respects as are indicated in the direction.

(4) An authority to whom a direction is given shall not adopt the proposals unless they satisfy the Secretary of State that they have made the modification necessary to conform with the direction or the direction is withdrawn.

Calling in of proposals for approval by Secretary of State

9. — (1) After copies of proposals have been sent to the Secretary of State and before they have been adopted by the planning authority, the Secretary of State may direct that the proposals shall be submitted to him for his approval.

(2) In that event—

(a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing or any consideration of objections in respect of the proposals under paragraph 7, and

(b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

Approval of proposals by Secretary of State

10. — (1) The Secretary of State may after considering proposals submitted to him under paragraph 9 either approve them, in whole or in part and with or without modifications, or reject them.

(2) In considering the proposals he may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.

(3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them he shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—

(a) have already been considered by the planning authority or by a person appointed by the Secretary of State, or

(b) have already been considered at a local inquiry or other hearing.

(4) The Secretary of State may—

(a) for the purpose of considering any objections and the views of the planning authority and of such other persons as he thinks fit, cause a local inquiry or other hearing to be held by a person appointed by him, or

(b) require such objections and views to be considered by a person appointed by him.

(5) In considering the proposals the Secretary of State may consult, or consider the views of, any planning authority or any other person; but he need not do so, or give an opportunity for

the making or consideration of representations or objections, except so far as he is required to do so by sub-paragraph (3) of this paragraph.

Default powers

11. — (1) Where—

(a) a planning authority are directed under paragraph 3 to make a simplified planning zone scheme which the Secretary of State considers appropriate or to alter such a scheme in such manner as he considers appropriate, and

(b) the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme, he may himself make a scheme or, as the case may be, the alterations.

(2) Where under this paragraph anything which ought to have been done by a planning authority is done by the Secretary of State, the preceding provisions of this Schedule apply, so far as practicable, with any necessary modifications in relation to the doing of that thing by the Secretary of State and the thing so done.

(3) Where the Secretary of State incurs expenses under this paragraph in connection with the doing of anything which should have been done by a planning authority, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by the authority to the Secretary of State.

Regulations and directions

12. — (1) Without prejudice to the preceding provisions of this Schedule, the Secretary of State may make regulations with respect to the form and content of simplified planning zone schemes and with respect to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.

(2) Any such regulations may in particular—

(a) provide for the notice to be given of, or the publicity to be given to, matters included or proposed to be included in a simplified planning zone scheme and the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step, and for publicity to be given to the procedure to be followed in these respects;

(b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;

(c) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;

(d) without prejudice to paragraph (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and have notified the planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;

(e) require or authorise a planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;

(f) require a planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request in that behalf with copies of any document which has been made public, subject (if the regulations so provide) to the payment of a reasonable charge;

(g) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.

(3) Regulations under this paragraph may extend throughout Scotland or to specified areas only and may make different provision for different cases.

(4) Subject to the preceding provisions of this Schedule and to any regulations under this paragraph, the Secretary of State may give directions to any planning authority or to planning authorities generally—

(a) for formulating the procedure for the carrying out of their functions under this Schedule;

(b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.

SCHEDULE 6

Section 69(4).

PLANNING INQUIRY COMMISSIONS

Constitution

1. — (1) A Planning Inquiry Commission (“a commission”) shall consist of a chairman and not less than 2 nor more than 4 other members appointed by the Secretary of State.

(2) The Secretary of State may—

(a) pay to the members of a commission such remuneration and allowances as he may with the consent of the Treasury determine, and

(b) provide for a commission such officers or servants, and such accommodation, as appears to him expedient to provide for the purpose of assisting the commission in the discharge of their functions.

(3) The validity of any proceedings of a commission shall not be affected by any vacancy among the members of the commission or by any defect in the appointment of any member.

References

2. — (1) Two or more of the matters mentioned in section 69(2) may be referred to the same commission if it appears to the responsible Minister or Ministers that they relate to proposals to carry out development for similar purposes on different sites.

(2) Where a matter referred to a commission under section 69(2) relates to a proposal to carry out development for any purpose at a particular site, the responsible Minister or Ministers may also refer to the commission the question whether development for that purpose should instead be carried out at an alternative site.

(3) On referring a matter to a commission under section 69(2), the responsible Minister or Ministers—

(a) shall state in the reference the reasons for the reference, and

(b) may draw the attention of the commission to any points which seem to him or them to be relevant to their inquiry.

Procedure on reference

3. — (1) A reference to a commission of a proposal that development should be carried out by or on behalf of a government department may be made at any time.

(2) A reference of any other matter mentioned in section 69(2) may be made at any time before, but not after, the determination of the relevant application referred under section 46 or

the relevant appeal under section 47 or, as the case may be, the giving of the relevant direction under section 57.

(3) The fact that an inquiry or other hearing has been held into a proposal by a person appointed by any Minister for the purpose shall not prevent a reference of the proposal to a commission.

(4) Notice of the making of a reference to a commission shall be published in the prescribed manner.

(5) A copy of the notice shall be served on the planning authority for the area in which it is proposed that the relevant development shall be carried out, and—

(a) in the case of an application for planning permission referred under section 46 or an appeal under section 47, on the applicant and any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under section 38(1) or (2);

(b) in the case of a proposal that a direction should be given under section 57 with respect to any development, on the local authority or statutory undertakers applying for authorisation to carry out that development.

(6) Subject to the provisions of this Schedule and to any directions given to them by the responsible Minister or Ministers, a commission shall have power to regulate their own procedure.

Functions on reference

4. — (1) A commission inquiring into a matter referred to them under section 69(2) shall—

(a) identify and investigate the considerations relevant to, or the technical or scientific aspects of, that matter which in their opinion are relevant to the question whether the proposed development should be permitted to be carried out, and

(b) assess the importance to be attached to those considerations or aspects.

(2) If—

(a) in the case of a matter mentioned in section 69(2)(a), (b) or (c), the applicant, or

(b) in any case, the planning authority,

so wish, the commission shall give to each of them, and, in the case of an application or appeal mentioned in section 69(2)(a) or (b), also to any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under section 38(1) or (2), an opportunity of appearing before and being heard by one or more members of the commission.

(3) The commission shall then report to the responsible Minister or Ministers on the matter referred to them.

(4) A commission may, with the approval of the Secretary of State and at his expense, arrange for the carrying out (whether by the commission themselves or by others) of research of any kind appearing to them to be relevant to a matter referred to them for inquiry and report.

Local inquiries held by commission

5. — (1) A commission shall, for the purpose of complying with paragraph 4(2), hold a local inquiry.

(2) They may hold such an inquiry, if they think it necessary for the proper discharge of their functions, although neither the applicant nor the planning authority wish an opportunity to appear and be heard.

(3) Where a commission are to hold a local inquiry under this paragraph in connection with a matter referred to them, and it appears to the responsible Minister or Ministers, in the case of some other matter falling to be determined by a Minister of the Crown and required or authorised by an enactment other than paragraph 4 and this paragraph to be the subject of a local inquiry, that the two matters are so far cognate that they should be considered together, he or, as the case may be, they may direct that the two inquiries be held concurrently or combined as one inquiry.

(4) An inquiry held by a commission under this paragraph shall be treated for the purposes of the ^{M160}Tribunals and Inquiries Act 1992 as one held by a Minister in pursuance of a duty imposed by a statutory provision.

(5) Subsections (4) to (13) of section 265 (power to summon and examine witnesses, and expenses at inquiries) shall apply to an inquiry held under this paragraph as they apply to an inquiry held under that section.

" *The responsible Minister or Ministers*"

Annotations:

Marginal Citations

M1601992 c. 53.

6. — (1) In section 69 and this Schedule “the responsible Minister or Ministers” means, in relation to a matter specified in column 1 of the following Table (matters which may be referred to a Planning Inquiry Commission under section 69(2)), the Minister or Ministers specified opposite in column 2.

(2) Where an entry in column 2 of the Table specifies two or more Ministers, that entry shall be construed as referring to those Ministers acting jointly.

TABLE	Responsible Minister or Ministers
Referred Matter	
1. Application for planning permission or appeal under section 47— (a) relating to land to which section 218(1) applies;	(a) the Secretary of State and the appropriate Minister (if different);
(b) relating to other land.	(b) the Secretary of State.
2. Proposal that a government department should give a direction under section 57(1) or that development should be carried out by or on behalf of a government department.	The Secretary of State and the Minister (if different) in charge of the government department concerned.

SCHEDULE 7

Section 70(4).

JOINT PLANNING INQUIRY COMMISSIONS

Constitution

- 1.** — (1) A Joint Planning Inquiry Commission (a “joint commission”) shall consist of a chairman and not less than 2 nor more than 4 other members appointed by the Ministers.
- (2) The Ministers may—
- (a) pay to the members of a joint commission such remuneration and allowances as they may with the consent of the Treasury determine, and
- (b) provide for a joint commission such officers or servants, and such accommodation, as appears to them expedient to provide for the purpose of assisting the commission in the discharge of their functions.
- (3) The validity of any proceedings of a joint commission shall not be affected by any vacancy among the members of the commission or by any defect in the appointment of any member.

References

- 2.** — (1) Two or more of the matters mentioned in section 70(2) (“referred matters”) may be referred to the same joint commission if it appears to the responsible Ministers that they relate to proposals to carry out development for similar purposes on different sites.
- (2) Where a referred matter relates to a proposal to carry out development for any purpose at a particular site, the responsible Ministers may also refer to the commission the question whether development for that purpose should be instead carried out at an alternative site, whether in Scotland or in England, or partly in one and partly in the other.
- (3) On referring a matter to a joint commission, the responsible Ministers—
- (a) shall state in the reference the reasons for it, and
- (b) may draw the attention of the commission to any points which seem to them to be relevant to their inquiry.

Procedure on reference

- 3.** — (1) A reference to a joint commission of a proposal that development should be carried out by or on behalf of a government department may be made at any time.
- (2) A reference of any other matter mentioned in section 70(2) may be made at any time before, but not after, the determination of the relevant referred application or the relevant appeal or, as the case may be, the giving of the relevant direction, notwithstanding that an inquiry or other hearing has been held into the proposal by a person appointed by any Minister for the purpose.
- (3) Notice of the making of a reference to a joint commission shall be published in the prescribed manner.
- (4) A copy of the notice shall be served on the planning authority for the district, or as the case may be the local planning authority for the area, in which it is proposed that the relevant development shall be carried out.
- (5) In the case of an application for planning permission referred under section 46 of this Act or section 77 of the 1990 Act or an appeal under section 47 of this Act or section 78 of the 1990 Act, notice shall also be served—
- (a) on the applicant or appellant, and
- (b) on any person who has made representations, relating to the subject matter of the application or appeal, which the planning authority are required to take into account under

section 38(1) or (2) of this Act or, as the case may be, the local planning authority are required to take into account under section 71(1) or (2) of the 1990 Act.

(6) In the case of a proposal that a direction should be given by a government department under section 57(1) of this Act or section 90(1) of the 1990 Act with respect to any development, notice shall also be served on the local authority or statutory undertakers applying for authorisation to carry out that development.

(7) Subject to the provisions of this Schedule, and to any directions given to them by the responsible Ministers, a joint commission shall have power to regulate their own procedure.

(8) In this paragraph “prescribed” means prescribed by regulations made by the Secretary of State and the [^{F77} [Secretary of State for Transport](#)] jointly in the exercise of their respective powers under this Act and the 1990 Act.

Annotations:

Amendments (Textual)

F77 Words in Sch. 7 para. 3(8) substituted (25.11.2002) by S.I. 2002/2626, art. 20, Sch. 2 para. 22

Functions on reference

4. A joint commission inquiring into a referred matter shall—

- (a) identify and investigate the considerations relevant to, or the technical or scientific aspects of, that matter which in their opinion are relevant to the question whether the proposed development should be permitted to be carried out,
- (b) assess the importance to be attached to those considerations or aspects,
- (c) give to persons an opportunity of appearing before, and being heard by, one or more members of the commission in accordance with paragraph 5, and
- (d) report to the responsible Ministers on the matter.

5. A joint commission shall give an opportunity of appearing and being heard by one or more of its members to—

- (a) in any case, the planning authority or, as the case may be, the local planning authority, if the authority so wish,
- (b) in the case of a matter mentioned in section 69(2)(a), (b) or (c) of this Act or section 101(2)(a), (b) or (c) of the 1990 Act, the applicant, if he so wishes, and
- (c) in the case of an application or appeal mentioned in section 69(2)(a) or (b) of this Act or section 101(2)(a) or (b) of the 1990 Act, any person who has made representations relating to the subject matter of the application or appeal which the planning authority are required to take into account under section 38(1) or (2) of this Act or, as the case may be, the local planning authority are required to take into account under section 71(1) or (2) of the 1990 Act.

6. A joint commission may, with the approval of the Ministers and at their expense, arrange for the carrying out, by themselves or others, of research of any kind appearing to them to be relevant to a referred matter.

7. The provisions of sections 46(5) and 48(2) of this Act and sections 77(5) and 79(2) of the 1990 Act and the provisions of Schedule 4 to this Act and Schedule 6 to the 1990 Act, relating to the giving of an opportunity of appearing before, and being heard by, a person

appointed by the Secretary of State, shall not apply to an application for planning permission, or an appeal, referred to a joint commission.

Local inquiries

8. — (1) A joint commission shall, for the purpose of complying with paragraph 5, hold a local inquiry.

(2) A joint commission may hold such an inquiry if they think it necessary for the proper discharge of their functions, although neither the applicant nor the planning authority or, as the case may be, the local planning authority wish an opportunity to appear and be heard.

(3) Where a joint commission are to hold a local inquiry in connection with a referred matter and it appears to the responsible Ministers, in the case of some other matter falling to be determined by a Minister of the Crown and required or authorised by an enactment other than this Schedule to be the subject of a local inquiry, that the two matters are so far cognate that they should be considered together, the responsible Minister may direct that the two inquiries be held concurrently or combined as one inquiry.

(4) For the purposes of the ^{M161}Tribunals and Inquiries Act 1992 a local inquiry held by a joint commission—

(a) if held in Scotland, shall be treated as one held by the Secretary of State in pursuance of a duty imposed by a statutory provision, and

(b) if held in England, shall be treated as one held by [^{F78}the Secretary of State for Transport] in pursuance of a duty so imposed.

(5) Subsections (4) to (13) of section 265 shall apply to a local inquiry held by a joint commission in Scotland as they apply to an inquiry held under that section.

(6) Subsections (2) to (5) of section 250 of the ^{M162}Local Government Act 1972 (evidence and costs at local inquiries) shall apply in relation to a local inquiry held by a joint commission in England as they apply in relation to an inquiry caused to be held by a Minister under subsection (1) of that section, with the substitution for references to a Minister causing the inquiry to be held (other than the first reference in subsection (4)) of references to the responsible Ministers.

Annotations:

Amendments (Textual)

F78 Words in Sch. 7 para. 8(4)(b) substituted (25.11.2002) by S.I. 2002/2626, art. 20, Sch. 2 para. 22

Marginal Citations

M1611992 c. 53.

M1621972 c. 70.

Interpretation

9. In this Schedule—

“the 1990 Act” means the ^{M163}Town and Country Planning Act 1990;

“the Ministers” has the meaning given in section 70(3), except that their functions under paragraphs 1(2) and 6 may, by arrangements between them, be exercised by either acting on behalf of both; and

“the responsible Ministers” means, in relation to a matter specified in column 1 of the following Table (matters which may be referred to a Joint Planning Inquiry Commission under section 70(2)), those specified opposite in column 2, acting jointly.

TABLE Referred Matter	Responsible Ministers
1. Application for planning permission or appeal under section 47 of this Act— (a) relating to land to which section 218(1) of this Act or section 266(1) of the 1990 Act applies;	(a) the Secretaries of State for the time being having general responsibility in planning matters in relation to Scotland and in relation to England and the appropriate Minister (if different).
Referred Matter	Responsible Ministers
(b) relating to other land.	(b) the Secretaries of State for the time being having general responsibility in planning matters in relation to Scotland and in relation to England.
2. Proposal that a government department should give a direction under section 57(1) of this Act or section 90(1) of the 1990 Act, or that development should be carried out by or on behalf of a government department.	The Secretaries of State for the time being having general responsibility in planning matters in relation to Scotland and in relation to England and the Minister (if different) in charge of the government department concerned.

Annotations:

Marginal Citations

M163 1990 c. 8.

SCHEDULE 8

Section 71(8).

OLD MINERAL WORKINGS AND PERMISSIONS

PART I

REQUIREMENTS RELATING TO DISCONTINUANCE OF MINERAL WORKING

Orders requiring discontinuance of mineral working

1. — (1) If, having regard to the development plan and to any other material considerations, it appears to a planning authority that it is expedient in the interests of the proper planning of their district (including the interests of amenity)—

- (a) that any use of land for development consisting of the winning and working of minerals or involving the deposit of refuse or waste materials in, on or under the land should be discontinued, or that any conditions should be imposed on the continuance of that use of land,
- (b) that any buildings or works on land so used should be altered or removed, or
- (c) that any plant or machinery used for the winning and working of or depositing of minerals should be altered or removed,

the planning authority may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance of it or, as the case may be, require such steps as may be so specified to be taken for the alteration or removal of the buildings or works or plant or machinery.

(2) Subsections (2) to (5) and (7) of section 71 and section 72 apply to orders under this paragraph as they apply to orders under section 71.

2. — (1) Where development consisting of the winning and working of minerals or involving the deposit of refuse or waste materials is being carried out in, on or under any land, the conditions which an order under paragraph 1 may impose include a restoration condition.

(2) If—

- (a) such an order includes a restoration condition, or
- (b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act,

the order may also include any such aftercare condition as the planning authority think fit.

(3) An order under paragraph 1 may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be—

- (a) required by paragraph 1 of Schedule 3, or
- (b) specified in the order.

(4) In a case where—

- (a) the use specified in an aftercare condition is a use for agriculture,
- (b) the land was in use for agriculture immediately before the development began or had previously been used for agriculture and had not been used for any authorised purpose since its use for agriculture ceased, and
- (c) the planning authority is aware of or can readily ascertain the physical characteristics of the land when it was last used for agriculture,

the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.

(5) In any other case where the use specified in an aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.

Prohibition of resumption of mineral working

3. — (1) Where it appears to the planning authority that development of land consisting of the winning and working of minerals or involving the depositing of mineral waste has occurred, but the winning and working or depositing has permanently ceased, the planning authority may by order—

- (a) prohibit the resumption of the winning and working or the depositing, and
- (b) impose, in relation to the site, any such requirement as is specified in sub-paragraph (3).

(2) The planning authority may assume that the winning and working or the depositing has permanently ceased only when—

- (a) no winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least 2 years, and

(b) it appears to the planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing to any substantial extent at the site is unlikely.

(3) The requirements mentioned in sub-paragraph (1) are—

(a) a requirement to alter or remove plant or machinery which was used for the purpose of the winning and working or the depositing or for any purpose ancillary to that purpose,

(b) a requirement to take such steps as may be specified in the order, within such period as may be so specified, for the purpose of removing or alleviating any injury to amenity which has been caused by the winning and working or depositing, other than injury due to subsidence caused by underground mining operations,

(c) a requirement that any condition subject to which planning permission for the development was granted or which has been imposed by virtue of any provision of this Act shall be complied with, and

(d) a restoration condition.

(4) If—

(a) an order under this paragraph includes a restoration condition, or

(b) a restoration condition has previously been imposed in relation to the site by virtue of any provision of this Act,

the order may include any such aftercare condition as the planning authority think fit.

(5) Paragraphs 2(3) to (9), 3(3) and (4) and 4 to 6 of Schedule 3 apply in relation to an aftercare condition imposed under this paragraph as they apply to such a condition imposed under paragraph 2 of that Schedule.

(6) In a case where—

(a) the use specified in an aftercare condition is a use for agriculture,

(b) the land was in use for agriculture immediately before development consisting of the winning and working of minerals began to be carried out in, on, or under it or had previously been used for any authorised purpose since its use for agriculture ceased, and

(c) the planning authority is aware of or can readily ascertain the physical characteristics of the land when it was last used for agriculture,

the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.

(7) In any other case where the use specified is a use for agriculture the land is brought to the required standard when it is reasonably fit for that use.

4. — (1) An order under paragraph 3 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) Where a planning authority submit such an order to the Secretary of State for his confirmation under this paragraph, the authority shall serve notice of the order—

(a) on any person who is an owner or occupier of any of the land to which the order relates, and

(b) on any other person who in their opinion will be affected by it.

(3) The notice shall specify the period within which any person on whom the notice is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for that purpose.

(4) If within that period such a person so requires, the Secretary of State shall, before confirming the order, give such an opportunity both to that person and to the planning authority.

(5) The period referred to in sub-paragraph (3) must not be less than 28 days from the service of the notice.

(6) Where an order under paragraph 3 has been confirmed by the Secretary of State, the planning authority shall serve a copy of the order on every person who was entitled to be served with notice under sub-paragraph (2).

(7) When an order under paragraph 3 takes effect any planning permission for the development to which the order relates shall cease to have effect.

(8) Sub-paragraph (7) is without prejudice to the power of the planning authority, on revoking the order, to make a further grant of planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste.

Orders after suspension of winning and working of minerals

5. — (1) Where it appears to the planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals, or

(ii) involving the depositing of mineral waste,
has occurred, but

(b) the winning and working or depositing has been temporarily suspended,
the planning authority may by order (in this Act referred to as a “suspension order”) require that steps be taken for the protection of the environment.

(2) The planning authority may assume that the winning and working or the depositing has been temporarily suspended only when—

(a) no such winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least 12 months, but

(b) it appears to the planning authority, on the evidence available to them at the time when they make the order, that a resumption of such winning and working or depositing to a substantial extent is likely.

(3) In this Act “steps for the protection of the environment” means steps for the purpose of—

(a) preserving the amenities of the area in which the land in, on or under which the development was carried out is situated during the period while the winning and working or the depositing is suspended,

(b) protecting that area from damage during that period, or

(c) preventing any deterioration in the condition of the land during that period.

(4) A suspension order shall specify a period, commencing with the date on which it is to take effect, within which any required step for the protection of the environment is to be taken and may specify different periods for the taking of different steps.

Supplementary suspension orders

6. — (1) At any time when a suspension order is in operation the planning authority may by order direct—

(a) that steps for the protection of the environment shall be taken in addition to or in substitution for any of the steps which the suspension order or a previous order under this sub-paragraph specified as required to be taken, or

(b) that the suspension order or any order under this sub-paragraph shall cease to have effect.

(2) An order under sub-paragraph (1) is in this Act referred to as a “supplementary suspension order”.

Confirmation and coming into operation of suspension orders

7. — (1) Subject to sub-paragraph (2) and without prejudice to paragraph 8, a suspension order or a supplementary suspension order shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) A supplementary suspension order revoking a suspension order or a previous supplementary suspension order and not requiring that any fresh step shall be taken for the protection of the environment shall take effect without confirmation.

(3) Sub-paragraphs (2) to (5) of paragraph 4 shall have effect in relation to a suspension order or supplementary suspension order submitted to the Secretary of State for his confirmation as they have effect in relation to an order submitted to him for his confirmation under that paragraph.

(4) Where a suspension order or supplementary suspension order has been confirmed by the Secretary of State, the planning authority shall serve a copy of the order on every person who was entitled to be served with notice of the order by virtue of sub-paragraph (3).

Registration of suspension orders

8. An order made under paragraph 3, 5 or 6 shall not take effect until it is registered either—

(a) in a case where the land affected by the order is registered in that Register, in the Land Register for Scotland, or

(b) in any other case, in the appropriate division of the General Register of Sasines.

Review of suspension orders

9. — (1) It shall be the duty of a planning authority—

(a) to undertake in accordance with the following provisions of this paragraph reviews of suspension orders and supplementary suspension orders which are in operation in their district, and

(b) to determine whether they should make in relation to any land to which a suspension order or supplementary suspension order applies—

(i) an order under paragraph 3, or

(ii) a supplementary suspension order.

(2) The first review of a suspension order shall be undertaken not more than 5 years from the date on which the order takes effect.

(3) Each subsequent review shall be undertaken not more than 5 years after the previous review.

(4) If a supplementary suspension order is in operation for any part of the area for which a suspension order is in operation, they shall be reviewed together.

(5) If a planning authority have made a supplementary suspension order which requires the taking of steps for the protection of the environment in substitution for all the steps required to be taken by a previous suspension order or supplementary suspension order, the authority shall undertake reviews of the supplementary suspension order in accordance with sub-paragraphs (6) and (7).

(6) The first review shall be undertaken not more than 5 years from the date on which the order takes effect.

(7) Each subsequent review shall be undertaken not more than 5 years after the previous review.

Old mining permissions

- 10.** — (1) In this paragraph and Part II of this Schedule, “old mining permission” means any planning permission for development—
- (a) consisting of the winning and working of minerals, or
 - (b) involving the depositing of mineral waste,
- which is deemed to have been granted by virtue of paragraph 77 of Schedule 22 to the 1972 Act (development authorised under interim development orders after 10th November 1943).
- (2) An old mining permission shall, if an application under Part II of this Schedule to determine the conditions to which the permission is to be subject is finally determined, have effect as from the final determination as if granted on the terms required to be registered.
- (3) If no such development has, at any time in the period of 2 years ending with 16th May 1991, been carried out to any substantial extent anywhere in, on or under the land to which an old mining permission relates, that permission shall not authorise any such development to be carried out after 24 January 1992 unless—
- (a) the permission has effect in accordance with sub-paragraph (2), and
 - (b) the development is carried out after such an application is finally determined.
- (4) An old mining permission shall—
- (a) if no application for the registration of the permission is made under Part II of this Schedule, cease to have effect on the day following the last date on which such an application may be made, and
 - (b) if such an application is refused, cease to have effect on the day following the date on which the application is finally determined.
- (5) An old mining permission shall, if—
- (a) such an application is granted, but
 - (b) an application under Part II of this Schedule to determine the conditions to which the permission is to be subject is required to be served before the end of any period and is not so served,
- cease to have effect on the day following the last date on which the application to determine those conditions may be served.
- (6) Subject to sub-paragraph (3), this paragraph—
- (a) shall not affect any development carried out under an old mining permission before an application under Part II of this Schedule to determine the conditions to which the permission is to be subject is finally determined or, as the case may be, the date on which the permission ceases to have effect, and
 - (b) shall not affect any order made or having effect as if made under paragraphs 1 to 9 and 11.

Resumption of mineral working after suspension order

- 11.** — (1) Subject to sub-paragraph (2), nothing in a suspension order or a supplementary suspension order shall prevent the recommencement of development consisting of the winning and working of minerals or involving the depositing of mineral waste at the site in relation to which the order has effect.
- (2) No person shall recommence such development without first giving the planning authority notice of his intention to do so.
- (3) A notice under sub-paragraph (2) shall specify the date on which the person giving the notice intends to recommence the development.
- (4) The planning authority shall revoke the order if the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect.

(5) If the authority do not revoke the order before the end of the period of 2 months from the date specified in the notice under sub-paragraph (2), the person who gave that notice may apply to the Secretary of State for the revocation of the order.

(6) Notice of an application under sub-paragraph (5) shall be given by the applicant to the planning authority.

(7) If he is required to do so by the person who gave the notice or by the planning authority, the Secretary of State shall, before deciding whether to revoke the order, give him and the planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(8) If the Secretary of State is satisfied that the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect, he shall revoke the order.

(9) If the Secretary of State revokes an order by virtue of sub-paragraph (8), he shall give notice of its revocation—

(a) to the person who applied to him for the revocation, and

(b) to the planning authority.

Default powers of Secretary of State

12. — (1) If it appears to the Secretary of State that it is expedient that any order should be made under paragraph 1, 3, 5 or 6, he may himself make such an order.

(2) Such an order made by the Secretary of State shall have the same effect as if it had been made by the planning authority and confirmed by the Secretary of State.

(3) The Secretary of State shall not make such an order without consulting the planning authority.

(4) Where the Secretary of State proposes to make an order under paragraph 1 he shall serve a notice of the proposal on the planning authority.

(5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) If within that period the authority so require, the Secretary of State shall, before making the order, give the authority such an opportunity.

(7) The provisions of this Schedule and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the planning authority of any order under paragraph 1, 3, 5 or 6, as the case may be, its confirmation by the Secretary of State and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order by virtue of sub-paragraph (1), its making by him and the service of copies of it.

PART II

REGISTRATION OF OLD MINING PERMISSIONS

Application for registration

13. — (1) Any person who is an owner of any land to which an old mining permission relates, or is entitled to an interest in a mineral to which such a permission relates, may apply to the planning authority for the permission to be registered.

(2) The application must specify the development which the applicant claims is authorised by the permission, including the land to which the permission relates, and the conditions (if any) to which the permission is subject.

(3) The application must be served on the planning authority before the end of the period of 6 months beginning on 24 January 1992.

(4) On an application under this paragraph, the planning authority must—

(a) if they are satisfied that (apart from paragraph 10(3)) the permission authorises development consisting of the winning and working of minerals or involving the depositing of mineral waste, ascertain—

(i) the area of land to which the permission relates, and

(ii) the conditions (if any) to which the permission is subject, and grant the application, and

(b) in any other case, refuse the application.

(5) Where—

(a) application has been made under this paragraph, but

(b) the planning authority have not given the applicant notice of their determination within the period of 3 months beginning with the service of notice of the application (or within such extended period as may at any time be agreed upon in writing between the applicant and the authority),

the application is to be treated for the purposes of paragraph 10 and this Part of this Schedule as having been refused by the authority.

Determination of conditions

14. — (1) The conditions to which an old mining permission is to be subject—

(a) may include any conditions which may be imposed on a grant of planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste,

(b) may be imposed in addition to, or in substitution for, any conditions ascertained under paragraph 13(4)(a), and

(c) must include a condition that the winning and working of minerals or depositing of mineral waste must cease not later than 21st February 2042.

(2) Where an application for the registration of an old mining permission has been granted, any person who is an owner of any land to which the permission relates, or is entitled to an interest in a mineral to which the permission relates, may apply to the planning authority to determine the conditions to which the permission is to be subject.

(3) The application must set out proposed conditions.

(4) The application must be served on the planning authority—

(a) after the date mentioned in sub-paragraph (5), and

(b) except where paragraph 10(3) applies, before the end of the period of 12 months beginning with that date or such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(5) The date referred to in sub-paragraph (4) is—

(a) the date on which the application for registration is granted by the planning authority, if no appeal is made to the Secretary of State under paragraph 17, and

(b) in any other case, the date on which the application for registration is finally determined.

(6) On an application under this paragraph—

(a) the planning authority must determine the conditions to which the permission is to be subject, and

(b) if, within the period of 3 months beginning with the service of notice of the application (or within such extended period as may at any time be agreed upon in writing between the applicant and the authority) the authority have not given the applicant notice of their determination, the authority shall be treated for the purposes of paragraph 10 and this Part of

this Schedule as having determined that the permission is to be subject to the conditions set out in the application.

(7) The condition to which an old mining permission is to be subject by reason of subparagraph (1)(c) is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 41(1)(b)(planning permission granted for a limited period).

(8) This paragraph does not apply to an old mining permission which has ceased to have effect since the application under paragraph 13 was granted.

Registration

15. — (1) Where an application for the registration of an old mining permission is granted, the permission must be entered in the appropriate part of the register kept under section 36 and the entry must specify the area of land ascertained under paragraph 13(4)(a).

(2) Where an application to determine the conditions to which an old mining permission is to be subject is finally determined, the conditions must be entered in the appropriate part of that register.

(3) The matters required to be entered in the register under this paragraph must be entered as soon as reasonably practicable.

General provisions about applications

16. — (1) An application under paragraph 13 or 14 is an application which is—

(a) made on an official form, and

(b) accompanied by an appropriate certificate.

(2) The applicant must, so far as reasonably practicable, give the information required by the form.

(3) Where the planning authority receive an application under paragraph 13 or 14, they must as soon as reasonably practicable give to the applicant a written acknowledgement of the application.

(4) Where the planning authority determine an application under either of those paragraphs, they must as soon as reasonably practicable give written notice of their determination to the applicant.

(5) An appropriate certificate is such a certificate—

(a) as would be required under sections 34 or 35 to accompany the application if it were an application for planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste, but

(b) with such modifications as are required for the purposes of this Part of this Schedule.

(6) Sections 34(3) and (4) and 35(5)(offences) shall also have effect in relation to any certificate purporting to be an appropriate certificate.

Right of appeal

17. — (1) Where the planning authority—

(a) refuse an application under paragraph 13, or

(b) in granting such an application, ascertain an area of land, or conditions, which differ from those specified in the application,

the applicant may appeal to the Secretary of State.

(2) Where, on an application under paragraph 14, the planning authority determine conditions that differ in any respect from the conditions set out in the application, the applicant may appeal to the Secretary of State.

- (3) An appeal under this paragraph must be made by giving notice of appeal to the Secretary of State.
- (4) In the case of an appeal under sub-paragraph (1), the notice must be given to the Secretary of State before the end of the period of 3 months beginning with the determination or, in the case of an application treated as refused by virtue of paragraph 13(5), beginning at the end of the period or extended period referred to in paragraph 13(5)(b).
- (5) In the case of an appeal under sub-paragraph (2), the notice must be given to the Secretary of State before the end of the period of 6 months beginning with the determination.
- (6) A notice of appeal under this paragraph is a notice which—
- (a) is made on an official form, and
 - (b) is accompanied by an appropriate certificate.
- (7) The appellant must, so far as reasonably practicable, give the information required by the form.
- (8) Paragraph 16(5) and (6) shall apply for the purposes of sub-paragraph (7) as it applies for the purposes of paragraph 16(1).

Determination of appeal

- 18.** — (1) On an appeal under paragraph 17 the Secretary of State may—
- (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the planning authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining such an appeal the Secretary of State must, if either the appellant or the planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (3) If at any time before or during the determination of such an appeal it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—
- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal, and
 - (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.
- (4) The decision of the Secretary of State on such an appeal shall be final.

Reference of applications to Secretary of State

- 19.** — (1) The Secretary of State may give directions requiring applications under this Part of this Schedule to any planning authority to be referred to him for determination instead of being dealt with by the authority.
- (2) The direction may relate either to a particular application or to applications of a class specified in the direction.
- (3) Where an application is referred to him under this paragraph—
- (a) subject to paragraph (b) and sub-paragraph (4), the following provisions of this Schedule—
- (i) paragraph 13(1) to (4),
 - (ii) paragraph 14(1) to (6)(a), (7) and (8),
 - (iii) paragraphs 15 and 16, and
 - (iv) paragraphs 20 to 22,

shall apply, with any necessary modifications, as they apply to applications which fall to be determined by the planning authority,

(b) before determining the application the Secretary of State must, if either the applicant or the planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and

(c) the decision of the Secretary of State on the application shall be final.

(4) Where an application under paragraph 13 is so referred to him, paragraph 14(5) shall apply as if for paragraphs (a) and (b) there were substituted “the date on which the application for registration is finally determined”.

Two or more applicants

20. — (1) Where a person has served an application under paragraph 13 or 14 in respect of an old mining permission—

(a) he may not serve any further application under the paragraph in question in respect of the same permission, and

(b) if the application has been determined, whether or not it has been finally determined, no other person may serve an application under the paragraph in question in respect of the same permission.

(2) Where—

(a) a person has served an application under paragraph 13 or 14 in respect of an old mining permission, and

(b) another person duly serves an application under the paragraph in question in respect of the same permission,

then for the purpose of the determination of the applications and any appeal against such a determination, this Part of this Schedule shall have effect as if the applications were a single application served on the date on which the later application was served and references to the applicant shall be read as references to either or any of the applicants.

Application of provisions relating to planning permission

21. — (1) Subject to paragraph 15, section 36 and any provision of regulations or a development order made by virtue of that section shall have effect with any necessary modifications as if references to applications for planning permission included applications under paragraph 13 or 14.

(2) Where the planning authority are not the authority required to keep the register under that section, the planning authority must provide the authority required to keep the register with such information and documents as that authority requires to comply with paragraph 15 and with that section as applied by this paragraph.

(3) Sections 237 and 239 (validity of certain decisions and proceedings for questioning their validity) shall have effect as if the action mentioned in section 237(3) included any decision of the Secretary of State on an appeal under paragraph 17 or on an application referred to him under paragraph 19.

Interpretation

22. — (1) In this Part of this Schedule—

“official form” means, in relation to an application or appeal, a document supplied by or on behalf of the Secretary of State for use for the purpose in question, and

“owner” in relation to any land means any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes any person entitled to possession of the land as lessee under a lease the unexpired portion of which is not less than 7 years.

(2) For the purposes of paragraph 10 and this Part of this Schedule, an application under paragraph 13 or 14 is finally determined when the following conditions are met—

(a) the proceedings on the application, including any proceedings on or in consequence of an application under section 239, have been determined, and

(b) any time for appealing under paragraph 17, or applying or further applying under that section (where there is a right to do so), has expired.

SCHEDULE 9

Section 74.

REVIEW OF OLD MINERAL PLANNING PERMISSIONS

Interpretation

1. — (1) In this Schedule—

“dormant site” means a Phase I or Phase II site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22nd February 1982 and ending with 6th June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site;

“first list”, in relation to a planning authority, means the list prepared by them pursuant to paragraph 3;

“mineral site” has the meaning given by sub-paragraph (2);

“old mining permission” has the meaning given by paragraph 10(1) of Schedule 8;

“owner”, in relation to any land, has the meaning given by paragraph 22(1) of Schedule 8;

“Phase I site” and “Phase II site” have the meaning given by paragraph 2;

“relevant planning permission” means any planning permission, other than an old mining permission or a planning permission granted by a development order, granted after 30th June 1948 for minerals development; and

“second list”, in relation to a planning authority, means the list prepared by them pursuant to paragraph 4.

(2) For the purposes of this Schedule, but subject to sub-paragraph (3), “mineral site” means—

(a) in a case where it appears to the planning authority to be expedient to treat as a single site the aggregate of the land to which any two or more relevant planning permissions relate, the aggregate of the land to which those permissions relate, and

(b) in any other case, the land to which a relevant planning permission relates.

(3) In determining whether it appears to them to be expedient to treat as a single site the aggregate of the land to which two or more relevant planning permissions relate a planning authority shall have regard to any guidance issued for the purpose by the Secretary of State.

(4) Any reference (however expressed) in this Schedule to an old mining permission or a relevant planning permission relating to a mineral site is a reference to the mineral site, or some part of it, being the land to which the permission relates; and where any such permission authorises the carrying out of development consisting of the winning and working of minerals but only in respect of any particular mineral or minerals, that permission shall not be taken, for the purposes of this Schedule, as relating to any other mineral in, on or under the land to which the permission relates.

(5) For the purposes of this Schedule, a mineral site which is a Phase I site or a Phase II site is active if it is not a dormant site.

(6) For the purposes of this Schedule, working rights are restricted in respect of a mineral site if any of—

(a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste,

(b) the depth to which operations for the winning and working of minerals may extend,

(c) the height of any deposit of mineral waste,

(d) the rate at which any particular mineral may be extracted,

(e) the rate at which any particular mineral waste may be deposited,

(f) the period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease, or

(g) the total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on, the site,

is restricted or reduced in respect of the mineral site in question.

(7) For the purposes of this Schedule, where an application is made under paragraph 9 for the determination of the conditions to which the relevant planning permissions relating to the mineral site to which the application relates are to be subject, those conditions are finally determined when—

(a) the proceedings on the application, including any proceedings on or in consequence of an application under section 239, have been determined, and

(b) any time for appealing under paragraph 11(1), or applying or further applying under paragraph 9, (where there is a right to do so) has expired.

Phase I and II sites

2. — (1) This paragraph has effect for the purposes of determining which mineral sites are Phase I sites, which are Phase II sites, and which are neither Phase I nor Phase II sites.

(2) A mineral site is neither a Phase I site nor a Phase II site where—

(a) all the relevant planning permissions which relate to the site have been granted after 21st February 1982, or

(b) some only of the relevant planning permissions which relate to the site have been granted after 21st February 1982, and the parts of the site to which those permissions relate constitute the greater part of that site.

(3) With the exception of those mineral sites which, by virtue of sub-paragraph (2), are neither Phase I nor Phase II sites, every mineral site is either a Phase I site or a Phase II site.

(4) Subject to sub-paragraph (2), where any part of a mineral site is situated within—

(a) a site in respect of which a notification under section 28 of the ^{M164}Wildlife and Countryside Act 1981 (sites of special scientific interest) is in force,

(b) an area designated as a National Scenic Area under section 262C of the 1972 Act, or

(c) an area designated as a Natural Heritage Area under section 6 of the ^{M165}Natural Heritage (Scotland) Act 1991,

that site is a Phase I site.

(5) Subject to sub-paragraphs (2) and (4), where—

(a) all the relevant planning permissions which relate to a mineral site, and which were not granted after 21st February 1982, were granted after 7th December 1969, or

(b) the parts of a mineral site to which relate such of the relevant planning permissions relating to the site as were granted after 7th December 1969 but before 22nd February 1982 constitute a greater part of the site than is constituted by those parts of the site to which no

such relevant planning permission relates but to which a relevant planning permission granted on or before 7th December 1969 does relate,
the mineral site is a Phase II site.

(6) Every other mineral site, that is to say any mineral site other than one—

(a) which is, by virtue of sub-paragraph (2), neither a Phase I nor a Phase II site,

(b) which is a Phase I site by virtue of sub-paragraph (4), or

(c) which is a Phase II site by virtue of sub-paragraph (5),

is a Phase I site.

(7) In ascertaining, for the purposes of sub-paragraph (2) or (5), whether any parts of a mineral site constitute the greater part of that site, or whether a part of a mineral site is greater than any other part, that mineral site shall be treated as not including any part of the site—

(a) to which an old mining permission relates, or

(b) which is a part where minerals development has been (but is no longer being) carried out and which has, in the opinion of the planning authority, been satisfactorily restored;

but no part of a site shall be treated, by virtue of paragraph (b), as being not included in the site unless the planning authority are satisfied that any aftercare conditions which relate to that part have, so far as relating to that part, been complied with.

Annotations:

Marginal Citations

M1641981 c. 69.

M1651991 c. 28.

The “first list”

3. — (1) A planning authority shall, in accordance with the following provisions of this paragraph, prepare a list of mineral sites in their area (the “first list”).

(2) A site shall, but shall only, be included in the first list if it is a mineral site in the area of the planning authority and is either—

(a) an active Phase I site,

(b) an active Phase II site, or

(c) a dormant site.

(3) In respect of each site included in the first list, the list shall indicate whether the site is an active Phase I site, an active Phase II site or a dormant site.

(4) In respect of each active Phase I site included in the first list, that list shall specify the date by which an application is to be made to the planning authority under paragraph 9.

(5) Any date specified pursuant to sub-paragraph (4) shall be a date—

(a) not earlier than the date upon which expires the period of 12 months from the date on which the first list is first advertised in accordance with paragraph 5, and

(b) not later than the date upon which expires the period of three years from the date upon which the provisions of this Schedule come into force.

(6) The preparation of the first list shall be completed before the day upon which it is first advertised in accordance with paragraph 5.

The “second list”

4. — (1) A planning authority shall, in accordance with the following provisions of this paragraph, prepare a list of the active Phase II sites in their area (the “second list”).

(2) The second list shall include each mineral site in the planning authority's area which is an active Phase II site.

(3) In respect of each site included in the second list, that list shall indicate the date by which an application is to be made to the planning authority under paragraph 9.

(4) Subject to sub-paragraph (5), any date specified pursuant to sub-paragraph (3) shall be a date—

(a) not earlier than the date upon which expires the period of 12 months from the date on which the second list is first advertised in accordance with paragraph 5, and

(b) not later than the date upon which expires the period of six years from the date upon which the provisions of this Schedule come into force.

(5) The Secretary of State may by order provide that sub-paragraph (4)(b) shall have effect as if for the period of six years referred to in that paragraph there were substituted such longer period specified in the order.

(6) The preparation of the second list shall be completed before the day upon which it is first advertised in accordance with paragraph 5.

Advertisement of the first and second lists

5. — (1) This paragraph makes provision for the advertisement of the first and second lists prepared by a planning authority.

(2) The planning authority shall advertise each of the first and second lists by causing to be published, in each of two successive weeks, in one or more newspapers circulating in its area, notice of the list having been prepared.

(3) In respect of each of those lists, such notice shall—

(a) state that the list has been prepared by the authority, and

(b) specify one or more places within the area of the authority at which the list may be inspected, and in respect of each such place specify the times (which shall be reasonable times) during which facilities for inspection of the list will be afforded.

(4) In respect of the first list, such notice shall—

(a) be first published no later than the day upon which expires the period of three months from the date upon which the provisions of this Schedule come into force,

(b) explain the general effect of a mineral site being classified as a dormant site or, as the case may be, as an active Phase I site or an active Phase II site,

(c) explain the consequences which will occur if no application is made under paragraph 9 in respect of an active Phase I site included in the list by the date specified in the list for that site,

(d) explain the effects for any dormant or active Phase I or II site not included in the list of its not being included in the list and—

(i) set out the right to make an application to the authority for that site to be included in the list,

(ii) set out the date by which such an application must be made, and

(iii) state that the owner of such a site has a right of appeal against any decision of the authority upon such an application, and

(e) explain that the owner of an active Phase I site has a right to apply for postponement of the date specified in the list for the making of an application under paragraph 9, and set out the date by which an application for such postponement must be made.

(5) In respect of the second list, such notice shall—

(a) be first published no later than the day upon which expires the period of three years, or such longer period as the Secretary of State may by order specify, from the date upon which the provisions of this Schedule come into force, and

(b) explain the consequences which will occur if no application is made under paragraph 9 in respect of an active Phase II site included in the list by the date specified in the list for that site.

Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such applications

6. — (1) Any person who is the owner of any land, or is entitled to an interest in a mineral, may, if that land or interest is not a mineral site included in the first list and does not form part of any mineral site included in that list, apply to the planning authority for that land or interest to be included in that list.

(2) An application under sub-paragraph (1) shall be made no later than the day upon which expires the period of three months from the day when the first list was first advertised in accordance with paragraph 5.

(3) Where the planning authority consider that—

(a) the land or interest is, or forms part of, any dormant or active Phase I or II site, they shall accede to the application, or

(b) part only of the land or interest is, or forms part of, any dormant or active Phase I or II site, they shall accede to the application so far as it relates to that part of the land or interest, but shall otherwise refuse the application.

(4) On acceding, whether in whole or in part, to an application made under sub-paragraph (1), the planning authority shall amend the first list as follows—

(a) where they consider that the land or interest, or any part of the land or interest, is a dormant site or an active Phase I or II site, they shall add the mineral site consisting of the land or interest or, as the case may be, that part, to the first list and shall cause the list to indicate whether the site is an active Phase I site, an active Phase II site or a dormant site;

(b) where they consider that the land or interest, or any part of the land or interest, forms part of any mineral site included in the first list, they shall amend the entry in the first list for that site accordingly.

(5) Where the planning authority amend the first list in accordance with sub-paragraph (4), they shall also—

(a) in a case where an active Phase I site is added to the first list pursuant to sub-paragraph (4)(a), cause that list to specify, in respect of that site, the date by which an application is to be made to the planning authority under paragraph 9;

(b) in a case where—

(i) the entry for an active Phase I site included in the first list is amended pursuant to sub-paragraph (4)(b), and

(ii) the date specified in that list in respect of that site as the date by which an application is to be made to the planning authority under paragraph 9 is a date falling less than 12 months after the date upon which the authority make their decision upon the application in question, cause that date to be amended so as to specify instead the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the authority's decision upon his application.

(6) Any date specified pursuant to sub-paragraph (5)(a) shall be a date—

(a) not earlier than the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the planning authority's decision upon his application, and

(b) not later than the later of—

(i) the date upon which expires the period of three years from the date upon which the provisions of this Schedule come into force; and

(ii) the date mentioned in paragraph (a).

(7) On acceding, whether in whole or in part, to an application made under sub-paragraph (1), the planning authority shall, if the second list has been first advertised in accordance with paragraph 5 prior to the time at which they make their decision on the application, amend the second list as follows—

(a) where they consider that the land or interest, or any part of the land or interest, is an active Phase II site, they shall add the mineral site consisting of the land or interest or, as the case may be, that part, to the second list;

(b) where they consider that the land or interest, or any part of the land or interest, forms part of any active Phase II site included in the second list, they shall amend the entry in that list for that site accordingly.

(8) Where the planning authority amend the second list in accordance with sub-paragraph (7), they shall also—

(a) in a case where an active Phase II site is added to the second list pursuant to sub-paragraph (7)(a), cause that list to specify, in respect of that site, the date by which an application is to be made to the authority under paragraph 9;

(b) in a case where—

(i) the entry for an active Phase II site included in the second list is amended pursuant to sub-paragraph (7)(b), and

(ii) the date specified in that list in respect of that site as the date by which an application is to be made to the authority under paragraph 9 is a date falling less than 12 months after the date upon which the authority make their decision upon the application in question, cause that date to be amended so as to specify instead the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the authority's decision upon his application.

(9) Any date specified pursuant to sub-paragraph (8)(a) shall be a date—

(a) not earlier than the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the planning authority's decision upon his application, and

(b) not later than the later of—

(i) the date upon which expires the period of six years from the date upon which the provisions of this Schedule come into force, and

(ii) the date mentioned in paragraph (a).

(10) When a planning authority determine an application made under sub-paragraph (1), they shall notify the applicant in writing of their decision and, in a case where they have acceded to the application, whether in whole or in part, shall supply the applicant with details of any amendment to be made to the first or second list in accordance with sub-paragraph (4) or (8).

(11) Where a planning authority—

(a) refuse an application made under sub-paragraph (1), or

(b) accede to such an application only so far as it relates to part of the land or interest in respect of which it was made,

the applicant may by notice appeal to the Secretary of State.

(12) A person who has made such an application may also appeal to the Secretary of State if the planning authority have not given notice to the applicant of their decision on the application within eight weeks of their having received the application or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(13) An appeal under sub-paragraph (11) or (12) must be made by giving notice of appeal to the Secretary of State before the end of the period of six months beginning with—

(a) in the case of an appeal under sub-paragraph (11), the determination, or

(b) in the case of an appeal under sub-paragraph (12), the end of the period of eight weeks mentioned in that sub-paragraph or, as the case may be, the end of the extended period mentioned in that sub-paragraph.

Postponement of the date specified in the first or second list for review of the permissions relating to a Phase I or II site in cases where the existing conditions are satisfactory

7. — (1) Any person who is the owner of any land, or of any interest in any mineral, comprised in—

- (a) an active Phase I site included in the first list, or
- (b) an active Phase II site included in the second list,

may apply to the planning authority for the postponement of the date specified in that list in respect of that site as the date by which an application is to be made to the authority under paragraph 9 (in this paragraph referred to as “the specified date”).

(2) Subject to sub-paragraph (3), an application under sub-paragraph (1) shall be made no later than the day upon which expires the period of three months from the day when—

- (a) in the case of an active Phase I site, the first list, or
 - (b) in the case of an active Phase II site, the second list,
- was first advertised in accordance with paragraph 5.

(3) In the case of—

- (a) an active Phase I site—

(i) added to the first list in accordance with paragraph 6(4)(a); or

(ii) in respect of which the entry in the first list was amended in accordance with paragraph 6(4)(b);

or

- (b) an active Phase II site—

(i) added to the second list in accordance with paragraph 6(7)(a); or

(ii) in respect of which the entry in the second list was amended in accordance with paragraph 6(7)(b),

an application under sub-paragraph (1) shall be made no later than the day upon which expires the period of three months from the day on which notice was given under paragraph 6(10) of the planning authority’s decision to add the site to or, as the case may be, so to amend the list in question.

(4) An application under sub-paragraph (1) shall be in writing and shall—

(a) set out the conditions to which each relevant planning permission relating to the site is subject,

(b) set out the applicant’s reasons for considering those conditions to be satisfactory,

(c) set out the date which the applicant wishes to be substituted for the specified date, and

(d) be accompanied by the appropriate certificate.

(5) For the purposes of sub-paragraph (4)(d), the appropriate certificate is each of the certificates which would be required, under or by virtue of sections 34 and 35, to accompany the application if it were an application for planning permission for minerals development, but with such modifications as are required for the purposes of this paragraph; and sections 34(3) and (4) and 35(5) shall have effect in relation to any certificate purporting to be the appropriate certificate.

(6) Where the planning authority receive an application made under sub-paragraph (1)—

(a) if they consider the conditions referred to in sub-paragraph (4)(a) to be satisfactory they shall agree to the specified date being postponed in which event they shall determine the date to be substituted for that date,

(b) in any other case they shall refuse the application.

(7) Where the planning authority agree to the specified date being postponed they shall cause the first or, as the case may be, the second list to be amended accordingly.

(8) When a planning authority determine an application made under sub-paragraph (1), they shall notify the applicant in writing of their decision and, in a case where they have agreed to the postponement of the specified date, shall notify the applicant of the date which they have determined should be substituted for the specified date.

(9) Where, within three months of the planning authority having received an application under sub-paragraph (1), or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority have not given notice, under sub-paragraph (8), to the applicant of their decision upon the application, the authority shall be treated as—

(a) having agreed to the specified date being postponed, and

(b) having determined that the date referred to in sub-paragraph (4)(c) be substituted for the specified date,

and sub-paragraph (7) shall apply accordingly.

Service on owners etc. of notice of preparation of the first and second lists

8. — (1) The planning authority shall, no later than the date upon which the first list is first advertised in accordance with paragraph 5, serve notice in writing of the first list having been prepared on each person appearing to them to be the owner of any land, or entitled to an interest in any mineral, included within a mineral site included in the first list, but this sub-paragraph is subject to sub-paragraph (7).

(2) A notice required to be served by sub-paragraph (1) shall—

(a) indicate whether the mineral site in question is a dormant site or an active Phase I or II site, and

(b) where that site is an active Phase I site—

(i) indicate the date specified in the first list in relation to that site as the date by which an application is to be made to the planning authority under paragraph 9,

(ii) explain the consequences which will occur if such an application is not made by the date so specified, and

(iii) explain the right to apply to have that date postponed, and indicate the date by which such an application must be made.

(3) Where, in relation to any land or mineral included in an active Phase I site, the planning authority—

(a) have served notice on any person under sub-paragraph (1), and

(b) have received no application under paragraph 9 from that person by the date falling eight weeks before the date specified in the first list as the date by which such applications should be made in respect of the site in question,

the authority shall serve a written reminder on that person, and such a reminder shall—

(i) indicate that the land or mineral in question is included in an active Phase I site,

(ii) comply with the requirements of sub-paragraph (2)(b)(i) and (ii), and

(iii) be served on that person on or before the date falling four weeks before the date specified in the first list in respect of that site as the date by which an application is to be made to the authority under paragraph 9.

(4) The planning authority shall, no later than the date upon which the second list is first advertised in accordance with paragraph 5, serve notice in writing of the second list having been prepared on each person appearing to them to be the owner of any land, or entitled to an interest in any mineral, included within an active Phase II site included in the second list, but this sub-paragraph is subject to sub-paragraph (7).

- (5) A notice required to be served by sub-paragraph (4) shall—
- (a) indicate that the mineral site in question is an active Phase II site,
 - (b) indicate the date specified in the second list in relation to that site as the date by which an application is to be made to the planning authority under paragraph 9,
 - (c) explain the consequences which will occur if such an application is not made by the date so specified, and
 - (d) explain the right to apply to have that date postponed, and indicate the date by which such an application must be made.
- (6) Where, in relation to any land or mineral included in an active Phase II site, the planning authority—
- (a) have served notice on any person under sub-paragraph (4), and
 - (b) have received no application under paragraph 9 from that person by the date falling eight weeks before the date specified in the second list as the date by which such applications should be made in respect of the site in question,
- the authority shall serve a written reminder on that person, and such a reminder shall—
- (i) comply with the requirements of sub-paragraph (5)(a) to (c), and
 - (ii) be served on that person on or before the date falling four weeks before the date specified in the second list in respect of that site as the date by which an application is to be made to the authority under paragraph 9.
- (7) Sub-paragraph (1) or (4) shall not require the planning authority to serve notice under that sub-paragraph upon any person whose identity or address for service is not known to and cannot practicably, after reasonable inquiry, be ascertained by them, but in any such case the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the notice which they would (apart from the provisions of this sub-paragraph) have had to serve under that sub-paragraph on the owner of that land or interest.
- (8) If, in a case where sub-paragraph (7) applies, no person makes an application to the authority under paragraph 9 in respect of the active Phase I or II site which includes the land or interest in question by the date falling eight weeks before the date specified in the first or, as the case may be, the second list as the date by which such applications should be made in respect of that site, the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the written reminder that would, in a case not falling within sub-paragraph (7), have been served under sub-paragraph (3) or (6).
- (9) Where by sub-paragraph (7) or (8) a copy of any notice is required to be affixed to an object on any land that copy shall—
- (a) be displayed in such a way as to be easily visible and legible,
 - (b) be first displayed—
 - (i) in a case where the requirement arises under sub-paragraph (7), no later than the date upon which the first or, as the case may be, the second list is first advertised in accordance with paragraph 5, or
 - (ii) in a case where the requirement arises under sub-paragraph (8), no later than the date falling four weeks before the date specified in the first or, as the case may be, the second list in respect of the site in question as the date by which an application is to be made to the authority under paragraph 9, and
 - (c) be left in position for at least the period of 21 days from the date when it is first displayed, but where the notice is, without fault or intention of the authority, removed, obscured or defaced before that period has elapsed, that requirement shall be treated as having been complied with if the authority have taken reasonable steps for protection of the notice and, if need be, its replacement.

(10) In sub-paragraphs (7) and (8), any reference to a conspicuous object on any land includes, in a case where the person serving a notice considers that there are no or insufficient such objects on the land, a reference to a post driven into or erected upon the land by the person serving the notice for the purpose of having affixed to it the notice in question.

(11) Where the planning authority, being required—

(a) by sub-paragraph (3) or (6) to serve a written reminder on any person, or

(b) by sub-paragraph (8) to cause a copy of such a reminder to be displayed in the manner set out in that sub-paragraph,

fail to comply with that requirement by the date specified for the purpose, they may at any later time serve or, as the case may be, cause to be displayed, such a written reminder and, in any such case, the date by which an application in relation to the mineral site in question is to be made under paragraph 9 is the date upon which expires the period of three months from the date when the reminder was served or posted in accordance with the provisions of this sub-paragraph.

Applications for approval of conditions and appeals in cases where the conditions approved are not those proposed

9. — (1) Any person who is the owner of any land, or who is entitled to an interest in a mineral, may, if that land or mineral is or forms part of a dormant site or an active Phase I or II site, apply to the planning authority to determine the conditions to which the relevant planning permissions relating to that site are to be subject.

(2) An application under this paragraph shall be in writing and shall—

(a) identify the mineral site to which the application relates,

(b) specify the land or minerals comprised in the site of which the applicant is the owner or, as the case may be, in which the applicant is entitled to an interest,

(c) identify any relevant planning permissions relating to the site,

(d) identify, and give an address for, each other person that the applicant knows or, after reasonable inquiry, has cause to believe to be an owner of any land, or entitled to any interest in any mineral, comprised in the site,

(e) set out the conditions to which the applicant proposes the permissions referred to in paragraph (c) should be subject, and

(f) be accompanied by the appropriate certificate.

(3) For the purposes of sub-paragraph (2), the appropriate certificate is each of the certificates which would be required, under or by virtue of sections 34 and 35, to accompany the application if it were an application for planning permission for minerals development, but with such modifications as are required for the purposes of this paragraph; and sections 34(3) and (4) and 35(5) shall have effect in relation to any certificate purporting to be the appropriate certificate.

(4) Section 35 shall have effect, with any necessary modifications, as if subsection (1) also authorised a development order to provide for publicising applications under this paragraph.

(5) Where the planning authority receive an application under this paragraph in relation to a dormant site or an active Phase I or II site they shall determine the conditions to which each relevant planning permission relating to the site is to be subject; and any such permission shall, from the date when the conditions to which it is to be subject are finally determined, have effect subject to the conditions which are determined under this Schedule as being the conditions to which it is to be subject.

(6) The conditions imposed by virtue of a determination under sub-paragraph (5)—

(a) may include any conditions which may be imposed on a grant of planning permission for minerals development;

(b) may be in addition to, or in substitution for, any existing conditions to which the permission in question is subject.

(7) In determining that a relevant planning permission is to be subject to any condition relating to development for which planning permission is granted by a development order, the planning authority shall have regard to any guidance issued for the purpose by the Secretary of State.

(8) Subject to sub-paragraph (9), where, within the period of three months from the planning authority having received an application under this paragraph, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority have not given notice to the applicant of their decision upon the application, the authority shall be treated as having at the end of that period or, as the case may be, that extended period, determined that the conditions to which any relevant planning permission to which the application relates is to be subject are those specified in the application as being proposed in relation to that permission; and any such permission shall, from that time, have effect subject to those conditions.

(9) Where a planning authority, having received an application under this paragraph, are of the opinion that they are unable to determine the application unless further details are supplied to them, they shall within the period of one month from having received the application give notice to the applicant—

(a) stating that they are of such opinion, and

(b) specifying the further details which they require,

and where the authority so serve such a notice the period of three months referred to in sub-paragraph (8) shall run not from the authority having received the application but from the time when the authority have received all the further details specified in the notice.

(10) Without prejudice to the generality of sub-paragraph (9), the further details which may be specified in a notice under that sub-paragraph include any—

(a) information, plans or drawings, or

(b) evidence verifying any particulars of details supplied to the authority in respect of the application in question,

which it is reasonable for the authority to request for the purpose of enabling them to determine the application.

Notice of determination of conditions to be accompanied by additional information in certain cases

10. — (1) This paragraph applies in a case where—

(a) on an application made to the planning authority under paragraph 9 in respect of an active Phase I or II site the authority determine under that paragraph the conditions to which the relevant planning permissions relating to the site are to be subject,

(b) those conditions differ in any respect from the proposed conditions set out in the application, and

(c) the effect of the conditions, other than any restoration or aftercare conditions, so determined by the authority, as compared with the effect of the conditions, other than any restoration or aftercare conditions, to which the relevant planning permissions in question were subject immediately prior to the authority making the determination, is to restrict working rights in respect of the site.

(2) In a case where this paragraph applies, the planning authority shall, upon giving to the applicant notice of the conditions determined by the authority under paragraph 9, also give to the applicant notice—

- (a) stating that the conditions determined by the authority differ in some respect from the proposed conditions set out in the application,
 - (b) stating that the effect of the conditions, other than any restoration or aftercare conditions, determined by the authority, as compared with the effect of the conditions, other than any restoration or aftercare conditions, to which the relevant planning permissions relating to the site in question were subject immediately prior to the making of the authority's determination, is to restrict working rights in respect of the site,
 - (c) identifying the working rights so restricted, and
 - (d) stating whether, in the opinion of the authority, the effect of that restriction of working rights would be such as to prejudice adversely to an unreasonable degree—
 - (i) the economic viability of operating the site, or
 - (ii) the asset value of the site.
- (3) In determining whether, in their opinion, the effect of that restriction of working rights would be such as is mentioned in sub-paragraph (2)(d), a planning authority shall have regard to any guidance issued for the purpose by the Secretary of State.
- (4) In this paragraph, "the applicant" means the person who made the application in question under paragraph 9.

Right to appeal against planning authority's determination of conditions etc.

11. — (1) Where the planning authority—

- (a) on an application under paragraph 9 determine under that paragraph conditions that differ in any respect from the proposed conditions set out in the application, or
 - (b) give notice, under paragraph 10(2)(d), stating that, in their opinion, the restriction of working rights in question would not be such as to prejudice adversely to an unreasonable degree either of the matters referred to in paragraph 10(2)(d)(i) and (ii),
- the person who made the application may appeal to the Secretary of State.
- (2) An appeal under sub-paragraph (1) must be made by giving notice of appeal to the Secretary of State before the end of the period of six months beginning with the date on which the authority give notice to the applicant of their determination or, as the case may be, stating their opinion.

Permissions ceasing to have effect

12. — (1) Subject to paragraph 8(11), where no application under paragraph 9 in respect of an active Phase I or II site has been served on the planning authority by the date specified in the first or, as the case may be, the second list as the date by which applications under that paragraph in respect of that site are to be made, or by such later date as may at any time be agreed upon in writing between the applicant and the authority, each relevant planning permission relating to the site shall cease to have effect, except in so far as it imposes any restoration or aftercare condition, on the day following the last date on which such an application may be made.

- (2) The reference in sub-paragraph (1) to the date specified in the first or, as the case may be, the second list as the date by which applications under paragraph 9 are to be made in respect of any Phase I or II site is a reference to the date specified for that purpose in respect of that site in that list as prepared by the planning authority or, where that date has been varied by virtue of any provision of this Schedule, to that date as so varied.
- (3) Subject to sub-paragraph (4), no relevant planning permission which relates to a dormant site shall have effect to authorise the carrying out of minerals development unless—
 - (a) an application has been made under paragraph 9 in respect of that site, and

(b) that permission has effect in accordance with paragraph 9(5).

(4) A relevant planning permission which relates to a Phase I or II site not included in the first list shall cease to have effect, except in so far as it imposes any restoration or aftercare condition, on the day following the last date on which an application under sub-paragraph (1) of paragraph 6 may be made in respect of that site unless an application has been made under that sub-paragraph by that date in which event, unless the site is added to that list, such a permission shall cease to have effect when the following conditions are met—

(a) the proceedings on that application, including any proceedings on or in consequence of the application under section 239, have been determined, and

(b) any time for appealing under paragraph 6(11) or (12), or applying or further applying under paragraph 6(1), (where there is a right to do so) has expired.

Reference of applications to the Secretary of State

13. — (1) The Secretary of State may give directions requiring applications under paragraph 9 to any planning authority to be referred to him for determination instead of being dealt with by the authority.

(2) Any such direction may relate either to a particular application or to applications of a class specified in the direction.

(3) Where an application is referred to the Secretary of State in accordance with such a direction—

(a) subject to paragraph (b), the following provisions of this Schedule—

(i) paragraph 9(5) and (6),

(ii) paragraph 10, and

(iii) paragraph 14 so far as relating to applications under paragraph 9,

shall apply, with any necessary modifications, as they apply to applications which fall to be determined by the planning authority,

(b) before determining the application the Secretary of State must, if either the applicant or the planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and

(c) the decision of the Secretary of State on the application shall be final.

Two or more applicants

14. — (1) Where a planning authority have received from any person a duly made application under paragraph 7(1) or 9—

(a) that person may not make any further application under the paragraph in question in respect of the same site, and

(b) if the application has been determined, whether or not in the case of an application under paragraph 9 it has been finally determined, no other person may make an application under the paragraph in question in respect of the same site.

(2) Where—

(a) a planning authority have received from any person in respect of a mineral site a duly made application under paragraph 7(1) or 9, and

(b) the authority receive from another person a duly made application under the paragraph in question in respect of the same site,

then for the purpose of the determination of the applications and any appeal against such a determination, this Schedule shall have effect as if the applications were a single application received by the authority on the date on which the later application was received by the

authority and references to the applicant shall be read as references to either or any of the applicants.

Compensation

15. — (1) This paragraph applies in a case where—

(a) an application made under paragraph 9 in respect of an active Phase I or II site is finally determined, and

(b) the requirements of either sub-paragraph (2) or (3) are satisfied.

(2) The requirements of this sub-paragraph are—

(a) that the conditions to which the relevant planning permissions relating to the site are to be subject were determined by the planning authority,

(b) no appeal was made under paragraph 11(1)(a) in respect of that determination or any such appeal was withdrawn or dismissed, and

(c) the authority gave notice under paragraph 10(2)(d) and either—

(i) that notice stated that, in the authority's opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in paragraph 10(2)(d)(i) and (ii), or

(ii) that notice stated that, in the authority's opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under paragraph 11(1) in respect of the giving of the notice has been allowed.

(3) The requirements of this sub-paragraph are that the conditions to which the relevant planning permissions are to be subject were determined by the Secretary of State (whether upon an appeal under paragraph 11(1)(a) or upon a reference under paragraph 13) and—

(a) in a case where those conditions were determined upon an appeal under paragraph 11(1)(a) either—

(i) the planning authority gave notice under paragraph 10(2)(d) stating that, in their opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in paragraph 10(2)(d)(i) and (ii), or

(ii) the authority gave a notice under paragraph 10(2)(d) stating that, in their opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under paragraph 11(1)(b) in respect of the giving of that notice has been allowed, or

(b) in a case where those conditions were determined upon a reference under paragraph 13, the Secretary of State gave notice under paragraph 10(2)(d) stating that, in his opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in paragraph 10(2)(d)(i) and (ii).

(4) In a case to which this paragraph applies Parts IV and X of this Act shall have effect as if an order made under section 65 had been confirmed by the Secretary of State under section 66 at the time when the application in question was finally determined and, as so confirmed, had effect to modify those permissions to the extent specified in sub-paragraph (5).

(5) For the purposes of sub-paragraph (4), the order which is treated by virtue of that sub-paragraph as having been made under section 65 is one whose only effect adverse to the interests of any person having an interest in the land or minerals comprised in the mineral site is to restrict working rights in respect of the site to the same extent as the relevant restriction.

(6) For the purposes of Schedule 13 and of any regulations made under that Schedule, the permissions treated as being modified by the order mentioned in sub-paragraph (4) shall be treated as if they were planning permissions for development which neither consists of nor includes any minerals development.

Appeals: general procedural provisions

- 16.** — (1) This paragraph applies to appeals under paragraph 6(11) or (12) or 11(1).
(2) Notice of appeal in respect of an appeal to which this paragraph applies shall be given on a form supplied by or on behalf of the Secretary of State for use for that purpose, and giving, so far as reasonably practicable, the information required by that form.
(3) Paragraph 18 of Schedule 8 shall apply to an appeal to which this paragraph applies as it applies to appeals under paragraph 17 of that Schedule.
(4) Sections 237 to 239 shall have effect as if the action mentioned in section 237(3) included any decision of the Secretary of State—
(a) on an appeal to which this paragraph applies, or
(b) on an application under paragraph 9 referred to him under paragraph 13.
(5) Schedule 4 shall apply to appeals to which this paragraph applies.

SCHEDULE 10

Section 74.

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

Duty to carry out periodic reviews

- 1.** The planning authority shall, in accordance with the provisions of this Schedule, cause periodic reviews to be carried out of the mineral permissions relating to a mining site.

Interpretation

- 2.** — (1) For the purposes of this Schedule—
“first review date”, in relation to a mining site, shall, subject to paragraph 5, be ascertained in accordance with paragraph 3;
“mineral permission” means any planning permission, other than a planning permission granted by a development order, for minerals development;
“mining site” means—
(a) in a case where it appears to the planning authority to be expedient to treat as a single site the aggregate of the land to which any two or more mineral permissions relate, the aggregate of the land to which those permissions relate; and
(b) in any other case, the land to which a mineral permission relates;
“old mining permission” has the meaning given by paragraph 10(1) of Schedule 8; and
“owner”, in relation to any land, has the meaning given by paragraph 22(1) of Schedule 8.
(2) In determining whether it appears to them to be expedient to treat as a single site the aggregate of the land to which two or more mineral permissions relate a planning authority shall have regard to any guidance issued for the purpose by the Secretary of State.
(3) Any reference (however expressed) in this Schedule to a mining site being a site to which relates—
(a) an old mining permission, or
(b) a mineral permission,
is a reference to the mining site, or some part of it, being the land to which the permission relates.
(4) For the purposes of this Schedule, an application made under paragraph 6 is finally determined when—
(a) the proceedings on the application, including any proceedings on or in consequence of an application under section 239, have been determined, and

(b) any time for appealing under paragraph 9(1), or applying or further applying under paragraph 6, (where there is a right to do so) has expired.

The first review date

3. — (1) Subject to sub-paragraph (7), in a case where the mineral permissions relating to a mining site include an old mining permission, the first review date means—

(a) the date falling fifteen years after the date upon which, pursuant to an application made under paragraph 14 of Schedule 8, the conditions to which that old mining permission is to be subject are finally determined under that Schedule, or

(b) where there are two or more old mining permissions relating to that site, and the date upon which those conditions are finally determined is not the same date for each of those permissions, the date falling fifteen years after the date upon which was made the last such final determination to be so made in respect of any of those permissions, and paragraph 22(2) of that Schedule shall apply for the purposes of this sub-paragraph as it applies for the purposes of paragraph 10 and Part II of that Schedule.

(2) Subject to sub-paragraph (7), in the case of a mining site which is a Phase I or II site within the meaning of Schedule 9, the first review date means the date falling fifteen years after the date upon which, pursuant to an application made under paragraph 9 of that Schedule, there is determined under that paragraph the conditions to which the relevant planning permissions (within the meaning of that Schedule) relating to the site are to be subject.

(3) Subject to sub-paragraphs (4) and (7), in the case of a mining site—

(a) which is not a Phase I or II site within the meaning of Schedule 9, and

(b) to which no old mining permission relates,

the first review date is the date falling fifteen years after the date upon which was granted the most recent mineral permission which relates to the site.

(4) Where, in the case of a mining site falling within sub-paragraph (3), the most recent mineral permission relating to that site relates, or the most recent such permissions (whether or not granted on the same date) between them relate, to part only of the site, and in the opinion of the planning authority it is expedient, for the purpose of ascertaining, under that sub-paragraph, the first review date in respect of that site, to treat that permission or those permissions as having been granted at the same time as the last of the other mineral permissions relating to the site, the first review date for that site shall be ascertained under that sub-paragraph accordingly.

(5) A planning authority shall, in deciding whether they are of such an opinion as is mentioned in sub-paragraph (4), have regard to any guidance issued by the Secretary of State for the purpose.

(6) Subject to sub-paragraph (7), in the case of a mining site—

(a) to which relates a mineral permission in respect of which an order has been made under section 65, or

(b) in respect of which, or any part of which, an order has been made under paragraph 1 of Schedule 8,

the first review date shall be the date falling fifteen years after the date upon which the order took effect or, in a case where there is more than one such order, upon which the last of those orders to take effect took effect.

(7) In the case of a mining site for which the preceding provisions of this paragraph have effect to specify two or more different dates as the first review date, the first review date shall be the latest of those dates.

Service of notice of first periodic review

4. — (1) The planning authority shall, in connection with the first periodic review of the mineral permissions relating to a mining site, no later than 12 months before the first review date, serve notice upon each person appearing to them to be the owner of any land, or entitled to an interest in any mineral, included in that site.

(2) A notice required to be served under sub-paragraph (1) shall—

(a) specify the mining site to which it relates,

(b) identify the mineral permissions relating to that site,

(c) state the first review date,

(d) state that the first review date is the date by which an application must be made for approval of the conditions to which the mineral permissions relating to the site are to be subject and explain the consequences which will occur if no such application is made by that date, and

(e) explain the right to apply for postponement of the first review date and give the date by which such an application has to be made.

(3) Where, in relation to any land or mineral included in a mining site, the planning authority—

(a) have served notice on any person under sub-paragraph (1), and

(b) have received no application under paragraph 6 from that person by the date falling eight weeks before the first review date,

the authority shall serve a written reminder on that person.

(4) A reminder required to be served under sub-paragraph (3) shall—

(a) indicate that the land or mineral in question is included in a mining site,

(b) comply with the requirements of sub-paragraph (2)(a) to (d), and

(c) be served on the person in question on or before the date falling four weeks before the first review date.

(5) Sub-paragraph (1) shall not require the planning authority to serve notice under that sub-paragraph upon any person whose identity or address for service is not known to and cannot practicably, after reasonable inquiry, be ascertained by them, but in any such case the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the notice which they would (apart from the provisions of this sub-paragraph) have had to serve under that sub-paragraph on the owner of that land or interest.

(6) If, in a case where sub-paragraph (5) applies, no person makes an application to the authority under paragraph 6 in respect of the mining site which includes the land or interest in question by the date falling eight weeks before the first review date, the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the written reminder that would, in a case not falling within sub-paragraph (5), have been served under sub-paragraph (3).

(7) Where by sub-paragraph (5) or (6) a copy of any notice is required to be affixed to an object on any land that copy shall—

(a) be displayed in such a way as to be easily visible and legible,

(b) be first displayed—

(i) in a case where the requirement arises under sub-paragraph (5), no later than 12 months before the first review date, or

(ii) in a case where the requirement arises under sub-paragraph (6), no later than the date falling four weeks before the first review date,

and

(c) be left in position for at least the period of 21 days from the date when it is first displayed, but where the notice is, without fault or intention of the authority, removed, obscured or defaced before that period has elapsed, that requirement shall be treated as having been complied with if the authority have taken reasonable steps for protection of the notice and, if need be, its replacement.

(8) In sub-paragraphs (5) and (6), any reference to a conspicuous object on any land includes, in a case where the person serving a notice considers that there are no or insufficient such objects on the land, a reference to a post driven into or erected upon the land by the person serving the notice for the purpose of having affixed to it a copy of the notice in question.

Application for postponement of the first review date

5. — (1) Any person who is the owner of any land, or of any interest in any mineral, comprised in a mining site may, no later than the day upon which expires the period of three months from the day upon which notice was served upon him under paragraph 4, apply under this paragraph to the planning authority for the postponement of the first review date.

(2) An application under this paragraph shall be in writing and shall set out—

- (a) the conditions to which each mineral permission relating to the site is subject,
- (b) the applicant's reasons for considering those conditions to be satisfactory, and
- (c) the date which the applicant wishes to have substituted for the first review date.

(3) Where the planning authority receive an application made under this paragraph—

- (a) if they consider the conditions referred to in sub-paragraph (2)(a) to be satisfactory they shall agree to the first review date being postponed in which event they shall determine the date to be substituted for that date;
- (b) in any other case they shall refuse the application.

(4) When a planning authority determine an application made under this paragraph, they shall notify the applicant in writing of their decision and, in a case where they have agreed to the postponement of the first review date, shall notify the applicant of the date which they have determined should be substituted for the first review date.

(5) Where, within the period of three months of the planning authority having received an application under this paragraph, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority have not given notice, under sub-paragraph (4), to the applicant of their decision upon the application, the authority shall be treated as having, at the end of that period or, as the case may be, that extended period—

- (a) agreed to the first review date being postponed, and
- (b) determined that the date referred to in sub-paragraph (2)(c) be substituted for the first review date.

Application to determine the conditions to which the mineral permissions relating to a mining site are to be subject

6. — (1) Any person who is the owner of any land, or who is entitled to an interest in a mineral, may, if that land or mineral is or forms part of a mining site, apply to the planning authority to determine the conditions to which the mineral permissions relating to that site are to be subject.

(2) An application under this paragraph shall be in writing and shall—

- (a) identify the mining site in respect of which the application is made and state that the application is made in connection with the first periodic review of the mineral permissions relating to that site,

- (b) specify the land or minerals comprised in the site of which the applicant is the owner or, as the case may be, in which the applicant is entitled to an interest,
 - (c) identify the mineral permissions relating to the site,
 - (d) identify, and give an address for, each other person that the applicant knows or, after reasonable inquiry, has cause to believe to be an owner of any land, or entitled to any interest in any mineral, comprised in the site,
 - (e) set out the conditions to which the applicant proposes the permissions referred to in paragraph (c) should be subject, and
 - (f) be accompanied by the appropriate certificate.
- (3) For the purposes of sub-paragraph (2), the appropriate certificate is each of the certificates which would be required, under or by virtue of sections 34 and 35, to accompany the application if it were an application for planning permission for minerals development, but with such modifications as are required for the purposes of this paragraph; and sections 34(3) and (4) and 35(5) shall have effect in relation to any certificate purporting to be the appropriate certificate.
- (4) Where the planning authority receive an application under this paragraph in relation to a mining site they shall determine the conditions to which each mineral permission relating to the site is to be subject.
- (5) The conditions imposed by virtue of a determination under sub-paragraph (4)—
- (a) may include any conditions which may be imposed on a grant of planning permission for minerals development;
 - (b) may be in addition to, or in substitution for, any existing conditions to which the permission in question is subject.
- (6) In determining that a mineral permission is to be subject to any condition relating to development for which planning permission is granted by a development order, the planning authority shall have regard to any guidance issued for the purpose by the Secretary of State.
- (7) Subject to sub-paragraph (8), where, within the period of three months of the planning authority having received an application under this paragraph, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority have not given notice to the applicant of their decision upon the application, the authority shall be treated as having at the end of that period or, as the case may be, that extended period, determined that the conditions to which any mineral permission to which the application relates is to be subject are those specified in the application as being proposed in relation to that permission; and any such permission shall, from that time, have effect subject to those conditions.
- (8) Where a planning authority, having received an application under this paragraph, are of the opinion that they are unable to determine the application unless further details are supplied to them, they shall within the period of one month from having received the application give notice to the applicant—
- (a) stating that they are of such opinion, and
 - (b) specifying the further details which they require,
- and where the authority so serve such a notice the period of three months referred to in sub-paragraph (7) shall run not from the authority having received the application but from the time when the authority have received all the further details specified in the notice.
- (9) Without prejudice to the generality of sub-paragraph (8), the further details which may be specified in a notice under that sub-paragraph include any—
- (a) information, plans or drawings, or
 - (b) evidence verifying any particulars of details supplied to the authority in respect of the application in question,

which it is reasonable for the authority to request for the purpose of enabling them to determine the application.

Permissions ceasing to have effect

7. Where no application under paragraph 6 in respect of a mining site has been served on the planning authority by the first review date, or by such later date as may at any time be agreed upon in writing between the applicant and the authority, each mineral permission—

- (a) relating to the site, and
- (b) identified in the notice served in relation to the site under paragraph 4,

shall cease to have effect, except in so far as it imposes any restoration or aftercare condition, on the day following the first review date or, as the case may be, such later agreed date.

Reference of applications to the Secretary of State

8. — (1) The Secretary of State may give directions requiring applications made under paragraph 6 to any planning authority to be referred to him for determination instead of being dealt with by the authority.

(2) A direction under sub-paragraph (1) may relate either to a particular application or to applications of a class specified in the direction.

(3) Where an application is referred to the Secretary of State in accordance with a direction under sub-paragraph (1)—

(a) subject to paragraph (b), paragraph 6(4) and (5), and paragraph 11 so far as relating to applications under paragraph 6, shall apply, with any necessary modifications, to his determination of the application as they apply to the determination of applications by the planning authority,

(b) before determining the application the Secretary of State must, if either the applicant or the planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and

(c) the decision of the Secretary of State on the application shall be final.

Appeals

9. — (1) Where on an application under paragraph 6 the planning authority determine conditions that differ in any respect from the proposed conditions set out in the application, the applicant may appeal to the Secretary of State.

(2) An appeal under sub-paragraph (1) must be made by giving notice of appeal to the Secretary of State, before the end of the period of six months beginning with the determination, on a form supplied by or on behalf of the Secretary of State for use for that purpose, and giving, so far as reasonably practicable, the information required by that form.

(3) Paragraph 18 of Schedule 8 shall apply to appeals under sub-paragraph (1) as it applies to appeals under paragraph 17 of that Schedule.

(4) Sections 237 to 239 shall have effect as if the action mentioned in section 237(3) included any decision of the Secretary of State—

(a) on an appeal under sub-paragraph (1), or

(b) on an application under paragraph 6 referred to him under paragraph 8.

(5) Schedule 4 shall apply to appeals under sub-paragraph (1).

Time from which conditions determined under this Schedule are to take effect

10. — (1) Where an application has been made under paragraph 6 in respect of a mining site, each of the mineral permissions relating to the site shall, from the time when the application is finally determined, have effect subject to the conditions to which it is determined under this Schedule that that permission is to be subject.

(2) Sub-paragraph (1) is without prejudice to paragraph 6(7).

Two or more applicants

11. — (1) Where a planning authority have received from any person a duly made application under paragraph 5 or 6—

(a) that person may not make any further application under the paragraph in question in respect of the same site, and

(b) if the application has been determined, whether or not in the case of an application under paragraph 6 it has been finally determined, no other person may make an application under the paragraph in question in respect of the same site.

(2) Where—

(a) a planning authority have received from any person in respect of a mineral site a duly made application under paragraph 5 or 6; and

(b) the authority receive from another person a duly made application under the paragraph in question in respect of the same site,

then for the purpose of the determination of the applications and any appeal against such a determination, this Schedule shall have effect as if the applications were a single application received by the authority on the date on which the later application was received by the authority and references to the applicant shall be read as references to either or any of the applicants.

Second and subsequent periodic reviews

12. — (1) In this paragraph, in relation to a mining site, but subject to paragraph 5 as applied by sub-paragraph (2), “review date” means—

(a) in the case of the second periodic review, the date falling fifteen years after the date upon which was finally determined an application made under paragraph 6 in respect of the site, and

(b) in the case of subsequent periodic reviews, the date falling fifteen years after the date upon which there was last finally determined under this Schedule an application made in respect of that site under paragraph 6 as applied by sub-paragraph (2).

(2) Paragraphs 4 to 11 shall apply in respect of the second or any subsequent periodic review of the mineral permissions relating to a mining site as they apply to the first such periodic review, but as if—

(a) any reference in those paragraphs to the “first review date” were a reference to the review date, and

(b) the references in paragraphs 4(1) and 6(2)(a) to the first periodic review were references to the periodic review in question.

Compensation

13. — (1) This paragraph applies where—

(a) an application made under paragraph 6 in respect of a mining site is finally determined,

(b) the conditions to which the mineral permissions relating to the site are to be subject, as determined under this Schedule, differ in any respect from the proposed conditions set out in the application, and

(c) the effect of the new conditions, except in so far as they are restoration or aftercare conditions, as compared with the effect of the existing conditions, except in so far as they were restoration or aftercare conditions, is to restrict working rights in respect of the site.

(2) For the purposes of this paragraph—

“the new conditions”, in relation to a mining site, means the conditions, determined under this Schedule, to which the mineral permissions relating to the site are to be subject; and
“the existing conditions”, in relation to a mining site, means the conditions to which the mineral permissions relating to the site were subject immediately prior to the final determination of the application made under paragraph 6 in respect of that site.

(3) For the purposes of this paragraph, working rights are restricted in respect of a mining site if any of—

(a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste,

(b) the depth to which operations for the winning and working of minerals may extend,

(c) the height of any deposit of mineral waste,

(d) the rate at which any particular mineral may be extracted,

(e) the rate at which any particular mineral waste may be deposited,

(f) the period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease, or

(g) the total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on, the site,

is restricted or reduced in respect of the mining site in question.

(4) In a case to which this paragraph applies, but subject to sub-paragraph (6), Parts IV and X of this Act shall have effect as if an order made under section 65—

(a) had been confirmed by the Secretary of State under section 66 at the time when the application in question was finally determined, and

(b) as so confirmed, had effect to modify those permissions to the extent specified in sub-paragraph (6).

(5) For the purposes of this paragraph, the order referred to in sub-paragraph (4) is one whose only effect adverse to the interests of any person having an interest in the land or minerals comprised in the mineral site is to restrict working rights in respect of the site to the same extent as the relevant restriction.

(6) For the purposes of Schedule 13 and of any regulations made under that Schedule, the permissions treated as being modified by the order mentioned in sub-paragraph (4) shall be treated as if they were planning permissions for development which neither consists of nor includes any minerals development.

SCHEDULE 11

Sections 76 and 89.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

1. — (1) The carrying out of—

(a) the rebuilding, as often as occasion may require, of any building which was in existence on 1st July 1948, or of any building which was in existence before that date but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;

- (b) the rebuilding, as often as occasion may require, of any building erected after 1st July 1948 which was in existence at a material date;
 - (c) works for the maintenance, improvement or other alteration of any building, being works which—
 - (i) affect only the interior of the building, or do not materially affect the external appearance of the building, and
 - (ii) are works for making good war damage,so long as the cubic content of the original building, as ascertained by external measurement, is not substantially exceeded.
- (2) In sub-paragraph (1) “war damage” has the same meaning as in the ^{M166}War Damage Act 1943.

Annotations:

Marginal Citations

M1661943 c. 21.

2. The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

3. Where after 1st July 1948—

- (a) any buildings or works have been erected or constructed, or any use of land has been instituted, and
 - (b) any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation to those buildings or works or that use,
- this Schedule shall not operate except as respects the period specified in that condition.

4. For the purposes of paragraph 1 the cubic content of a building is substantially exceeded—

- (a) in the case of a dwellinghouse, if it is exceeded by more than one-tenth or 1,750 cubic feet, whichever is the greater, and
- (b) in any other case, if it is exceeded by more than one-tenth.

5. — (1) In this Schedule “at a material date” means at either—

- (a) 1st July 1948, or
 - (b) the date by reference to which this Schedule falls to be applied in the particular case in question.
- (2) Sub-paragraph (1)(b) shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.

6. — (1) In relation to a building erected after 1st July 1948 which results from the carrying out of any such works as are described in paragraph 1, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

(2) This paragraph does not apply for the purposes of sections 82 or 88.

SCHEDULE 12

Section 80(5).

CONDITION TREATED AS APPLICABLE TO REBUILDING AND ALTERATIONS

1. Where the building to be rebuilt or altered is the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed by more than 10 per cent. the amount of gross floor space which was last used for that purpose in the original building.
2. Where the building to be rebuilt or altered is not the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed the amount of gross floor space which was last used for that purpose in the building before the rebuilding or alteration.
3. In determining under this Schedule the purpose for which floor space was last used in any building, no account shall be taken of any use in respect of which an effective enforcement notice has been or could be served or, in the case of a use which has been discontinued, could have been served immediately before the discontinuance.
4. — (1) For the purposes of this Schedule gross floor space shall be ascertained by external measurement.
(2) Where different parts of a building are used for different purposes, floor space common to those purposes shall be apportioned rateably.
5. In relation to a building erected after 1st July 1948 which is a building resulting from the carrying out of any such works as are described in paragraph 1 of Schedule 11, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

SCHEDULE 13

Section 84.

REGULATIONS AS TO COMPENSATION IN RESPECT OF ORDERS RELATING TO MINERAL WORKING

Power to modify compensation provisions

1. — (1) The Secretary of State may by regulations^{F79} . . . provide, in relation to orders made under—
 - (a) section 65 modifying planning permission for development consisting of the winning or working of minerals or involving the depositing of mineral waste, or
 - (b) section 71, and paragraph 1, 3, 5 or 6 of Schedule 8 with respect to such winning and working or depositing,that sections 76, 83, 87, 232 and 233 shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.
(2) Without prejudice to the generality of sub-paragraph (1), such regulations may make provision—
 - (a) as to circumstances in which compensation is not to be payable;
 - (b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;
 - (c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,and may also make different provision for different cases, and incidental or supplementary provision.

(3) Such regulations shall be of no effect unless approved by a resolution of each House of Parliament.

(4) Before making any such regulations, the Secretary of State shall consult such persons as appear to him to be representative of—

- (a) persons carrying out mining operations;
- (b) owners of interests in land containing minerals;
- (c) planning authorities.

Annotations:

Amendments (Textual)

F79 Words in Sch. 13 para. 1(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(23), Pt. IV; S.I. 1998/3178, art. 3

Determination of claims

2. The references in section 86 to questions of disputed compensation under Part IV include references to questions of disputed compensation under sections 76, 83, 87, 232 and 233 as modified by regulations under paragraph 1.

SCHEDULE 14

Section 100.

BLIGHTED LAND

Land allocated for public authority functions in development plans etc.

1. — (1) This paragraph applies to land indicated in a structure plan in force for the area in which it is situated either—

- (a) as land which may be required for the purposes—
 - (i) of the functions of a government department, local authority or statutory undertakers, or
 - (ii) of the establishment or running by a public telecommunications operator of a telecommunication system, or
- (b) as land which may be included in an action area.

(2) This paragraph does not apply to land situated in an area for which a local plan is in force, where that plan—

- (a) allocates any land in the area for the purposes of such functions as are mentioned in this paragraph, or
- (b) defines any land in the area as the site of proposed development for the purposes of any such functions.

(3) This paragraph does not apply to land to which paragraph 3 or 4 applies.

(4) In sub-paragraph (1) the reference to a structure plan in force includes a reference to—

- (a) a structure plan which has been submitted to the Secretary of State under section 6,
- (b) proposals for the alteration or repeal and replacement of a structure plan which have been submitted to the Secretary of State under section 9, and
- (c) modifications proposed to be made by the Secretary of State in any such plan or proposals, being modifications of which he has given notice in accordance with regulations under Part II.

(5) Sub-paragraph (4) shall cease to apply—

- (a) if the copies of the proposals made available for inspection are withdrawn under section 8(10),

- (b) when the relevant proposals come into force (whether in their original form or with modifications), or
- (c) when the Secretary of State decides to reject the proposals in accordance with section 10 and notice of the decision has been given by advertisement.
- (6) In sub-paragraph (4) references to anything done under any provision include reference to anything done under that provision as it applies by virtue of section 22.

2. — (1) This paragraph applies to land which—

- (a) is allocated for the purposes of any such functions as are mentioned in paragraph 1(1)(a)(i) or (ii) by a local plan in force, or
- (b) is land defined in such a plan as the site of proposed development for the purposes of any such functions.
- (2) In sub-paragraph (1) the reference to a local plan in force includes a reference to—
 - (a) a local plan of which copies have been made available for inspection under section 12(3),
 - (b) proposals for the alteration or repeal and replacement of a local plan of which copies have been made available for inspection under section 12(3), and
 - (c) modifications proposed to be made by the planning authority or the Secretary of State in any such plan or proposals as are mentioned in paragraph (a) or (b), being modifications of which notice has been given by the authority or the Secretary of State in accordance with regulations under Part II.
- (3) Sub-paragraph (2) shall cease to apply—
 - (a) if the copies of the plan or proposals made available for inspection are withdrawn under section 8(10),
 - (b) when the relevant plan or proposals come into force (whether in their original form or with modifications), or
 - (c) when the Secretary of State decides to reject, or the planning authority decide to abandon, the plan or proposals and notice of the decision has been given by advertisement.
- (4) In sub-paragraph (2) references to anything done under any provision include references to anything done under that provision as it applies by virtue of section 22.

3. This paragraph applies to land indicated in a plan (other than a development plan) approved by a resolution passed by a planning authority for the purpose of the exercise of their powers under Part III as land which may be required for the purposes of any functions of a government department, local authority or statutory undertakers.

4. This paragraph applies to land in respect of which a planning authority—

- (a) have resolved to take action to safeguard it for development for the purposes of any such functions as are mentioned in paragraph 3, or
- (b) have been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.

New towns and urban development areas

5. — (1) This paragraph applies to land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the ^{M167}New Towns (Scotland) Act 1968.

(2) Land shall cease to be within this paragraph when—

- (a) the order comes into force (whether in the form of the draft or with modifications), or
- (b) the Secretary of State decides not to make the order.

Annotations:

Marginal Citations

M1671968 c. 16.

6. This paragraph applies to land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the New Towns (Scotland) Act 1968.

7. — (1) This paragraph applies to land which is—

(a) within an area intended to be designated as an urban development area by an order which has been made under section 134 of the ^{M168}Local Government, Planning and Land Act 1980 but has not come into effect, or

(b) within an area which has been so designated by an order under that section which has come into effect.

(2) Land shall cease to be within this paragraph when the order comes into force.

Annotations:

Marginal Citations

M1681980 c. 65.

Housing action areas

8. This paragraph applies to land within an area declared to be a housing action area by a resolution under section 89, 90 or 91 of the ^{M169}Housing (Scotland) Act 1987 in relation to houses or parts of buildings which have been identified in accordance with section 92(4)(c) of that Act.

Annotations:

Marginal Citations

M1691987 c. 26.

9. This paragraph applies to land which is surrounded by or adjoining an area declared to be a housing action area by a resolution under section 89, 90 or 91 of the ^{M170}Housing (Scotland) Act 1987 whether or not the resolution identifies any of the buildings in accordance with section 92(4)(a) of that Act.

Annotations:

Marginal Citations

M1701987 c. 26.

Roads

10. This paragraph applies to land indicated in a development plan (otherwise than by being dealt with in a manner mentioned in paragraphs 1, 2, 3 and 4) as—

(a) land on which a road is proposed to be constructed, or

(b) land to be included in a road as proposed to be improved or altered.

11. — (1) This paragraph applies to land on or adjacent to the line of a road proposed to be constructed, improved or altered, as indicated in an order or scheme—

(a) which has come into operation under, or

(b) which is proposed to be made or conferred under, and in respect of which a notice has been published under Schedule 1 to,

the ^{M171}Roads (Scotland) Act 1984, being land in relation to which a power of compulsory acquisition conferred by that Act may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme.

(2) Land shall cease to be within sub-paragraph (1)(b) when—

(a) the relevant order or scheme comes into operation (whether in its original form or with modifications), or

(b) the Secretary of State decides not to confirm or make the order or scheme.

Annotations:

Marginal Citations

M1711984 c. 54.

12. This paragraph applies to land shown on plans approved by a resolution of a roads authority as land comprised in the site of a road as proposed to be constructed, improved or altered by that authority.

13. This paragraph applies to land comprised in the site of a road as proposed to be constructed, improved or altered by the Secretary of State if the Secretary of State has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the planning authority.

Compulsory purchase

14. This paragraph applies to land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable.

15. — (1) This paragraph applies to land in respect of which—

(a) a compulsory purchase order is in force, or

(b) there is in force a compulsory purchase order providing for the acquisition of a right in or over that land,

and the appropriate authority have power to serve, but have not served, notice to treat in respect of the land or, as the case may be, the right or rights.

(2) This paragraph applies also to land in respect of which—

(a) a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister, and

(b) a notice has been published under paragraph 3(1)(a) of Schedule 1 to the ^{M172}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947 or under any corresponding enactment applicable to it.

(3) Sub-paragraph (2) shall cease to apply when—

(a) the relevant compulsory purchase order comes into force (whether in its original form or with modifications), or

(b) the Minister concerned decides not to confirm or make the order.

Annotations:

Marginal Citations

M1721947 c. 42.

SCHEDULE 15

Section 195.

GENERAL VESTING DECLARATIONS

Annotations:

Modifications etc. (not altering text)

C59Sch. 15 applied (with modifications) (23.12.1999) by S.I. 1999/201, art. 26(1)(2)

Sch. 15 applied (with modifications) (23.12.1999) by S.I. 1999/203, art. 27(1)

PART I

GENERAL PROVISIONS

Execution of general vesting declarations

1. — (1) Where a compulsory purchase order authorising an acquiring authority to acquire any land has come into operation, the authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form (in this Schedule referred to as a “general vesting declaration”) vesting the land in themselves as from the end of such period as may be specified in the declaration (not being less than 28 days) from the date on which the service of notices required by paragraph 4 is completed.

(2) A general vesting declaration shall contain a particular description of the lands affected or a description by reference of those lands in the manner provided by section 61 of the ^{M173}Conveyancing (Scotland) Act 1874.

Annotations:

Marginal Citations

M1731874 c. 94.

2. — (1) Before making a general vesting declaration with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include in the notice of the making or confirmation of the order which is required to be published or served by paragraph 6 of Schedule 1 to the Acquisition Act 1947 or any other provision of the relevant enactments corresponding to that paragraph, or in a notice given subsequently and before the service of the notice to treat in respect of that land—

(a) such a statement of the effect of paragraphs 1 to 8 as may be prescribed, and

(b) a notification to the effect that every person who, if a general vesting declaration were made in respect of all the land comprised in the order in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of any such land is invited to give information to the authority making the declaration in the prescribed form with respect to his name and address and the land in question.

(2) The requirements of the relevant enactments with respect to the publication and service of a notice of the making or confirmation of a compulsory purchase order shall apply to a notice under this paragraph given subsequently to the first-mentioned notice.

3. — (1) Subject to sub-paragraph (2), a general vesting declaration shall not be executed before the end of the period of 2 months beginning with the date of the first publication of the notice complying with paragraph 2(1), or such longer period, if any, as may be specified in the notice.

(2) The acquiring authority may, with the consent in writing of every occupier of any of the land specified in the declaration, execute a general vesting declaration before the end of that period of 2 months, or of the longer period so specified, as the case may be.

4. As soon as may be after executing a general vesting declaration, the acquiring authority shall serve—

(a) on every occupier of any of the land specified in the declaration (other than land in which there subsists a short tenancy or a long tenancy which is about to expire), and

(b) on every other person who has given information to the authority with respect to any of that land in pursuance of the invitation published and served under paragraph 2(1), a notice in the prescribed form specifying the land and stating the effect of the declaration.

5. For the purposes of this Schedule, a certificate by the acquiring authority that the service of notices required by paragraph 4 was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

Effect of general vesting declaration

6. At the end of the period specified in a general vesting declaration, the provisions of the Lands Clauses Acts and of section 6 of the ^{M174}Railways Clauses Consolidation (Scotland) Act 1845 (both as incorporated by Schedule 2 to the Acquisition Act 1947) and of the ^{M175}Land Compensation (Scotland) Act 1963 shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 17 of the ^{M176}Lands Clauses Consolidation (Scotland) Act 1845 (on the assumption that they required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in that section) the acquiring authority could have served such a notice, other than—

(a) any person entitled to an interest in the land in respect of which such a notice had actually been served before the end of that period, and

(b) any person entitled to a short tenancy or a long tenancy which is about to expire.

Annotations:

Marginal Citations

M1741845 c. 33.

M1751963 c. 51.

M1761845 c. 19.

7. At the end of the period specified in a general vesting declaration, the land specified in the declaration, together with the right to enter upon and take possession of it, shall vest in the acquiring authority as if the circumstances in which under the said Act of 1845 an authority authorised to purchase land compulsorily have any power to expedite a notarial instrument

(whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any feuduty, ground annual or rent, or other payment or incumbrance) had arisen in respect of all the land and all interests in it, and the acquiring authority had duly exercised that power accordingly at the end of that period.

8. Where any land specified in a general vesting declaration is land in which there subsists a short tenancy or a long tenancy which is about to expire—

(a) the right of entry conferred by paragraph 7 shall not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the acquiring authority have served upon every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than 14 days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired, and

(b) the vesting of the land in the acquiring authority shall be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever first occurs.

Recovery of compensation overpaid

9. Paragraphs 10 to 14 shall have effect where, after the acquiring authority have made a general vesting declaration in respect of any land, a person claims compensation in respect of the acquisition by the authority of an interest in any land by virtue of the declaration, and the authority pay compensation in respect of that interest.

10. If, in a case falling within paragraph 9, it is subsequently shown—

(a) that the land, or the claimant's interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim, and

(b) that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest,

the acquiring authority may recover the amount of the excess from the claimant.

11. If in a case falling within paragraph 9, it is subsequently shown that the claimant was not entitled to the interest in question, either in the whole or in part of the land to which the claim related, the acquiring authority may recover from him an amount equal to the compensation paid, or to so much of that compensation as, on a proper apportionment of it, is attributable to that part of the land, as the case may be.

12. Any question arising under paragraph 10 or 11—

(a) as to the amount of the compensation to which the claimant was entitled in respect of an interest in land, or

(b) as to the apportionment of any compensation paid,

shall be referred to and determined by the Lands Tribunal; and in relation to the

determination of any such question, the provisions of section 9 of the ^{M177}Land Compensation (Scotland) Act 1963 shall apply, subject to any necessary modifications.

Annotations:

Marginal Citations

M1771963 c. 51.

13. Subject to paragraph 12, any amount recoverable by the acquiring authority under paragraph 10 or 11 shall be recoverable in any court of competent jurisdiction.

14. Any sum recovered under paragraph 10 or 11 in respect of land by an acquiring authority who are a local authority shall be applied towards the repayment of any debt incurred in acquiring or redeveloping that land or if no debt was so incurred shall be paid into the account out of which the compensation in respect of the acquisition of that land was paid.

Penalty for false information in claiming compensation

15. — (1) If any person for the purpose of obtaining for himself or for any other person any compensation in respect of the acquisition by the acquiring authority of an interest in land by virtue of a general vesting declaration—

- (a) knowingly or recklessly makes a statement which is false in a material particular,
 - (b) with intent to deceive produces, furnishes, sends or otherwise makes use of any book, account, or other document which is false in a material particular, or
 - (c) with intent to deceive withholds any material information,
- he shall be guilty of an offence.

(2) Any person guilty of an offence under this paragraph shall (without prejudice to the recovery of any sum under paragraph 10 or 11) be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

PART II

SUPPLEMENTARY PROVISIONS

16. This Part shall have effect for the purposes of paragraphs 6 to 8.

Exclusion of power of entry under the Acquisition Act 1947

17. Paragraph 3 of Schedule 2 to the Acquisition Act 1947 (power to enter upon land after service of notice to treat) shall not apply to land specified in a general vesting declaration under this Act.

Restriction on withdrawal of constructive notice to treat

18. The power conferred by section 39 of the ^{M178}Land Compensation (Scotland) Act 1963 to withdraw notice to treat shall not be exercisable, in respect of a notice to treat which is deemed to be served under paragraphs 6 to 8, at any time after the interest in respect of which the notice is deemed to be served has vested in an acquiring authority by virtue of paragraph 7.

Annotations:

Marginal Citations

M1781963 c. 51.

Objection to severance

19. Paragraph 4 of Schedule 2 to the Acquisition Act 1947 shall not apply to land in respect of which a general vesting declaration is made under this Act.

20. — (1) If a general vesting declaration under this Act comprises part only of a house, building or factory, or of a park or garden belonging to a house, any person who is able to sell the whole of the house, building, factory, park or garden may by notice served on the acquiring authority (in this Part referred to as a “notice of objection to severance”) require them to purchase his interest in the whole.

(2) Except as provided by paragraph 29, a notice of objection to severance served by any person shall not have effect if it is served more than 28 days after the date on which the notice required by paragraph 4 above is served on him.

21. Where a notice of objection to severance is served in respect of a person’s interest in any land (in this Part referred to as “the land proposed to be severed”), and is so served within the time allowed in accordance with paragraph 20(2), then, notwithstanding anything in paragraph 7—

(a) that interest shall not vest in the acquiring authority, and

(b) if he is entitled to possession of that land, the acquiring authority shall not be entitled to enter upon or take possession of it,

until the notice has been disposed of in accordance with the following provisions of this Schedule.

22. Within 3 months after a person has served on an acquiring authority a notice of objection to severance, the acquiring authority shall either—

(a) serve notice on him withdrawing the notice to treat deemed to have been served on him in respect of his interest in the land proposed to be severed,

(b) serve notice on him that the general vesting declaration shall have effect, in relation to his interest in the land proposed to be severed, as if the whole of that land had been comprised in the declaration (and in the compulsory purchase order, if part only of that land was comprised in that order), or

(c) refer the notice of objection to severance to the Lands Tribunal and notify him that it has been so referred.

23. If the acquiring authority do not take action in accordance with paragraph 22 within the period allowed by that paragraph, then at the end of that period they shall be deemed to have acted in accordance with sub-paragraph (a) of that paragraph.

24. Where in accordance with paragraph 22 or 23 the notice to treat deemed to have been served in respect of a person’s interest in the land proposed to be severed is withdrawn, or is deemed to have been withdrawn—

(a) that interest shall not vest in the acquiring authority by virtue of the general vesting declaration, and

(b) if he is entitled to possession of that land, the acquiring authority shall not be entitled by virtue of that declaration to enter upon or take possession of it.

25. Where an acquiring authority take action in accordance with paragraph 22(b), the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that paragraph, whether apart from this Schedule the acquiring authority could have been authorised to acquire the interest in question in the whole of the land proposed to be severed or not.

26. Where in accordance with paragraph 22(c) an acquiring authority refer a notice of objection to severance to the Lands Tribunal, and on that reference the Tribunal determines that the part of the land proposed to be severed which is comprised in the general vesting declaration can be taken—

(a) in the case of a house, building or factory, without material detriment, or

(b) in the case of a park or garden, without seriously affecting the amenity or convenience of the house,

paragraph 21 shall thereupon cease to have effect in relation to that notice.

27. — (1) If on such a reference the Lands Tribunal does not make a determination in accordance with paragraph 26, the Tribunal shall determine the area of that land (being the whole of it or a part of it which includes the part comprised in the general vesting declaration) which the acquiring authority ought to be required to take; and the general vesting declaration shall have effect, in relation to the interest in that area of the person who served the notice of objection to severance, as if the whole of that area had been comprised in the general vesting declaration, whether apart from this Schedule the acquiring authority could have been authorised to acquire that interest in the whole of that area or not.

(2) Where sub-paragraph (1) applies, and part of the area determined by the Lands Tribunal was not comprised in the compulsory purchase order, the general vesting declaration shall have effect as mentioned in that sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.

28. Where by virtue of paragraph 22(a), 23, 25 or 27 a general vesting declaration is to have effect in relation to a different area of land from that originally comprised in the declaration, the acquiring authority shall alter accordingly the description of the land affected by the declaration.

29. — (1) Where in accordance with paragraph 20(1) a person is entitled to serve a notice of objection to severance, and it is proved—

(a) that he did not receive the notice required by paragraph 4 to be served on him, or received that notice less than 28 days before, or on or after, the date on which the period specified in the general vesting declaration expired, and

(b) that a notice of objection to severance served by him was served not more than 28 days after the date on which he first had knowledge of the execution of the general vesting declaration,

that notice shall have effect notwithstanding that it is served after the time allowed in accordance with paragraph 20(2) has expired.

(2) Where, in the circumstances specified in sub-paragraph (1), a person serves a notice of objection to severance after the end of the period specified in the general vesting declaration,—

(a) paragraphs 21 and 24 shall not have effect in relation to that notice,

(b) paragraph 22 shall have effect in relation to that notice as if sub-paragraph (a) of that paragraph were omitted,

(c) paragraph 23 shall have effect in relation to that notice with the substitution, for the words “sub-paragraph (a)”, of the words "**sub-paragraph (b)**", and

(d) paragraph 26 shall not have effect in relation to that notice, but without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

Compensation

30. Where any of the land specified in a general vesting declaration under this Act has become vested in an acquiring authority by virtue of paragraphs 6 to 8, the acquiring authority shall be liable to pay the like compensation, and the like interest on the compensation agreed or awarded, as they would have been required to pay if they had taken possession of the land under paragraph 3 of Schedule 2 to the Acquisition Act 1947.

31. Sections 56 to 60 and sections 63 to 66 of the ^{M179}Lands Clauses Consolidation (Scotland) Act 1845 (absent and untraced owners) and sections 117 to 119 of that Act (interests omitted from purchase) shall not apply to the compensation to be paid for any interest in land in respect of which a notice to treat is deemed to have been served by virtue of paragraphs 6 to 8.

Annotations:

Marginal Citations

M1791845 c. 19.

Charges and tenancies

32. — (1) Where land specified in a general vesting declaration under this Act is, together with other land not so specified, charged with a charge, such proportion of the charge as may be apportioned under section 109 of the Lands Clauses Consolidation (Scotland) Act 1845 to the first mentioned land shall, subject to sub-paragraph (3), be treated as having been extinguished by virtue of paragraphs 6 to 8 on the vesting of that land in the acquiring authority under those paragraphs.

(2) Where by virtue of sub-paragraph (1) a portion of a charge is treated as having been extinguished, sections 108 to 111 of the Act of 1845 shall have effect as if the extinguishment had taken place under section 110 of that Act.

(3) If, in the circumstances described in sub-paragraph (1), the person entitled to the charge and the owner of the land subject to it enter into an agreement to that effect, sections 108 to 111 of the Act of 1845 shall have effect as if, at the time of the vesting of the land in the acquiring authority under paragraphs 6 to 8, the person entitled to the charge had released that land from the charge on the condition mentioned in section 109 of that Act; and in that case no part of the charge shall be treated as having been extinguished as regards the remaining part of the land charged with it.

(4) In this paragraph “charge” means any such feuduty, ground annual or rent or other payment or incumbrance as is mentioned in the introductory words to sections 107 to 111 of the Act of 1845.

33. Where land specified in a general vesting declaration under this Act is, together with other land not so specified, comprised in a tenancy for a term of years unexpired, section 112 of the ^{M180}Lands Clauses Consolidation (Scotland) Act 1845 shall have effect in relation to it as if for references to the time of the apportionment of rent mentioned in it there were substituted references to the time of the vesting of the tenancy in the acquiring authority.

Annotations:

Marginal Citations

M1801845 c. 19.

34. Where any of the land specified in a general vesting declaration under this Act has become vested in an acquiring authority under paragraphs 6 to 8, any person who, in consequence of it, is relieved from any liability (whether in respect of a feuduty, ground annual, rent, interest on a heritable security or any other payment) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constituted the cause of his being so relieved, or of one or more of those facts, be entitled to recover the sum paid from the person to whom it was paid.

Miscellaneous

35. Where, after land has become vested in an acquiring authority under paragraphs 6 to 8, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgement in writing of the right of the acquiring authority to production of that document and to delivery of copies of it and (except where he retains possession of the document as heritable creditor or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody of it.

36. — (1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of paragraphs 6 to 8, may be referred to the Lands Tribunal shall be 6 years from the date at which the person claiming compensation, or a person from whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of those paragraphs.

(2) In reckoning the period of 6 years referred to in sub-paragraph (1), no account shall be taken of any period during which the person claiming compensation or the person from whom he derives title was under legal disability by reason of nonage or otherwise.

37. At the end of the period specified in a general vesting declaration or, if a notice of objection to severance is served under this Schedule, when that notice has been disposed of in accordance with the provisions of this Schedule, that declaration, if still being proceeded with or, as the case may be, that declaration as altered under paragraph 28, shall be recorded in the General Register of Sasines or, as the case may be, registered in the Land Register of Scotland, and on being so recorded or registered shall have the same effect as a conveyance registered in accordance with section 80 of the ^{M181}Lands Clauses Consolidation (Scotland) Act 1845.

Annotations:

Marginal Citations

M1811845 c. 19.

PART III

INTERPRETATION

38. — (1) In this Schedule—
“short tenancy” means a tenancy for a year or from year to year or any lesser interest, and
“long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a short tenancy, but having at the date of the

declaration a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this paragraph be specified in the declaration in relation to the land in which the tenancy subsists).

(2) In determining for the purposes of this paragraph what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed—

(a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or later available to him, and

(b) that the landlord will exercise any option to terminate the tenancy then or later available to him.

39. In this Schedule—

“Acquisition Act 1947” means the ^{M182}Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947;

“relevant enactments”, in relation to an acquiring authority, means the enactments under which that authority may acquire or be authorised to acquire land compulsorily and which prescribe a procedure for effecting the compulsory acquisition of land by them by means of a compulsory purchase order; and

“land”, in relation to compulsory acquisition by an acquiring authority, has the same meaning as in the relevant enactments.

Annotations:

Marginal Citations

M1821947 c. 42.

SCHEDULE 16

Section 209.

PROCEDURE FOR MAKING AND CONFIRMING ORDERS RELATING TO ROADS AND RIGHTS OF WAY

PART I

MAKING ORDERS

Procedure for making of orders by Secretary of State

1. — (1) Before making an order under section 202 or 206(1)(a) the Secretary of State shall publish in at least one local newspaper circulating in the relevant area, and in the Edinburgh Gazette, a notice—

(a) stating the general effect of the order,

(b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the last day on which publication of the notice has taken place, and

(c) stating that, within the period, any person may by notice to the Secretary of State object to the making of the order.

(2) Not later than the last day on which publication has taken place in accordance with subparagraph (1), the Secretary of State—

(a) shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on every local authority in whose area any road or, as the case may be, any land to which the order relates is situated, and on any water, hydraulic power or electricity undertakers or public gas transporter having any cables, mains, pipes or wires laid along,

across, under or over any road to be stopped up or diverted or, as the case may be, any land over which a right of way is to be extinguished, under the order, and

(b) shall cause a copy of the notice to be displayed in a prominent position at the ends of so much of any road as is proposed to be stopped up or diverted or, as the case may be, of the right of way proposed to be extinguished under the order.

(3) Subject to sub-paragraph (4), if before the end of the said period of 28 days an objection is received by the Secretary of State from any local authority, undertakers or transporter on whom a notice is required to be served under sub-paragraph (2), or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the Secretary of State shall cause a local inquiry to be held.

(4) If the objection is made by a person other than such a local authority, undertakers or transporter, the Secretary of State may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

(5) After considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State (subject to sub-paragraph (6)) may make the order either without modification or subject to such modifications as he thinks fit.

(6) Where the order contains a provision requiring any such payment, repayment or contribution as is mentioned in section 202(4)(a), and objection to that provision is duly made, in accordance with sub-paragraph (3), by an authority or person who would be required by it to make such a payment, repayment or contribution, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(7) Immediately after the order has been made, the Secretary of State shall publish, in the manner specified in sub-paragraph (1), a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours; and sub-paragraph (2) shall have effect in relation to any such notice as it has effect in relation to a notice under sub-paragraph (1).

(8) In this paragraph “the relevant area”, in relation to an order, means the area in which any road or land to which the order relates is situated.

Procedure in anticipation of planning permission, etc.

2. — (1) Where the Secretary of State would, if planning permission for any development had been granted under Part III, have power to make an order under section 202 authorising the stopping-up or diversion of a road in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, the Secretary of State may, in the circumstances specified in sub-paragraphs (2) to (4), publish notice of the draft of such an order in accordance with paragraph 1.

(2) The Secretary of State may publish such a notice where the relevant development is the subject of an application for planning permission and either—

(a) that application is made by a local authority or statutory undertakers,

(b) that application stands referred to the Secretary of State in pursuance of a direction under section 46, or

(c) the applicant has appealed to the Secretary of State under section 47 against a refusal of planning permission or of approval required under a development order, or against a condition of any such permission or approval.

(3) The Secretary of State may publish such a notice where—

(a) the relevant development is to be carried out by a local authority or statutory undertakers and requires, by virtue of an enactment, the authorisation of a government department, and

(b) the developers have made application to the department for that authorisation and also requested a direction under section 57 that planning permission be deemed to be granted for that development.

(4) The Secretary of State may publish such a notice where the planning authority certify that they have begun to take such steps, in accordance with regulations made by virtue of section 263, as are requisite in order to enable them to obtain planning permission for the relevant development.

(5) Paragraph 1(5) shall not be construed as authorising the Secretary of State to make an order under section 202 of which notice has been published by virtue of sub-paragraph (1) until planning permission is granted for the development which occasions the making of the order.

Further procedure in anticipation of planning permission, etc.

3. — (1) Where a planning authority would, if planning permission for any development had been granted under Part III, have power to make an order under section 207 authorising the stopping-up or diversion of a road in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, the authority may, in the circumstances specified in sub-paragraphs (3) to (5), publish notice of the draft of such an order in accordance with the following provisions of this Schedule.

(2) Nothing in those provisions shall be construed as authorising the authority to make the order in anticipation of such permission.

(3) The authority may publish such a notice where the development is the subject of an application for planning permission.

(4) The authority may publish such a notice where—

(a) the development is to be carried out by a local authority or statutory undertakers and requires, by virtue of an enactment, the authorisation of a government department, and

(b) the developers have made an application to the department for that authorisation and also requested a direction under section 57 that planning permission be deemed to be granted for that development.

(5) The planning authority may publish such a notice where they have begun to take such steps, in accordance with regulations made by virtue of section 263, as are requisite in order to enable them to obtain planning permission for the development.

PART II

CONFIRMATION OF ORDERS

Application

4. — (1) This Part shall have effect with respect to the confirmation of orders under section 203, 206(1)(b), 207 and 208 and the publicity for such orders after they are confirmed.

(2) This Part has no application as regards orders made by the Secretary of State.

Confirmation of orders made by other authorities

5. — (1) An order made under section 203 by a competent authority, section 206(1)(b) by a local authority or section 207 or 208 by a planning authority shall not take effect unless confirmed—

(a) by the Secretary of State in a case where the order is opposed, and

(b) in any other case by the authority making the order.

(2) The Secretary of State shall not confirm any such order unless satisfied as to every matter of which the authority making the order are required under section 206(1)(b), 207 or 208 (as the case may be) to be satisfied.

(3) The time specified—

(a) in an order under section 203 as the time from which a right is to be extinguished,

(b) in an order under section 206(1)(b) as the time from which a right of way is to be extinguished,

(c) in an order under section 207 as the time from which a road is to be stopped up or diverted, or

(d) in an order under section 208 as the time from which a footpath or bridleway is to be stopped up or diverted,

shall not be earlier than confirmation of the order.

6. — (1) Before an order under section 203, 206(1)(b), 207 or 208 is submitted to the Secretary of State for confirmation or confirmed as an unopposed order, the authority by whom the order was made shall give notice in the prescribed form—

(a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order,

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours, and

(c) specifying the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) Subject to sub-paragraph (3), the notice to be given under sub-paragraph (1) shall be given—

(a) by publication in the Edinburgh Gazette and in at least one local newspaper circulating in the area in which the land to which the order relates is situated, and

(b) by serving a similar notice on—

(i) every owner, occupier and lessee (except tenants for a month or a period less than a month and statutory tenants within the meaning of the ^{M183}Rent (Scotland) Act 1984) of any of that land,

(ii) every local authority whose area includes any of that land,

(iii) any statutory undertakers to whom there belongs, or by whom there is used, for the purposes of their undertaking, any apparatus under, in, on, over, along or across that land, and

(iv) any person named in the order by virtue of section 208(2)(d), and

(c) by causing a copy of the notice to be displayed in a prominent position at the ends of so much of any footpath or bridleway as is to be stopped up, diverted or extinguished by virtue of the order.

(3) Except in the case of an owner, occupier or lessee being a local authority or statutory undertakers, the Secretary of State may in any particular case direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i).

(4) If he so directs in the case of any land, then in addition to publication—

(a) the notice shall be addressed to “the owners and any occupiers” of the land (describing it), and

(b) a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

Annotations:

Marginal Citations

M1831984 c. 58.

7. If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Secretary of State themselves confirm the order (but without any modification).

8. — (1) This paragraph applies where any representation or objection duly made is not withdrawn.

(2) If the objection is made by a local authority, the Secretary of State shall, before confirming the order, cause a local inquiry to be held.

(3) If the representation or objection is made by a person other than a local authority, the Secretary of State shall, before confirming the order, either—

(a) cause a local inquiry to be held, or

(b) give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.

(4) After considering the report of the person appointed under sub-paragraph (2) or (3) to hold the inquiry or hear representations or objections, the Secretary of State may confirm the order, with or without modifications.

(5) In the case of an order under section 207 or 208, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purpose of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(6) Notwithstanding anything in the previous provisions of this paragraph, the Secretary of State shall not confirm an order so as to affect land not affected by the order as submitted to him, except after—

(a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which must not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made,

(b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose, and

(c) considering the report of the person appointed to hold the inquiry or, as the case may be, to hear representations or objections.

(7) In the case of an order under section 207 or 208, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

9. — (1) The Secretary of State shall not confirm an order under section 203, 207 or 208 which extinguishes a right of way over land under, in, on, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purposes of their undertaking, unless the undertakers have consented to the confirmation of the order.

(2) Any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.

(3) The consent of statutory undertakers to any such order shall not be unreasonably withheld.

(4) Any question arising under this paragraph whether the withholding of consent is unreasonable, or whether any requirement is reasonable, shall be determined by [^{F80}the Scottish Ministers].

Annotations:

Amendments (Textual)

F80 Words in Sch. 16 para. 9(4) substituted by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(24); S.I. 1998/3178, art. 3

10. Regulations may, subject to this Part, make such provision as the Secretary of State thinks expedient as to the procedure on the making, submission and confirmation of orders under sections 203, 206(1)(b), 207 and 208.

PART III

PUBLICITY FOR ORDERS AFTER CONFIRMATION

11. — (1) As soon as may be after an order under sections 203, 206(1)(b), 207 and 208 has been confirmed by the Secretary of State or confirmed as an unopposed order, the authority by whom the order was made shall—

(a) publish, in the manner required by paragraph 6(2), a notice in the prescribed form—

(i) describing the general effect of the order,

(ii) stating that it has been confirmed, and

(iii) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge at all reasonable hours,

(b) serve a similar notice and a copy of the order as confirmed on any persons on whom notices were required to be served under paragraph 6(2), and

(c) cause a similar notice to be displayed in the similar manner as the notice required to be displayed under paragraph 6(2).

(2) No such notice or copy need be served on a person unless he has sent to the authority a request in that behalf, specifying an address for service.

SCHEDULE 17

Section 251(5).

ENFORCEMENT AS RESPECTS WAR-TIME BREACHES BY THE CROWN OF PLANNING CONTROL

Preliminary

1. In this Schedule—

“authority” means an authority responsible for enforcing planning control,

“compliance determination application” means an application under section 251(3), and

“compliance determination” means a determination given on such an application.

Making of compliance determination applications

2. — (1) A compliance determination application may be made with respect to any land—

(a) by the owner or occupier of the land, or

(b) by any person who proves that he has or intends to acquire an interest in the land which will be affected by a compliance determination or that he has borne any of the cost of carrying out works on the land during the war period.

(2) In the case of land owned or occupied by or on behalf of the Crown, or leased to, or to a person acting on behalf of, the Crown, or land with respect to which it is proved that there is held, or intended to be acquired, by or on behalf of the Crown an interest in the land which will be affected as mentioned in sub-paragraph (1) or that any of the cost there mentioned has been borne by the Crown, a compliance determination application may be made by any person acting on behalf of the Crown.

3. A compliance determination application shall be accompanied by such plans and other information as are necessary to enable the application to be determined.

4. — (1) The authority to whom a compliance determination application is made shall within 14 days from the receipt of the application publish notice of it in one or more local newspapers circulating in the area in which the land is situated and serve notice of it on any person appearing to the authority to be specially affected by the application.

(2) The authority shall take into consideration any representations made to them in connection with the application within 14 days from the publication of the notice.

Determination of applications

5. — (1) Where a compliance determination application is made to an authority the authority shall determine whether the works or use in question fail to comply with any planning control which the authority are responsible for enforcing and, if so, shall specify the control in question.

(2) Where the authority determine that works or a use fail so to comply they shall further determine whether having regard to all relevant circumstances the works or use shall, notwithstanding the failure, be deemed so to comply, either unconditionally or subject to such conditions as to the time for which the works or use may be continued, the carrying out of alterations, or other matters, as the authority think expedient.

Appeals against compliance determinations or failure to make such determinations

6. — (1) Where the applicant is aggrieved by a compliance determination, or where a person by whom representations have been made as mentioned in paragraph 4 is aggrieved by such a determination, he may appeal to the Secretary of State.

(2) The applicant may also appeal if he is aggrieved by the failure of the authority to determine the application within 2 months from the last day on which representations under paragraph 4 may be made and has served notice on the authority that he appeals to the Secretary of State.

(3) An appeal under this paragraph must be made within the period of 28 days after the applicant has notice of the determination or, in the case of an appeal under sub-paragraph (2), after the applicant has served notice on the authority of the appeal, or within such extended period as the Secretary of State may allow.

7. — (1) On such an appeal the Secretary of State may give, in substitution for the determination, if any, given by the authority, such determination as appears to him to be proper having regard to all relevant circumstances, or, if he is satisfied that the applicant was not a person entitled to make the application, may decide that the application is not to be entertained.

(2) At any stage of the proceedings on such an appeal to him the Secretary of State may, and shall if so directed by the Court of Session, state in the form of a special case for the opinion of the Court of Session any question of law arising in connection with the appeal.

8. Subject to paragraph 9 and to any determination or decision of the Secretary of State on an appeal under paragraph 7, any compliance determination shall be final and any such failure to give a determination as mentioned in paragraph 6(2) shall be taken on the service of the notice there mentioned as a final refusal by the authority to entertain the application, and any determination or decision of the Secretary of State on an appeal under paragraph 7 shall be final.

Fresh applications where alteration in circumstances

9. Where a compliance determination has been given that works on land or a use of land shall not be deemed to comply with planning control or shall be deemed to comply with it subject to conditions, then if a person entitled to make a compliance determination application with respect to the land satisfies the authority or on appeal the Secretary of State that there has been a material change of circumstances since the previous application was determined, he may make a subsequent application and on such an application the authority or on appeal the Secretary of State may substitute for the compliance determination such determination as appears proper having regard to all relevant circumstances.

References of application to Secretary of State

10. — (1) If it appears to the Secretary of State that it is expedient, having regard to considerations affecting the public interest (whether generally or in the locality concerned), that any compliance determination application to an authority, or any class or description of such applications, should instead of being determined by the authority be referred to him for decision, he may give directions to the authority requiring that application, or applications of that class or description, to be so referred.

(2) This Schedule shall apply to any such reference as if it were an appeal under paragraph 6(2) following the failure of the authority to determine the application.

Information

11. The Secretary of State may give directions to any authority requiring them to furnish him with such information with respect to compliance determination applications received by them as he considers necessary or expedient in connection with the exercise of his functions under this Schedule.

Opportunity for hearing

12. — (1) On a compliance determination application the applicant may require the authority to give him an opportunity before the application is determined of appearing before and being heard by a person appointed by the authority for the purpose.

(2) In the case of—

- (a) a compliance determination application referred to the Secretary of State for decision, or
- (b) an appeal under this Schedule,

the applicant or the authority may require the Secretary of State to give him or them an opportunity before the application or appeal is determined of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

Notice of proposed enforcement

13. — (1) This paragraph applies where before the relevant date any person proposes to take steps for enforcing a planning control in the case of such works or such a use as is mentioned in section 251(1).

(2) Subject to sub-paragraph (4), unless a compliance determination application has been made in relation to the land which has not been finally determined, that person shall serve on every owner and occupier of the land not less than 28 days' notice of the proposal, and if within that period any person makes such an application in relation to the land and within 7 days of making it serves on the person proposing to take steps as aforesaid notice that the application has been made, no steps for enforcing the control shall be taken until the final determination of the application.

(3) If such an application has been made which has not been finally determined, no such steps shall be taken until the final determination of it.

(4) No notice shall be required under sub-paragraph (2) if steps for enforcing a planning control in the case of any works on land are begun within 28 days of the final determination of a compliance determination application in relation to the land.

(5) For the purpose of this paragraph a compliance determination application shall be treated as having been finally determined notwithstanding that a subsequent application may be made under paragraph 9.

Power of entry

14. — (1) At any time before the relevant date any officer of an authority shall, on producing, if so required, some duly authenticated document showing his authority to act for the purposes of this paragraph, have a right, subject to the provisions of this paragraph, to enter any premises at all reasonable hours—

(a) for the purpose of ascertaining whether there are on the premises any works carried out during the war period which do not comply with planning control, or whether a use of the premises continues which was begun during that period and does not comply with it;

(b) where a compliance determination application has been made to the authority, for the purpose of obtaining any information required by the authority for the exercise of their functions under section 251 and this Schedule in relation to the application.

(2) Admission to any premises which are occupied shall not be demanded as of right unless 24 hours' notice of the intended entry has been served on the occupier.

(3) Any person who wilfully obstructs any officer of an authority acting in the exercise of his powers under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(4) If any person who in compliance with this paragraph is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in it with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months.

Service of notices

15. — (1) Any notice or other document required or authorised to be served under this Schedule may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this paragraph and of section 7 of the ^{M184}Interpretation Act 1978, the proper address of any person upon whom any such document is to be served is—

(a) in the case of the secretary or clerk of any incorporated company or body, that of the registered or principal office of the company or body, and

(b) in any other case, the last known address of the person to be served.

(4) If it is not practicable after reasonable enquiry to ascertain the name or address of an owner or occupier of land on whom any such document is to be served, the document may be served by addressing it to him by the description of “owner” or “occupier” of the premises (describing them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Annotations:

Marginal Citations

M1841978 c. 30.

Supplementary provisions

16. Parts XIII and XIV do not apply to section 251 and this Schedule.

SCHEDULE 18

Sections 261 to 263.

PROVISIONS OF THIS ACT REFERRED TO IN SECTIONS 261 TO 263

PART I

PROVISIONS REFERRED TO IN SECTIONS 261(1) AND (2) AND 262(1)

Sections 4 to 22.

Section 24.

Section 26.

Section 27(2) to (6) so far as applying for the purposes of sections 58, 59 and 61.

Section 28.

Section 30.

Section 31 except subsection (4).

Sections 32 to 34.

Section 36.

Section 37(1) to (3).

Section 39.

Section 41(1) to (5).

Sections 43 and 44.

Sections 46 to 48.

Section 57(1), (3) and (4).

Sections 58 to 63.

Sections 65 to 73.

Sections 75 to 77.

Section 83.

Sections 86 to 89.

Section 90(1) to (5).

Sections 91 and 92.

Section 93.

Section 94(1) to (7).

Section 95.

In section 99(1), the definition of “the relevant provisions”.

Section 108(1) and (2).

Sections 113 and 114.

Section 117.

Sections 123 to 126.

Sections 130 to 136.

Sections 138 to 145.

Sections 148 to 158.

Sections 160 to 162.

Sections 164 and 165.

Section 169(10).

Sections 170 and 171.

Section 172(4).

Sections 176 to 180.

Sections 182 to 186.

Section 188.

Section 189(1) to (7).

Sections 190 to 194.

Sections 196 to 206.

Section 208.

Sections 211 and 212.

Section 215(1) and (2).

Section 216(1) to (6).

Section 217(1) and (3).

Section 218(1) to (3).

Sections 219 to 236.

Section 237(1) except paragraphs (e) and (f).

Section 238.

Section 241, with the omission in subsection (2) of the references to section 239.

Section 242(1), with the omission of the definition of “private interest”, (2) and (3).

Section 243(1).

Section 245(1) to (4)(the reference, in subsection (1)(c), to Part III being construed as not referring to sections 34 and 35).

Section 246.

Sections 253 to 256.

Sections 261 and 262.

Section 263(1) to (4).

Section 269 except subsection (3).

Section 270.

Sections 272 and 273.

In section 275, subsections (4) and (5) so far as relating to section 5, and subsection (7).

Provision	Derivation
1(1)	1973 s.172(1); 1994 Sch.13 para.92(57).
(2)	1973 s.172(3); 1994 Sch.13 para.92(57).
2(1)	1980 Sch.32 para.5(8).
(2)	1980 Sch.32 para.15(2)(b)(ii).
(3)	1980 Sch.32 para.20(2).
(4)	1980 Sch.32 para.25(1)(c).
(5)	1980 Sch.32 para.25(2).
3(1)	1980 s.149(6).
(2)	1980 s.149(8)(a).
4(1)	1972 s.4(1); 1994 Sch.4 para.2(a).
(2)	1972 s.4(2); 1994 Sch.4 para.2(b).
(3)	1972 s.4(3).
(4)	1972 s.4(4).
5(1)	1972 s.4A(1); 1994 s.33(1).
(2)	1972 s.4A(2); 1994 s.33(1).
(3)	1972 s.4A(3); 1994 s.33(1).
(4)	1972 s.4A(4); 1994 s.33(1).
6(1)	Drafting.
(2)	1972 s.5(1); 1994 Sch.4 para.3.
(3)	1972 s.5(1A); 1994 Sch.4 para.3.
(4)	1972 s.5(1B); 1994 Sch.4 para.3.
(5)	1972 s.5(1C); 1994 Sch.4 para.3.
(6)	1972 s.5(1D); 1994 Sch.4 para.3.
(7)	1972 s.5(2); 1981MP Sch.2 para.17(a).
(8)	1972 s.6A; 1994 Sch.4 para.5.
7(1)	1972 s.5(3); 1991 Sch.13 para.3.
(2)	1972 s.5(4).
(3)	1972 s.5(6).
8(1),(2)	1972 s.6(1).
(3)	1972 s.6(1A); 1994 Sch.4 para.4.
(4),(5)	1972 s.6(2).
(6)	1972 s.6(3).

(7),(8)	1972 s.6(4).
(9)	1972 s.6(5).
(10)	1972 s.6(6).
(11)	1972 s.6(7).
9(1)	1972 s.8(1); 1982 s.37(a).
(2)	1972 s.8(1).
(3)	1972 s.8(2); 1982 s.37(b).
(4)	1972 ss.6A, 8(3); 1982 s.37(c); 1994 Sch.4 para.5.
(5)	1972 s.8(4); 1982 s.37(c).
(6)	1972 s.8(5); 1982 s.37(c).
(7)	1972 s.8(6); 1982 s.37(c).
(8)	1972 s.8(7); 1982 s.37(c).
(9)	1972 s.8(8); 1982 s.37(c).
10(1),(2)	1972 ss.7(1), 8(2); 1994 Sch.4 para.6.
(3)	1972 ss.7(2), 8(2).
(4)	1972 ss.7(3), 8(2); 1973 s.175(1); 1982 s.36.
(5)	1972 ss.7(4), 8(2); 1973 s.175(1).
(6)	1972 ss.7(5), 8(2); 1973 s.175(1).
(7)	1972 ss.7(5) proviso, 8(2); 1973 s.175(1).
(8)	1972 ss.7(6), 8(2); 1973 s.175(1); Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.3.
(9)	1972 ss.7(7), 8(2); 1973 s.175(1).
(10)	1972 ss.7(8), 8(2); 1973 s.175(1).
11(1)	1972 s.9(1A); 1994 Sch.4 para.7.
(2)	1972 s.9(4A); 1977 s.2(1)(a).
(3)	1972 s.9(3),(5); 1991 Sch.13 para.4.
(4)	1972 s.9(4).
(5)	1972 s.9(9); 1977 s.2(1)(b).
(6)	1972 s.9(6).
12(1)	1972 ss.10(1), 13(3); 1977 s.2(2).
(2)	1972 ss.10(1), 13(3).
(3)	1972 ss.10(2), 13(3); 1981MP Sch.2 para.19(a).
(4)	1972 ss.10(2), 13(3).
(5)	1972 ss.10(3), 13(3); 1981MP Sch.3 para.15.

(6)	1972 s.13(4); 1982 s.40(c).
13(1)	1972 s.13(1); 1982 s.40(a).
(2)	1972 s.13(3); 1982 s.40(c).
(3),(4)	1972 s.13(1); 1982 s.40(a).
14(1)	1972 ss.9(7), 13(2); 1981MP Sch.2 para.20.
(2)	1972 ss.9(8), 13(2); 1981MP Sch.2 paras.18(c)(i), 20.
(3)	1972 ss.9(7), 13(2); 1981MP Sch.2 para.20.
(4)	1972 ss.9(10), 13(3).
(5)	1972 ss.9(7),(11), 13(2),(3).
15(1) to (3)	1972 ss.11(1), 13(3); 1982 s.38(a),(b).
(4)	1972 ss.11(2), 13(3).
(5)	1972 ss.11(1)(a), 13(3).
(6)	1972 ss.11(1)(b), 13(3); Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.4.
16(1)	1972 s.11(1A); Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c.49) s.3(2)(a).
(2)	1972 s.11(1B); Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c.49) s.3(2)(a).
(3)	1972 s.11(1C); Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c.49) s.3(2)(a).
17(1)	1972 ss.12(1), 13(3); 1986 Sch.11 para.28(2).
(2)	1972 ss.12(1), 13(3); 1982 s.39.
(3)	1972 ss.12(2), 13(3); 1977 s.2(3).
(4)	1972 ss.12(2A), 13(3); 1986 Sch.11 para.28(1).
(5)	1972 ss.12(2B), 13(3); 1986 Sch.11 para.28(1).
18(1)	1972 ss.12(3), 13(3).
(2)	1972 ss.12(3),(4), 13(3); 1973 s.175(2).
19(1) to (4).	1972 ss.12(4), 13(3); 1973 s.175(2).
20	1972 s.14; 1984 Sch.9 para.70(2).
21(1),(2)	1972 s.16(1); 1982 Sch.2 para.1.
(3)	1972 s.16(2).
(4)	1972 s.16(3).
(5)	1972 s.16(4).
22(1)	1972 s.15(1); 1973 Sch.23 para.17(b); 1994 Sch.4 para.8(a)(ii), Sch.14.
(2)	1972 s.15(2).
(3)	1972 s.15(2A); 1994 Sch.4 para.8(b).
(4)	1972 s.15(3).

(5)	1972 s.15(4),(5).
23(1)	1980 Sch.32 para.24(1); drafting.
(2)	1980 Sch.32 para.24(2),(3); drafting.
24(1)	1972 s.17(1).
(2)	1972 s.17(2).
(3)	1972 s.17(3).
(4)	1972 s.17(4).
(5)	1972 s.17(5); 1994 Sch.4 para.9.
(6)	1972 Sch.21 Pt.I; 1977 s.5(7).
25	1972 s.18A; 1991 s.58.
26(1)	1972 s.19(1).
(2)	1972 s.19(2); 1984 Sch.9 para.70(3); 1986 Sch.11 para.29; 1991 s.44(2).
(3)	1972 s.19(3).
(4)	1972 s.19(1A); 1991 s.44(1).
(5)	1972 s.19(3A); 1981 s.19(1).
(6)	1972 s.19(3B); 1991 s.45.
(7)	1972 s.19(4).
27(1)	1972 s.275(5).
(2),(3)	1972 ss.21C(4), 21D(6), 21E(4), 40(1), 41(1); 1980 Sch.32 para.26(1A); Housing and Planning Act 1986 (c.63) ss.26(1), 54(2).
(4)	1972 s.40(2); 1991 Sch.13 para.15.
(5)	1972 s.40(3); 1991 Sch.12 para.10.
(6)	1972 s.40(3).
28(1)	1972 s.20(1).
(2)	1972 s.20(5).
(3)	1972 s.20(8).
(4)	1972 s.20(9).
(5)	1972 s.20(6),(8).
(6)	1972 s.20(10); drafting.
(7)	Drafting.
29(1) to (3)	Drafting.
30(1)	1972 s.21(1); 1991 Sch.13 para.5.
(2)	1972 s.21(2); 1991 Sch.13 para.5.
(3)	1972 s.21(3); 1991 Sch.13 para.5.

31(1)	1972 s.21(4).
(2),(3)	1972 s.21(5).
(4)	1972 s.21(6).
(5)	1972 s.21(7).
32	1972 s.22(1); 1982 Sch.2 para.2.
33(1)	1972 s.29(1); 1991 Sch.13 para.8.
(2)	1972 s.29(2); 1991 Sch.13 para.8.
(3)	1972 s.29(3); 1991 Sch.13 para.8.
34(1)	1972 s.23(1); 1982 s.41; 1991 Sch.13 para.6.
(2)	1972 s.23(2); 1982 s.41.
(3)	1972 s.23(3); 1982 s.41.
(4)	1972 s.23(3); 1982 s.41; Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras.5,6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
(5)	1972 s.23(4); 1991 Sch.13 para.6.
(6)	1972 s.23(5); 1991 Sch.13 para.6.
35(1) to (8)	1972 s.24; 1991 s.46(1).
36(1)	1972 s.31(2),(5); 1982 Sch.2 para.9; 1986 Sch.6 Pt.IV para.1; 1991 Sch.13 para.9.
(2)	1972 s.31(3),(5); 1991 Sch.13 para.9.
(3)	1972 s.31(3),(5); 1991 Sch.13 para.9.
(4)	1972 s.31(4),(5).
37(1)	1972 s.26(1); 1986 Sch.11 para.54.
(2)	1972 s.26(1).
(3)	1972 s.26(1); drafting.
(4)	1972 s.30A; 1982 Sch.2 para.8.
38(1)	1972 s.26(2); 1982 Sch.2 para.5.
(2)	1972 s.26(3); 1991 s.46(2).
(3)	1972 s.26(3A); 1991 s.46(2).
(4)	1972 s.26(5).
(5)	1972 s.26(6).
39(1) to (3)	1972 s.26A; 1991 s.47(1).
40(1) to (3)	1972 s.26B; 1991 s.48.
41(1)	1972 s.27(1).
(2)	1972 s.27(1) proviso.
(3)	1972 s.27(2); 1981 Sch.2 para.1.

(4)	1972 s.27(3).
(5)	1972 s.27(3).
(6)	Drafting.
42(1)	1972 s.28A(1); 1986 Sch.11 para.31.
(2)	1972 s.28A(3); 1986 Sch.11 para.31.
(3)	1972 s.28A(2); 1986 Sch.11 para.31.
(4)	1972 s.28A(4); 1986 Sch.11 para.31.
43(1)	1972 s.28(1); 1982 Sch.2 para.6(a); 1991 Sch.13 para.7.
(2)	1972 s.28(2); 1982 Sch.2 para.6(b); 1991 Sch.13 para.7(b).
44(1)	1972 s.30(1).
(2),(3)	1972 s.30(2).
45(1)	1972 s.26(4A); 1981MP s.36.
(2)	1972 s.26(4A); 1981MP s.36.
46(1)	1972 s.32(1); 1982 Sch.2 para.10(a).
(2)	1972 s.32(2).
(3)	1972 s.32(3).
(4)	1972 s.32(4); 1982 Sch.2 para.10(b)(ii), (iii); 1981 Sch.2 para.2; 1986 Sch.11 para.55; 1991 Sch.13 para.10.
(5),(6)	1972 s.32(5).
(7)	1972 s.32(6).
47(1)	1972 s.33(1); 1982 Sch.2 para.11(a).
(2)	1972 s.34; 1982 Sch.2 para.12; 1991 s.47(2); Sch.13 para.12.
(3)	1972 s.33(2); 1991 Sch.13 para.11(a).
(4)	1972 ss.33(2), 34.
(5)	1972 s.34; Sc Law Com Rec No.1.
48(1)	1972 s.33(3).
(2)	1972 s.33(4).
(3)	1972 s.33(3) proviso.
(4)	1972 s.33(4).
(5)	1972 s.33(5); 1981 Sch.2 para.3; 1982 Sch.2 para.11(b); 1986 Sch.11 para.55; 1991 Sch.13 para.11(b).
(6)	1972 s.33(6)
(7)	1972 s.33(7); 1986 Sch.11 para.56; 1991 Sch.13 para.11(c)
(8)	1972 s.33(7A); 1991 s.50(1)

(9)	1972 s.33(8)
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(2)	1972 s.21A(4)(b),(5); Sch.6A para.2(1); 1986 s.26(1).
(3)	1972 s.21A(5); 1986 s.26(1).
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(3),(4)	1972 s.21B(2); 1986 s.26(1).
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(6)	1972 ss.21D(6), 27(2),(3); 1986 s.26(1).
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(4)	1972 ss.21E(4), 27(2),(3); 1986 s.26(1).
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(2)	1980 Sch.32 paras.11(3), 17(2).
(3)	1980 Sch.32 para.17(3).
(4)	1980 Sch.32 para.17(4).
(5)	1980 Sch.32 para.17(5).
(6)	1980 Sch.32 para.17(6).
(7)	1980 Sch.32 para.25(1)(a),(b).
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(9)	1980 Sch.32 para.17(7).
(10)	1980 Sch.32 para.17(8).
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57(1).	1972 s.37(1).
(2)	Electricity Act 1989 (c.29) Sch.8 para.7(1).
(3)	1972 s.37(2); Electricity Act 1989 (c.29) Sch.8 para.7(3); 1991 Sch.12 para.9.
(4)	1972 s.37(3).
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(3)	1972 s.38(2).
(4)	1972 s.38(3); 1980 Sch.32 para.19(2); 1981 s.23; 1986 Sch.6 Pt.IV para.2; 1991 Sch.8 para.3; Sch.13 para.13.
59(1)	1972 s.39(1); 1991 Sch.13 para.14.

(2),(3)	1972 s.39(2); 1982 Sch.2 para.13.
(4)	1972 s.39(3).
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(2)	1972 s.40(5).
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(3)	1972 s.41(4).
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(4)	1972 s.42(4) proviso.
(5)	1972 s.42(5); 1981 s.25.
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(7)	1972 s.260(3)
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(4)	1972 s.45(8); drafting.
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(2)	1972 s.47(1); Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.27(1).
(3)	1972 s.47(6).
(4)	1972 s.47(7); drafting.
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(5)	1972 s.49(3A); 1991 Sch.13 para.16.
(6)	1972 s.49(7); 1991 Sch.8 para.5(7).
(7)	1972 s.49(8).
(8)	1972 s.49(1A); 1981 s.26; 1991 Sch.8 para.5.
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(2) to (4)	1972 s.49(5)
(5)	1972 s.49(6).
73(1)	1972 s.260(1),(2).
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(3)	1972 s.50(2); 1991 s.49(1).

(4)	1972 s.50(2) proviso.
(5)	1972 s.50(3).
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(2)	1972 s.153(2).
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(4)	1972 s.153(4); 1991 Sch.12 para.14.
(5)	1972 s.153(5).
77(1)	1972 s.154(1),(2).
(2)	1972 s.154(1A); Town and Country Planning (Compensation) Act 1985 (c.19) s.2(1).
(3)	1972 s.154(3).
(4)	1972 s.154(3A); 1991 s.44(3).
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(2)	1972 ss.154(2), 155(2).
(3)	1972 s.155(3); 1991 Sch.12 para.15(a).
(4)	1972 s.155(4).
(5)	1972 ss.154(2), 155(6); 1991 Sch.19 Pt.IV.
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(2)	1972 s.155(5A); 1991 Sch.12 para.15(c).
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(2)	1972 s.168(2).

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(2)	1972 s.167(2); 1981 Sch.2 para.6.
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(2)	1972 ss.170(1), 177(2), 178(2).
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(5)	1972 s.172(5).
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(3)	1972 ss.175(3), 177(2), 178(2); 1986 Sch.11 para.37(1).
(4)	1972 ss.175(3A), 177(2), 178(2); 1986 Sch.11 para.37(1).
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(5)	1972 s.181(4),(5).
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(8)	1973C s.64(6).
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(4)	1972 s.188(4).
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(3)	1973C s.76(6).
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(4)	1973C s.73(2) proviso.
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(2)	1972 s.190(2).
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(5)	1972 s.193(5).
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(4)	1973C s.68(6); Crofting Reform (Scotland) Act 1976 (c.21) Sch.1 para.7; Sc Law Com Rec No.6.
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(4)	1973C s.68(3); 1980 s.147(3).
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(5)	1973C s.68(3); 1980 s.147(3).
(6)	1973C s.69(3); Housing (Scotland) Act 1974 (c.45) Sch.3 para.51(d); Housing (Scotland) Act

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(7)	1973C s.66(3).
(8)	1972 s.195(3); 1984 Sch.9 para.70(7)(a).
(9)	1972 s.195(4)(aa),(c); 1984 Sch.9 para.70(7)(b).
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(8)	1972 s.85(7A); 1991 s.38(2).
(9)	1972 s.85(7)(a).
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(4)	1972 s.89(4); 1982 Sch.2 para.24; 1991 Sch.13 para.24; Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
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(8)	1972 s.87(6); 1977 s.4; 1991 Sch.13 para.21(c).
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(3)	1972 s.166(4).
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(3)	1972 s.91(2); 1991 Sch.13 para.26(a); Sc Law Com Rec No.10.
(4)	1972 s.91(2).
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160(1),(2)	1972 s.58(1).
(3)	1972 s.58(1); Town and Country Amenities Act 1974 (c.32) s.11(1).
(4)	1972 s.58(2); 1991 Sch.12 para.12.
(5)	1972 s.58(3).
(6)	1972 s.58(6); Town and Country Amenities Act 1974 (c.32) s.11(2)(a).
(7)	1972 s.58(10); 1986 Sch.12 Pt.II.
161(1)	1972 s.58(4); 1981MP Sch.2 para.22(1)(a); 1984P s.2(6).
(2)	1972 s.58(4); Land Registration (Scotland) Act 1979 (c.33) s.29(2).
(3)	1972 s.58(5).
(4)	1972 s.58(5); 1981MP Sch.2 para.22(1)(b).
162(1)	1972 s.58(7).
(2)	1972 s.58(7); Interpretation Act 1978 (c.30) s.17(2)(a).
(3)	1972 s.58(8); Interpretation Act 1978 (c.30) s.17(2)(a).
(4)	1972 s.58(7),(9); Interpretation Act 1978 (c.30) s.17(2)(a).
163(1)	1972 s.59(1).
(2)	1972 s.59(2).
(3)	1972 s.59(3).
164(1)	1972 s.260(1),(2)(c).
(2)	1972 s.260(1),(2)(c); 1986 Sch.11 para.51.
(3)	1972 s.260(1).

(4)	1972 s.260(3).
165(1)	1972 s.163.
(2),(3)	1972 s.168.
166(1)	1972 s.164(1),(2).
(2)	1972 s.164(2).
(3)	1972 s.164(3).
(4)	1972 s.164(4).
(5)	1972 s.164(5).
167(1)	1972 s.60(1); Town and Country Amenities Act 1974 (c.32) s.11(2)(b); Town and Country Planning (Amendment) Act 1985 (c.52) s.2(2).
(2)	1972 s.60(1).
(3)	1972 s.60(1A); Town and Country Planning (Amendment) Act 1985 (c.52) s.2(3).
(4)	1972 s.60(2).
(5)	1972 s.60(3).
168(1),(2)	1972 s.99(1).
(3)	1972 s.99(2); 1991 s.54(2).
(4)	1972 s.60(3).
169(1)	1972 s.99(3); 1986 Sch.11 Pt.II para.46; 1991 s.54(2)(b)(ii).
(2)	1972 ss.85(2), 99(3); 1991 s.54(2)(b)(i).
(3)	1972 ss.85(2A), 99(3); 1986 Sch.11 para.46.
(4)	1972 ss.85(2B), 99(3); 1986 Sch.11 para.46; 1991 Sch.13 para.20.
(5)	1972 ss.85(2C), 99(3); 1986 Sch.11 para.46.
(6)	1972 ss.85(2D), 99(3); 1986 Sch.11 para.46.
(7)	1972 ss.85(3), 99(3).
(8)	1972 ss.85(4)(a), 99(3); 1991 Sch.13 para.20.
(9)	1972 s.85(5), 99(3).
(10)	1972 s.99(4).
170(1),(2)	1972 ss.88(1), 99(5).
(3)	1972 ss.88(1A), 99(5); 1982 Sch.2 para.23(a).
(4)	1972 ss.88(2), 99(5).
(5)	1972 ss.88(3), 99(5); 1982 Sch.2 para.23(b).
(6),(7)	1972 ss.88(4), 99(5); 1982 Sch.2 para.23(b).
(8),(9)	1972 ss.88(5), 99(5); 1982 Sch.2 para.23(b).
(10)	1972 s.99(6); 1991 s.54(2)(c).

171(1)	1972 s.98(1); Town and Country Amenities Act 1974 (c.32) s.11(3).
(2)	1972 s.98(1); Town and Country Amenities Act 1974 (c.32) s.11(3); 1991 s.54(1)(a).
(3)	1972 s.98(1); Town and Country Amenities Act 1974 (c.32) s.11(3).
(4)	1972 s.98(2); Town and Country Amenities Act 1974 (c.32) s.11(4); Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras. 5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
172(1)	1972 s.59A(1); Town and Country Amenities Act 1974 (c.32) s.9.
(2)	1972 s.59A(2); Town and Country Amenities Act 1974 (c.32) s.9.
(3)	1972 s.59A(3); Town and Country Amenities Act 1974 (c.32) s.9.
(4)	1972 s.98(4); Town and Country Amenities Act 1974 (c.32) s.11(6).
173(1)	1972 s.59A(4); Town and Country Amenities Act 1974 (c.32) s.9.
(2)	1972 s.59A(5); Town and Country Amenities Act 1974 (c.32) s.9.
(3)	1972 s.59A(5); Town and Country Amenities Act 1974 (c.32) s.9.
(4)	1972 s.59A(6); Town and Country Amenities Act 1974 (c.32) s.9.
174(1),(2)	1972 s.59A(8); Town and Country Amenities Act 1974 (c.32) s.9.
(3)	1972 s.59A(9); Town and Country Amenities Act 1974 (c.32) s.9.
175	1972 s.59A(7); Town and Country Amenities Act 1974 (c.32) s.9.
176(1) to (8)	1972 s.99A; 1991 s.54(3).
177(1) to (3)	1972 s.99B; 1991 s.54(3).
178(1) to (4)	1972 s.99C; 1991 s.54(3).
179(1)	1972 s.63(1); 1982 Sch.2 para.17(a); 1986 Sch.11 para.32(1).
(2)	1972 s.63(1A); 1982 Sch.2 para.17(a).
(3)	1972 s.63(1B); 1982 Sch.2 para.17(a); 1986 Sch.11 para.32(2).
(4)	1972 s.63(1C); 1982 Sch.2 para.17(a); 1986 Sch.11 para.32(2).
(5)	1972 s.63(2).
(6)	1972 s.63(3).
180(1)	1972 s.63A(1); 1982 Sch.2 para.18; 1986 Sch.11 para.33(1).
(2)	1972 s.63A(2); 1982 Sch.2 para.18.
(3)	1972 s.63A(3); 1982 Sch.2 para.18.
(4)	1972 s.63A(4); 1982 Sch.2 para.18.
(5)	1972 s.63A(5); 1982 Sch.2 para.18; 1986 Sch.11 para.33(1).
(6)	1972 s.63A(6); 1982 Sch.2 para.18.
(7)	1972 s.63A(7); 1986 Sch.11 para.34(1).
181(1),(2)	1972 s.87A(1),(2); 1982 s.44; 1991 Sch.13 para.22.

182(1)	1972 s.61(1).
(2)	1972 s.61(2).
(3)	1972 ss.61(2)(c), 180(1).
183(1) to (3)	1972 s.61(3); Town and Country Amenities Act 1974 (c.32) s.3(2).
(4)	1972 s.61(4).
(4)	1972 s.61(5).
(6)	1972 s.61(8).
184	1972 s.62.
185(1)	1972 s.165.
(2)	1972 s.168(1); 1981 s.32.
(3)	1972 s.168(2).
186(1),(2)	1972 s.101(1).
(3)	1972 s.101(2); 1986 Sch.11 para.44; 1991 Sch.13 para.27.
(4)	1972 s.101(3).
(5)	1972 s.101(3) proviso.
187(1) to (6)	1972 s.101A; 1991 s.56.
188(1)	1972 s.109(1); 1973 Sch.23 para.23.
(2)	1972 s.109(2).
(3)	1973 s.171C; 1994 s.171.
189(1)	1972 s.102(1); 1980 s.92(4).
(2)	1972 s.102(1A); 1980 s.92(4).
(3)	1972 s.102(1B); 1980 s.92(4).
(4)	1972 s.102(1C); 1980 s.92(4).
(5)	1972 s.102(2).
(6)	1972 s.102(3); 1973 Sch.23 para.21(a); 1994 Sch.4 para.10.
(7)	1972 s.102(4).
(8)	1973 s.171C; 1994 s.171.
190(1)	1972 s.103(1); 1980 s.122(2).
(2)	1980 s.122(1).
(3)	1972 s.103(2).
(4)	1972 s.103(2) proviso.
(5)	1972 s.103(3).
(6),(7)	1980 s.122(3).

191(1),(2)	1972 s.113(1).
(3)	1972 s.113(3).
(4) to (6)	1972 s.113(5).
(7)	1972 s.113(6); Sc Law Com Rec No.11.
(8)	1972 s.113(6).
(9)	1972 s.113(7).
(10)	1972 s.113(8).
192(1),(2)	1980 s.122(6).
193(1)	1972 s.114(2).
(2)	1972 s.114(1).
(3)	1972 s.114(1),(7).
(4)	1972 s.114(5).
(5)	1972 s.114(6).
194(1)	1972 s.108(1).
(2)	1972 s.108(2); 1984T Sch.4 para.54(3).
(3)	1972 s.108(3).
(4)	1972 s.108(4).
(5)	1972 s.108(5).
195(1) to (3)	1972 s.278.
196(1)	1972 s.117(2).
(2)	1972 s.117(1).
(3)	1972 s.117(1) proviso; 1984T Sch.4 para.54(4).
(4)	1972 s.117(3).
(5)	1972 s.117(4).
(6)	1972 s.117(4) proviso.
(7)	1972 s.117(5).
197(1)	1972 s.118(1).
(2)	1972 s.118(1A); National Health Service and Community Care Act 1990 (c.19) Sch.8 para.7.
(3)	1972 s.118(3).
(4)	1972 s.118(4).
(5)	1972 s.118(5).
198(1)	1972 s.119(1).
(2)	1972 s.119(2).

199(1)	1972 s.120(1).
(2)	1972 s.120(3).
(3),(4)	1972 s.120(4).
200(1)	1972 s.121(1).
(2)	1972 s.121(2).
(3)	1972 s.121(3).
(4)	1972 s.121(4).
201(1)	1972 s.122(1).
(2)	1972 s.122(2).
(3)	1972 s.122(3).
202(1)	1972 s.198(1); 1980 Sch.32 para.19(4); 1984 Sch.9 para.70(8)(a).
(2),(3)	1972 s.198(2); 1984 Sch.9 para.70(8)(b).
(4)	1972 s.198(3); 1984 Sch.9 para.70(8)(c).
(5)	1972 s.198(4); 1984 Sch.9 para.70(8)(d).
(6)	1972 s.198(5); 1984 Sch.9 para.70(8)(d).
203(1)	1972 s.201(1); 1984 Sch.9 para.70(10)(a).
(2)	1972 s.201(2); 1981MP Sch.2 para.27(1)(a); 1984 Sch.9 para.70(10)(b).
(3)	1972 s.201(3); 1981MP Sch.2 para.27(1)(b); 1984 Sch.9 para.70(10)(b),(c).
(4)	1972 s.201(3).
(5)	1972 s.201(4); 1984 Sch.9 para.70(10)(d).
(6)	1972 s.201(8); 1981MP Sch.2 para.27(1)(c); 1984 Sch.9 para.70(10)(d).
(7)	1972 s.201(10); 1981MP Sch.2 para.27(1)(e); 1984 Sch.9 para.70(10)(f).
(8)	1972 s.201(11); 1981MP Sch.2 para.27(1)(e); 1984 Sch.9 para.70(10)(g).
(9)	1972 s.201(9); 1973 Sch.23 para.27; 1981MP Sch.2 para.27(1)(d),(2); 1984 Sch.9 para.70(10)(e); 1994 Sch.4 para.11.
204(1)	1972 s.201(5); 1984 Sch.9 para.70(10)(d).
(2)	1972 s.201(6).
(3)	1972 ss.167(1), 201(7).
(4)	1972 ss.167(4), 201(7).
(5)	1972 ss.168(1), 201(7).
(6)	1972 ss.168(2), 201(7).
205(1)	1972 s.202(1); 1984 Sch.9 para.70(11).
(2)	1972 s.202(2); 1984 Sch.9 para.70(11).
(3)	1972 s.202(3); 1984T Sch.4 para.54(7); 1984 Sch.9 para.70(11).

(4)	1972 s.202(4); 1984 Sch.9 para.70(11).
(5)	1972 s.202(5); 1994 Sch.4 para.12.
206(1)	1972 s.203(1).
(2)	1972 s.203(2).
207(1)	1972 s.198A(1); 1981MP Sch.2 para.25; 1984 Sch.9 para.70(9)(a).
(2)	1972 s.198A(2); 1981MP Sch.2 para.25; 1984 Sch.9 para.70(9)(b).
(3)	1972 s.198A(3); 1981MP Sch.2 para.25; 1984 Sch.9 para.70(9)(c).
(4)	1972 s.198A(4); 1981MP Sch.2 para.25; 1984 Sch.9 para.70(9)(c).
(5)	1972 s.198A(5); 1981MP Sch.2 para.25; 1984 Sch.9 para.70(9)(d).
208(1)	1972 s.199(1).
(2)	1972 s.199(2).
(3)	1972 s.199(3).
209	Drafting.
210(1)	1972 s.210A(1); 1982 s.45(1); 1984 Sch.9 para.70(18)(a).
(2)	1972 s.210A(2); 1982 s.45(2); 1984 Sch.9 para.70(18)(b).
211(1)	1972 s.208(1); 1981MP Sch.3 para.19(a); 1984 Sch.9 para.70(16)(a).
(2)	1972 s.208(2); 1981MP Sch.3 para.19(b); 1984 Sch.9 para.16(b).
212(1)	1972 s.209(1); 1984T Sch.4 para.54(8); 1984 Sch.9 para.70(17)(a).
(2)	1972 s.209(1); 1984T Sch.4 para.54(8).
(3)	1972 s.209(2); 1984T Sch.4 para.54(8); 1984 Sch.9 para.70(17)(b); New Roads and Street Works Act 1991 (c.22) Sch.8 para.104(a).
(4)	1972 s.209(2); 1984T Sch.4 para.54(8); New Roads and Street Works Act 1991 (c.22) Sch.8 para.104(b).
(5)	1972 s.209(3); 1984T Sch.4 para.54(8).
(6)	1972 s.209(4); 1984T Sch.4 para.54(8).
(7)	1972 s.209(5); 1984T Sch.4 para.54(8).
(8)	1972 s.209(6); 1984T Sch.4 para.54(8).
213(1) to (3)	Mineral Workings Act 1951 (c.60) s.32(1); 1984 Sch.9 para.41.
(4)	Mineral Workings Act 1951 (c.60) s.32(2); 1984 Sch.9 para.41; Sc Law Com Rec No.12.
(5)	Mineral Workings Act 1951 (c.60) s.32(3); 1984 Sch.9 para.41.
214(1)	1972 s.275(1); Airports Act 1986 (c.31) Sch.2 para.1(1); Electricity Act 1989 (c.29) Sch.18.
(2)	1972 s.275(1); Airports Act 1986 (c.31) Sch.2 para.1(1).
(3) to (5)	Post Office Act 1969 (c.48) Sch.4 para.93(1)(xxxiv); 1972 Sch.21 Pt.II; 1981MP Sch.3 para.13; British Telecommunications Act 1981 (c.38) Sch.3 para.10(2)(d); Civil Aviation Act 1982 (c.16) Sch.2 para.4; 1986 Sch.7 Pt.II para.8; Gas Act 1995 (c.45) Sch.4 para.2(1)(xix).

(6),(7)	Electricity Act 1989 (c.29) Sch.16 paras.1(1)(xxiii), (xxvi), 2(2)(d), (7).
215(1),(2)	1972 s.211.
(3)	Post Office Act 1969 (c.48) Sch.4 para.93(4); 1972 Sch.21 Pt.II; Civil Aviation Act 1982 (c.16) Sch.2 para.5.
(4)	Post Office Act 1969 (c.48) Sch.4 para.93(4); Civil Aviation Act 1982 (c.16) Sch.2 para.5, Sch.13 Pt.III para.1.
(5)	Post Office Act 1969 (c.48) Sch.4 para.93(4); Civil Aviation Act 1982 (c.16) Sch.2 para.5.
216(1)	1972 s.212(1).
(2)	1972 s.212(1),(2).
(3)	1972 s.212(2)(a).
(4)	1972 s.212(2)(b); Gas Act 1986 (c.44) Sch.7 para.13; Airports Act 1986 (c.31) Sch.4 para.2.
(5)	1972 s.212(3).
(6)	Post Office Act 1969 (c.48) Sch.9 para.27(11); 1972 s.212(3).
(7)	Post Office Act 1969 (c.48) Sch.4 para.92(2).
(8)	Civil Aviation Act 1982 (c.16) Sch.2 para.7(1).
217(1)	1972 s.213(1); Airports Act 1986 (c.31) Sch.2 para.1(2), Sch.6.
(2)	Electricity Act 1989 (c.29) Sch.16 para.3(2)(e); Gas Act 1995 (c.45) Sch.4 para.2(10).
(3)	1972 s.213(2).
218(1)	1972 s.214(1).
(2)	1972 s.214(2).
(3)	1972 s.214(5).
(4)	Civil Aviation Act 1982 (c.16) Sch.2 para.7(2).
219	1972 s.214(4).
220(1),(2)	1972 s.215(1).
(3)	1972 ss.37(3); 215(2).
221	1972 s.216; Sc Law Com Rec No.13.
222	1972 s.217; Sc Law Com Recs Nos.13, 14.
223(1),(2)	1972 s.218; 1991 Sch.17 para.12.
224(1) to (3)	1972 s.219(1).
(4)	1972 s.219(2).
(5)	1972 s.219(3).
(6)	1972 s.219(4).
(7)	1972 s.219(5).
(8)	1972 s.219(6).

225(1) to (3)	1972 s.219(1),(7); 1984T Sch.4 para.54(10).
(4)	1972 s.219(2),(7); 1984T Sch.4 para.54(10).
(5)	1972 s.219(3),(7); 1984T Sch.4 para.54(10).
(6)	1972 s.219(4),(7); 1984T Sch.4 para.54(10).
(7)	1972 s.219(5),(7); 1984T Sch.4 para.54(10).
(8)	1972 s.219(6),(7); 1984T Sch.4 para.54(10).
226(1)	1972 s.221(1).
(2)	1972 s.221(2).
(3)	1972 s.221(3).
(4)	1972 s.221(4).
(5)	1972 s.221(5).
(6)	1972 s.221(6).
(7),(8)	1972 s.221(7); 1984T Sch.4 para.54(11).
227(1)	1972 s.220(1).
(2)	1972 s.220(2).
(3)	1972 s.220(2); Sc Law Com Rec No.15.
(4)	1972 s.220(2).
(5)	1972 s.220(3).
(6)	1972 s.219(7); 1984T Sch.4 para.54(10).
228(1)	1972 s.222.
(2) to (6)	1972 s.223(2).
229(1) to (3)	1972 s.223(1).
230(1)	1972 s.224(1).
(2)	1972 s.224(2).
(3),(4)	1972 s.224(3).
(5)	1972 s.224(4).
(6)	1972 s.224(5).
(7)	1972 s.224(6).
(8)	1972 s.224(7).
231(1)	1972 s.225(1).
(2)	1972 s.225(2).
(3)	1972 s.225(3).
(4)	1972 s.225(4).

(5)	1972 s.225(5).
(6),(7)	1972 s.225(6).
(8),(9)	1972 s.225(7).
(10)	1972 s.225(8).
(11)	1972 s.225(2) proviso.
232(1)	1972 s.226(1).
(2)	1972 s.226(2).
(3)	1972 ss.219(7). 226(2); 1984T Sch.4 para.54(10).
(4)	1972 s.226(3).
(5),(6)	1972 s.226(4).
(7)	1972 s.226(5).
233(1)	1972 s.227(1); 1981 Sch.2 para.7; 1984T Sch.4 para.54(10).
(2),(3)	1972 s.227(2); 1984T Sch.4 para.54(10).
(4),(5)	1972 s.227(3); 1984T Sch.4 para.54(10).
(6)	1972 s.227(4).
(7)	1972 s.227(5).
(8)	1972 s.227(6).
234(1),(2)	1972 s.228(1).
(3)	1972 s.228(2).
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236	1972 s.230.
237(1)	1972 s.231(1); 1986 Sch.6 Pt.IV para.4.
(2)	1972 s.231(2); 1981 Sch.2 para.8; 1986 Sch.11 para.50(b).
(3)	1972 s.231(3); 1982 s.47(a),(c), Sch.2 para.35(a),b); 1986 Sch.7 para.2; 1991 Sch.13 para.33.
(4)	1972 s.231(4).
238(1)	1972 s.232(1).
(2)	1972 s.232(2).
(3)	1972 s.232(3),(4); 1982 Sch.2 para.36; 1986 Sch.6 Pt.IV para.5.
(4)	1972 s.232(1).
(5)	1972 s.232(1),(3); 1982 Sch.2 para.36; 1986 Sch.6 Pt.IV para.5.
(6)	1972 s.232(4); 1986 Sch.6 Pt.IV para.5.
239(1)	1972 s.233(1).

(2)	1972 s.233(2).
(3)	1972 s.233(1),(2); Sc Law Com Rec No.16.
(4)	1972 s.233(3).
(5)	1972 s.233(4).
(6)	1972 s.233(4) proviso.
(7)	1972 s.233(5).
(8)	1972 s.233(6).
(9),(10)	1972 s.233(7).
240	1972 s.235.
241(1)	1972 s.236(1).
(2)	1972 s.236(2).
242(1)	1972 ss.253(7), 255; 1984P s.6(1).
(2),(3)	1972 s.253(7).
(4)	1984P s.4(1).
243(1)	1972 s.253(3).
(2)	1984P s.3(1).
(3)	1984P s.3(2).
(4)	1984P s.3(3).
(5)	1984P s.3(4).
(6),(7)	1984P s.3(5).
244(1),(2)	1984P s.3(6).
(3),(4)	1984P s.3(7).
(5),(6)	1984P s.3(9).
245(1)	1972 s.253(1).
(2)	1972 s.253(2); 1981 Sch.2 para.9; 1986 Sch.7 Pt.2 para.3; 1991 Sch.13 para.37.
(3),(4)	1972 s.253(5).
(5)	1972 s.253(6).
246(1)	1972 s.254(1); 1991 s.49(2).
(2)	1972 s.254(1).
(3)	1972 s.254(1A); 1991 s.49(3).
(4)	1972 s.254(1B); 1991 s.49(3).
(5)	1972 s.254(2).
(6)	1972 s.254(3).

247	1972 s.255(1); 1991 Sch.12 para.29.
248(1)	1984P s.1(1); 1991 Sch.13 para.47(2).
(2)	1984P s.1(2); 1991 Sch.13 para.47(3).
(3)	1984P s.1(3).
(4)	1984P s.1(4); 1991 Sch.13 para.47(4).
(5)	1984P s.1(5); 1991 Sch.13 para.47(5).
(6)	1984P s.1(7); 1991 Sch.13 para.47(6).
(7)	1984P s.1(6).
249(1)	1984P s.2(1).
(2)	1984P s.2(2).
(3),(4)	1984P s.2(3).
(5)	1984P s.2(4).
(6)	1984P s.2(5).
(7)	1984P s.2(5),(6).
250(1)	1984P s.5(1)
(2)	1984P s.5(2).
(3)	1984P s.5(3).
(4)	1984P s.5(5).
(6)	1984P s.5(6).
251(1)	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.1(2), 7(6).
(2)	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.1(2), 7(6), 8(3).
(3)	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) s.2(1) to (3).
(4)	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) s.4(1).
(5)	Drafting.
(6)	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.1(2),(3),(5), 2(1), 4(1), 7(1),(6), 8(3),(5); Statute Law (Repeals) Act 1989 (c.43) Sch.2 para.11.
(7)	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) s.7(3); Sc Law Com Rec No.17.
(8)	Building Restrictions War-Time Contraventions) Act 1946 (c.35) ss.7(5), 8(5).
252(1)	1980 s.87(1).
(2)	1980 s.87(3); 1991 Sch.13 para.45.
(3)	1980 s.87(4).
(4),(5)	1980 s.87(6).
253	1972 s.240.

254(1),(2)	1972 s.241.
255(1)	1972 s.242(1); 1973 Sch.14 para.89; 1984 Sch.9 para.70(19); 1994 Sch.4 para.13.
(2)	1972 s.242(2); 1973 s.172(2); 1991 Sch.13 para.35; Sc Law Com Rec No.18.
(3)	Drafting.
256(1),(2)	1972 s.243; 1973 Sch.23 para.29; 1994 Sch.4 para.14.
257(1)	1972 s.244(1),(2).
(2)	1972 s.244(1); 1991 Sch.12 para.23(a).
(3)	1972 s.244(3).
(4)	1972 s.244(4).
(5)	1972 s.275(1).
258	1972 s.246.
259(1)	Mineral Workings Act 1951 (c.60) s.40(6); 1972 s.247(1); 1991 Sch.12 para.26, Sch.13 para.36.
(2)	1972 s.247(2).
260	1972 s.249; 1980 s.87(7).
261(1)	1972 s.250(1); 1984 Sch.9 para.70(20).
(2)	1972 s.250(2).
(3)	1972 s.250(3); 1973 Sch.23 para.30.
(4)	1972 s.250(4).
262(1)	1972 s.251(1); 1991 Sch.8 para.9.
(2)	1972 s.251(1),(2).
(3),(4)	1972 s.251(3).
263(1)	1972 s.256(1).
(2)	1972 s.256(2).
(3)	1972 s.256(3).
(4)	1972 s.258.
(5)	1980 s.149(10).
264(1), (2)	1972 s.262C(3), (4); 1986 Sch.11 para.38; Natural Heritage (Scotland) Act 1991 (c.28) s.6(8).
265(1)	1972 s.267(1).
(2)	1972 s.267(2).
(3)	1972 s.267(3).
(4)	1972 s.267(4).
(5)	1972 s.267(4) proviso (i).
(6)	1972 s.267(4) proviso (ii).

(7)	1972 s.267(5).
(8)	1972 s.267(6); Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
(9)	1972 s.267(7); 1986 Sch.11 para.39.
(10)	1972 s.267(7A); 1986 Sch.11 para.39.
(11)	1972 s.267(7B); 1986 Sch.11 para.39.
(12)	1972 s.267(8); Debtors (Scotland) Act 1987 (c.18) Sch.6 para.15.
(13)	1972 s.267(9); 1986 Sch.11 para.58.
266(1),(2)	1972 s.267A; 1986 Sch.11 para.40(1).
267(1) to (3)	1972 s.267B; 1986 Sch.11 para.41.
268(1) to (5)	1972 s.268.
269(1)	1972 s.265(1); 1982 Sch.2 para.40; 1991 Sch.13 para.38.
(2)	1972 s.265(2A); 1977 s.5(3).
(3)	1972 s.265(5).
(4)	1972 s.265(6); 1991 Sch.13 para.38(f).
(5)	1972 s.265(7).
(6)	1972 s.265(8).
270(1)	1972 s.266(1); 1991 Sch.13 para.39.
(2)	1972 s.266(2); 1982 Sch.2 para.41; Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
(3)	1972 s.266(3).
(4)	1972 s.266(3); 1991 Sch.13 para.39.
(5)	1972 s.266(3); Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 para.2.
(6)	1972 s.266(4); 1991 s.43(2).
(7)	1972 s.266(5).
(8),(9)	1972 s.266(6).
271(1)	1972 s.269(1).
(2)	1972 s.269(2).
(3)	1972 s.269(3).
272(1)	1972 s.270(1); 1977 s.5(4)(a).
(2)	1972 s.270(1); 1977 s.5(4)(a); 1986 Sch.11 para.52.
(3)	1972 s.270(1); 1977 s.5(4)(a).
(4)	1972 s.270(2); Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.

(5)	1972 s.270(3); Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 para.2.
(6)	1972 s.270(4); 1977 s.5(4)(b).
273(1),(2)	1972 s.271.
274(1)	1972 s.272(1).
(2)	1972 s.272(2).
(3)	1972 s.272(3).
(4)	1972 s.272(4).
(5)	1972 s.272(5).
(6)	1972 s.272(6).
(7)	1972 s.272(7); 1982 Sch.2 para.42.
275(1)	1972 s.273(1); 1991 Sch.17 para.18.
(2),(3)	1972 s.273(2); 1980 s.87(5).
(4)	1972 ss.4A(5), 273(4); 1986 Sch.6 Pt.IV para.6(a), Sch.9 Pt.II para.18(2); 1994 s.33(1).
(5)	1972 ss.4A(5), 273(5); 1981MP Sch.3 para.22; 1986 Sch.6 Pt.IV para.6(b); 1994 s.33(1).
(6)	1972 s.273(6).
(7)	1972 Sch.20.
(8)	1972 s.273(3).
276	1972 s.274.
277(1)	1972 ss.251(1A), 275(1); 1973 Sch.23 para.32(a); 1980 Sch.32 para.19(5); 1981 Sch.2 para.11; 1984 Sch.9 para.70(21); 1986 Sch.7 Pt.II para.6(c); 1991 s.55, Schs.8, 12, 13; 1994 Sch.4 para.15; Gas Act 1995 (c.45) Sch.4 para.1; Sc Law Com Rec No.19.
(2),(3)	1972 s.275(2).
(4) to (6)	1972 s.275(3) to (5).
(7) to (10)	1972 s.275(7) to (10).
278(1),(2)	Drafting.
(3),(4)	1972 s.281(3).
Sch. 1	
paras.1,2	1972 Sch.5 para.2
para.3	1972 Sch.5 para.3.
para.4	1972 Sch.5 para.4.
para.5	1972 Sch.5 para.5.
paras.6,7	1972 Sch.5 para.5A; 1977 s.5(5).
para.8	1972 Sch.5 para.6.

para.9	1972 Sch.5 para.7.
Sch. 2	
para.1	1972 s.20(2).
para.2	1972 s.20(3).
para.3	1972 s.20(4).
para.4	1972 s.20(7).
Sch. 3	
para.1	1972 s.41A; 1981 s.24; 1991 Sch.8 para.4.
para.2	1972 s.27A(1) to (8),(19); 1981 s.22; 1991 Sch.8 para.2(a),(b).
para.3	1972 s.27A(9) to (12),(19); 1981 s.22.
para.4	1972 s.27A(13) to (16),(19); 1981 s.22.
para.5	1972 s.27A(17); 1981 s.22.
para.6	1972 s.27A(18); 1981 s.22; 1991 Sch.8 para 2(c).
para.7	1972 s.42(5); 1981 s.25.
para.8	1972 s.42(6); 1981 s.25.
Sch. 4	
para.1	1972 Sch.7 para.1; drafting.
para.2	1972 Sch.7 para.2; 1986 Sch.11 para.34(2); 1991 s.50(2), Sch.13 para.41(1), Sch.19 Pt.IV; Environment Act 1995 (c.25) Sch.22 para.16; Sc Law Com Rec No.20.
para.3	1972 Sch.7 para.3; 1991 Sch.13 para 41(3).
para.4	1972 Sch.7 para.3A; 1986 Sch.11 para.42; 1991 Sch.13 para 41(3).
para.5	1972 Sch.7 para.4.
para.6	1972 Sch.7 para.5; 1986 Sch.11 paras.40(2), 43.
para.7	1972 Sch.7 para.6.
para.8	1972 Sch.7 para.7; Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.7(b).
Sch. 5	
para.1	1972 Sch.6A para.1; 1986 Sch.6 Pt.III.
para.2	1972 Sch.6A para.2(2); 1986 Sch.6 Pt.III.
para.3	1972 Sch.6A para.3; 1986 Sch.6 Pt.III.
para.4	1972 Sch.6A para.4; 1986 Sch.6 Pt.III; 1991 Sch.11 para.4.
para.5	1972 Sch.6A para.5; 1986 Sch.6 Pt.III; 1991 Sch.11 para.1.
para.6	1972 Sch.6A para.6; 1986 Sch.6 Pt.III; 1991 Sch.11 para.1.
para.7	1972 Sch.6 para.7(4), Sch.6A para.7, Sch.7 para.7(5); 1986 Sch.6 Pt.III; 1991 Sch.11 paras.2, 5; Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.6; Town and Country Planning (Costs of

	Inquiries etc.) Act 1995 (c.49) s.3(3)(a).
para.8	1972 Sch.6A para.8(1); 1986 Sch.6 Pt.III; 1991 Sch.11 para.6.
para.9	1972 Sch.6A para.9; 1986 Sch.6 Pt.III; 1991 Sch.11 para.7.
para.10	1972 Sch.6A para.10; 1986 Sch.6 Pt.III; 1991 Sch.11 para.2(2).
para.11	1972 Sch.6A para.11; 1986 Sch.6 Pt.III; 1991 Sch.11 para.8.
para.12	1972 Sch.6A para.12; 1986 Sch.6 Pt.III; 1991 Sch.11 para.9.
Sch. 6	
para.1	1972 s.44(2) to (4).
para.2	1972 s.45(3) to (5).
para.3	1972 s.46(1),(2),(7).
para.4	1972 s.45(6),(7).
para.5	1972 s.46(3) to (6); Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.5.
para.6	1972 s.45(8), Sch.8 paras.1, 2; drafting.
Sch. 7	
para.1	1972 s.47(2) to (4).
para.2	1972 Sch.9 paras.3 to 5.
para.3	1972 Sch.9 paras.6, 7, 16; Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.27(2)(c).
para.4	1972 Sch.9 para.8.
para.5	1972 Sch.9 para.9; Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.27(2)(d),(e).
para.6	1972 Sch.9 para.15(1).
para.7	1972 Sch.9 para.10; Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.27(2)(f).
para.8	1972 Sch.9 paras.11 to 14; Local Government Act 1972 (c.70) s.272(2); Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.8.
para.9	1972 s.47(6), Sch.9 paras.1, 2, 15(2); Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.27(2)(a).
Sch. 8	
para.1	1972 s.49(1) to (1B),(2) to (8); 1981 s.26; 1991 Sch.8 para.5(2),(3); drafting.
para.2	1972 ss.49(1C) to (1G); 1981 s.26; 1991 Sch.8 para.5(4) to (6).
para.3	1972 s.49A(1) to (7); 1981 s.27; 1991 Sch.8 para.6.
para.4	1972 s.49A(8) to (11); 1981 s.27; 1991 Sch.8 para.6(2).
para.5	1972 s.49B(1) to (4); 1981 s.27; 1991 Sch.8 para.7.
para.6	1972 s.49B(5); 1981 s.27.
para.7	1972 s.49C; 1981 s.27.

para.8	1972 s.49D; 1981 s.27.
para.9	1972 s.49E; 1981 s.27.
para.10	1972 s.49H; 1991 s.52.
para.11	1972 s.49F; 1981 s.27; 1991 Sch.8 para.8.
para.12	1972 s.260(1) to (4); 1981 Sch.2 para.10.
para.13	1972 Sch.10A para.1; 1991 Sch.9.
para.14	1972 Sch.10A para.2; 1991 Sch.9.
para.15	1972 Sch.10A para.3; 1991 Sch.9.
para.16	1972 Sch.10A para.4; 1991 Sch.9.
para.17	1972 Sch.10A para.5; 1991 Sch.9.
para.18	1972 Sch.10A para.6; 1991 Sch.9.
para.19	1972 Sch.10A para.7; 1991 Sch.9.
para.20	1972 Sch.10A para.8; 1991 Sch.9.
para.21	1972 Sch.10A para.9; 1991 Sch.9.
para.22	1972 Sch.10A para.10; 1991 Sch.9.
Sch. 9 Environment Act 1995 (c.25) Sch.13.	
Sch. 10 Environment Act 1995 (c.25) Sch.14.	
Sch. 11	
para.1	1972 Sch.6 paras.1, 10.
para.2	1972 Sch.6 para.2.
para.3	1972 Sch.6 para.11.
para.4	1972 Sch.6 para.1.
para.5	1972 Sch.6 para.13.
para.6	1972 Sch.6 para.14; 1991 Sch.12 para.32(b).
Sch. 12 1972 Sch.16.	
Sch. 13	
para.1	1972 s.167A; 1981 s.31; 1991 Sch.8 para.11.
para.2	1972 s.168(1); 1981 s.32.
Sch. 14	

para.1	1972 s.181(1)(a),(2); 1973C ss.64(1),(4),(5),(7), 67(2); 1984T Sch.4 para.54(6); Coal Industry Act 1987 (c.3) Sch.1 para.20; Sc Law Com Rec No.21.
para.2	1972 s.181(1)(b); 1973C ss.64(2),(4),(5),(7) to (9); Sc Law Com Rec No.21.
para.3	1973C s.67(1)(a).
para.4	1973C s.67(1)(b).
para.5	1973C s.68(1)(a),(2).
para.6	1973C s.68(1)(b).
para.7	1980 s.147(1),(2).
para.8	1973C s.69(1)(a); Housing (Scotland) Act 1974 (c.45) Sch.3 para.51(a),(b); Housing (Scotland) Act 1987 (c.26) Sch.23 para.19(9)(a).
para.9	1973C s.69(1)(b); Housing (Scotland) Act 1974 (c.45) Sch.3 para.51(a),(c); Housing (Scotland) Act 1987 (c.26) Sch.23 para.19(9)(b).
para.10	1972 s.181(1)(c).
para.11	1972 s.181(1)(e); 1973C s.65(2); 1984 Sch.9 paras.70(5)(a), 72(7)(b).
para.12	1972 s.181(1)(f); 1984 Sch.9 para.70(5)(b).
para.13	1972 s.181(1); 1991 Sch.17 para.17.
para.14	1972 s.181(1)(d).
para.15	1972 s.181(1)(g)(i); 1973C ss.66(1),(2), 71(1),(2)(a).
Sch. 15	1972 Sch.24; Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 para.2.
Sch. 16	
para.1	1972 s.204(1) to (7); 1984 Sch.9 para.70(12); Gas Act 1995 (c.45) Sch.4 para.2(2)(e); Sc Law Com Rec No.22.
para.2	1972 s.205(1) to (5); 1984 Sch.9 para.70(13); 1986 Sch.11 paras.48, 49.
para.3	1972 s.205A(1) to (4); 1981MP Sch.3 para.16; 1984 Sch.9 para.70(13),(14); 1986 Sch.11 para.48.
para.4	1972 s.206(4); 1981MP Sch.3 para.17(d).
para.5	1972 s.206(1) to (3); 1981MP Sch.3 para.17(a) to (c); 1984 Sch.9 para.70(15).
para.6	1972 Sch.18 para.1; 1973 Sch.23 para.34; 1981MP Sch.3 para.23(a).
para.7	1972 Sch.18 para.2.
para.8	1972 Sch.18 para.3(1),(2); 1981MP Sch.3 para.23(b); 1984 Sch.9 para.70(22)(a).
para.9	1972 Sch.18 para.4; 1981MP Sch.3 para.23(c).
para.10	1972 Sch.18 para.5; 1981MP Sch.3 para.23(a).
para.11	1972 Sch.18 para.6; 1981MP Sch.3 para.23(a); Sc Law Com Rec No.23.
Sch. 17	
para.1	Drafting.

para.2	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(4),(5),(6), 8.
para.3	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(6), 8.
para.4	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(7), 8.
para.5	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(2),(3), 8.
para.6	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(7),(8), 8.
para.7	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(8), 8(2),(4).
para.8	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(9), 8(2).
para.9	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(9) proviso, 8(2).
para.10	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(10), 8(2).
para.11	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(11), 8(2).
para.12	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.2(12); 8(2).
para.13	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.3(1),(7), 8(1).
para.14	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.5, 8; Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40) Sch.1 paras. 5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
para.15	Building Restrictions (War-Time Contraventions) Act 1946 (c.35) ss.6, 8.
para.16	Drafting.
Sch. 18	1972 Sch.19.

In section 277(1), the definition of “mineral working deposit”.

Schedule 1.

Schedule 2 paragraphs 1 to 3.

Schedule 3 paragraphs 7 and 8.

Schedule 4.

Schedule 5 paragraph 7(5).

Schedules 6 and 7.

Schedule 8 paragraphs 1 to 12.

Schedule 11.

Schedule 13 paragraph 2.

Schedule 16 paragraphs 1, 2 and 4 to 11.

Any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

PART II

PROVISIONS REFERRED TO IN SECTION 263(1)

Section 26.

Section 27(2) to (6) so far as applying for the purposes of sections 52(2), 53(6) and 54(4).

Section 28.

Sections 30 to 33.

Section 36(1) and (4).

Section 37(1) to (3).

Section 38(4) and (5).
Section 41.
Section 43(1).
Section 44.
Sections 46 to 54.
Section 57(1), (3) and (4).
Sections 65 and 66.
Sections 71 and 72.
Section 75.
Sections 123 to 138.
Sections 140 and 141.
Section 143(1) to (5).
Sections 144 and 145.
Sections 147 to 155.
Sections 160 to 162.
Section 169(2) to (9).
Section 171.
Section 172(4).
Sections 179 to 184.
Section 186.
Schedule 2.
Schedule 3 paragraphs 7 and 8.
Schedule 8 paragraphs 1 to 11.

TABLE OF DERIVATIONS

1.

Notes:

This Table shows the derivation of the provisions of the Bill.

2. The following abbreviations are used in the Table—

Acts of Parliament

1972	= The Town and Country Planning (Scotland) Act 1972 (c. 52)
1973C	= The Land Compensation (Scotland) Act 1973 (c. 56)
1973	= The Local Government (Scotland) Act 1973 (c. 65)
1977	= The Town and Country Planning (Scotland) Act 1977 (c. 10)
1980	= The Local Government, Planning and Land Act 1980 (c. 65)
1981MP	= The Local Government (Miscellaneous Provisions)(Scotland) Act 1981 (c. 23)
1981	= The Town and Country Planning (Minerals) Act 1981 (c. 36)
1982	= The Local Government and Planning (Scotland) Act 1982 (c. 43)
1984P	= The Town and Country Planning Act 1984 (c. 10)

1984T	= The Telecommunications Act 1984 (c. 12)
1984	= The Roads (Scotland) Act 1984 (c. 54)
1986	= The Housing and Planning Act 1986 (c. 63)
1991	= The Planning and Compensation Act 1991 (c. 34)
1994	= The Local Government etc. (Scotland) Act 1994 (c. 39)

3. The Table does not show the effect of Transfer of Functions orders.

4. The Table does not give details of the effect of section 172(2) of the Local Government (Scotland) Act 1973 (c.65), which omitted the word “local” in the expression “local planning authority” where it occurs in any enactment or instrument.

5. “Sc Law Com Rec No.” followed by a number indicates that the provision gives effect to the Recommendation bearing that number in Appendix 1 to the Scottish Law Commission’s Report on the Consolidation of Certain Enactments relating to Town and Country Planning in Scotland (Cmnd. 3644).

LOCAL AUTHORITY STRUCTURE AND LOCAL PLANS RELATING TO THE ANTONINE WALL

East Dunbartonshire Local Plan

1. 4.2 Historic Environment

- 4.2.1 The residents of East Dunbartonshire value the built environment of the area, as confirmed through the Community Plan. There are many well-known assets which the community has inherited. These include scheduled ancient monuments such as the Antonine Wall, the Forth and Clyde Canal, many Listed Buildings and Conservation Areas.
- 4.2.2 In addition to these formally designated resources there is a huge wealth of locally important heritage all of which contributes to the character of the area. All aspects of the area's historic environment are worthy of protection for the enjoyment of future generations, and this is a key aspect of the Council's wider responsibilities for sustaining the environment.
- 4.2.3 The Council wishes to be proactive in encouraging the conservation, and where appropriate the improvement of buildings of heritage and conservation importance, and has established a **Heritage Fund** to assist developers and owners in meeting the additional costs involved in using traditional materials and craft skills.
- 4.2.4 Grants will be awarded generally based on a percentage of the cost of approved eligible works.
- 4.2.5 Additionally, a Town Scheme grant system is in place for the Westerton Conservation Area which is partially funded by Historic Scotland and allows increased grant awards to Conservation Areas classified as 'Outstanding'.
- 4.2.6 The Council intends to designate part of the Old Bearsden Outstanding Conservation Area as a Town Scheme and in due course will consider such designations elsewhere.

HE 1 Heritage Fund

The Council may be able to offer discretionary grants for work required to repair or maintain Listed Buildings, properties within a Conservation Area or Townscape Protection Area and other archaeological and heritage buildings, where additional expenditure is required for the use of materials and skills which are necessary to retain the traditional character and appearance of the buildings.

The Council will continue to support the Town Scheme for the Westerton Garden Suburb Outstanding Conservation Area. It is proposed that a Town Scheme for part of the Old Bearsden Outstanding Conservation Area be set up within the life of this plan. The establishment of Town Schemes within the other Outstanding Conservation Areas will be considered.

- 4.2.7 The strongest protection is afforded to **Scheduled Ancient Monuments** and important **Listed Buildings**. Their character and appearance will be expected to be preserved or restored. The entire length of the Antonine Wall and Forth & Clyde Canal as it passes through the Plan area are Scheduled Ancient Monuments, along with other individual sites throughout the plan area.
- 4.2.8 As well as the **line** of the Antonine Wall, the **setting** is also very important in understanding the topology of the surrounding landscape and reasons why that particular line was chosen by the Romans. It is important therefore that the wider setting of the Wall is given protection. The Royal Commission on the Ancient and Historical Monuments of Scotland and the Strathclyde Sites and Monument Record identify numerous archaeological sites of regional or local importance. The Council will take into account the relative value and physical condition of all archaeological sites when considering future development proposals.

- 4.2.9 Where development is proposed, an archaeological investigation may be required, incorporating the analysis of any remains found and the publication of findings together with the deposition of the artefacts in an appropriate museum and the records in the National Monuments Record of Scotland. National Planning Policy Guideline 5 (NPPG 5) Archaeology and Planning provides further advice.
- 4.2.10 It is intended that a Burgh Survey be undertaken for Kirkintilloch. The Scottish Burgh Survey series is a detailed archaeological and architectural survey which is led by Historic Scotland in conjunction with the Council. This will seek to identify the archaeological, architectural and historic value of the town, characterising particular areas in terms of their built heritage and sensitivity to change. It is hoped that at a later stage Milngavie will also be subject to a Burgh Survey. Indicative boundaries of the Burgh Cores of Kirkintilloch and Milngavie are as shown on the Proposals Map.

HE 2 Management of Archaeological Heritage

The Council will promote where appropriate the provision of new and/or improved management arrangements, access and interpretation facilities at archaeological sites. This will in particular be along the line of the Antonine Wall and at appropriate locations along the Forth and Clyde Canal. Consultation with Historic Scotland and British Waterways regarding the latter will be undertaken in respect of these proposals.

The Council supports the immediate undertaking of a Burgh Survey of Kirkintilloch and will continue to promote that one be undertaken for Milngavie.

HE 3 Archaeological Heritage Protection

The Council will protect all Scheduled Ancient Monuments and other significant archaeological sites of regional or local importance from development which is considered to have an adverse impact. Regard will also need to be given by developers to archaeological resources present in the Burgh Survey Areas of Kirkintilloch and Milngavie

Assessment of development applications will also take into account the character and amenity of the setting of these archaeological resources, and in particular that of the Antonine Wall.

Development proposals on or close to an archaeological site, including the Burgh Cores may where appropriate require to be accompanied by an archaeological evaluation, including excavation, recording, analysis and publication of remains. Access to the development site must be allowed for a Council Archaeological advisor to undertake a watching brief of any evaluation or excavation where requested.

FALKIRK COUNCIL POLICIES

Settlement Statement

Bo'ness

Archaeology

5.9 Bo'ness straddles the line of the Antonine Wall. Remains of the Wall are evident at Kinneil, to the west of which the line is largely conjectural. Traditionally its eastern terminus is fixed at Bridgeness, although there is some evidence to suggest that it may have continued to Carriden, where there is a major Roman camp. The setting of the Antonine Wall is protected under Policy EQ17.

The town's Scheduled Ancient Monuments (see Appendix 4) relate to the Roman period, apart from Kinneil House and the associated remnants of the medieval village. The integrity and setting of these are protected under Policy EQ 16.

Bonnybridge & Banknock

Built Heritage

5.7 The area is traversed by the line of the Antonine Wall and the Forth and Clyde Canal, both scheduled ancient monuments. The Antonine Wall in particular has resulted in a number of associated roman features. Most notably Roughcastle and Seabeggs Wood. The Antonine Wall has been put forward by the UK Government as part of a multicountry World Heritage Site covering all the European frontiers of the Roman Empire. This would result in greater protection for the wall itself and its setting. The sites of the Scheduled Ancient Monuments are protected by Policy EQ16 and bearing in mind its potential international importance the setting of the Antonine Wall is also protected by Policy EQ17.

Falkirk

Archaeology

5.11 Archaeological remains in the area are associated mainly with the Roman period and the canals. They are protected under Policy EQ16. Scheduled Ancient Monuments are listed in Appendix 4.

5.12 The Antonine Wall is a major feature of the town, running from Roughcastle in the west to Callendar Park in the east. Its setting is given particular protection under Policy EQ17. Well preserved sections at Roughcastle, Watling Lodge and Callendar Park are Scheduled Ancient Monuments.

The western end of the town has a significant concentration of associated camps and forts, which is thought to reflect the strategic nature of this crossing point of the River Carron for the Roman army of occupation. These are also scheduled, and the surrounding landscape is of importance in showing them in their natural setting.

Polmont Area

Archaeology

5.12 The Antonine Wall runs along the northern edge of the built up area of Polmont, and through the built up area of Laurieston. The setting of the Antonine Wall is protected under Policy EQ17. The area's Scheduled Ancient Monuments, although relatively few in number, are made up from a variety of types, from Prehistoric, Domestic and Defensive, through Roman to Industrial, and include the Antonine Wall, Myrehead windmill and the Union Canal. The integrity and setting of these are protected under Policy EQ16.

Village Statements

Allandale

4. ENVIRONMENTAL QUALITY

4.1 The Conservation Area recognises the quality of the group of workers cottages at the eastern end of the village. The continued protection of this area is supported by Policy EQ12. The Antonine Wall runs along the northern edge of the village and is a Scheduled Ancient Monument. Various sites associated with the wall are also located on the fringes of the village. Policies EQ16 and EQ17 seek to protect the Council's archaeological resource. The Forth and Clyde Canal is also a Scheduled Ancient Monument and sits below the village to the north. The Castlecary brickworks site is visible from the village and would benefit from boundary planting to help screen it.

Muirhouses

4. ENVIRONMENTAL QUALITY

4.1 The core of the village is a Conservation Area, within which the original 19th century cottages and the early 20th century Grangewells are listed. There is also the site of a Roman Camp to the west which is a Scheduled Ancient Monument.

ADOPTED LOCAL PLANS

BO'NESS LOCAL PLAN WRITTEN STATEMENT AND PLAN (1st REVIEW) Adopted October 1995

Environment and Conservation :POLICIES

BNS 42 Sites of Archaeological Interest

In order to protect and conserve archaeological/historic features of significance:

- (i) there will be a general presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological/historic importance or their setting;
- (ii) archaeological sites which are threatened by development, where preservation has proved impossible, will be excavated and recorded. The Council supports Historic Scotland's policy to seek developer funding of any necessary excavation, recording and publication works; and
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice. Furthermore, where appropriate, developers are requested to deposit any local finds and copies of publications with the District Council's Museum Service.

BNS 43 Antonine Wall

Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be considered favourably.

SUPPORTING INFORMATION

Sites of Archaeological Interest

9.13 The District Council will afford protection to Scheduled Ancient Monuments (as listed in Appendix 2) and other sites of archaeological or historic importance and their setting, in accordance with Policy BNS 42 and in recognition of their importance as a local and national cultural resource. In the event that development takes place at, or near, a site of archaeological importance, efforts will be made to collect and deposit information, or artefacts, in accordance with the provisions of the policy. Policy BNS 43 draws special attention to the town's most significant archaeological feature, the Antonine Wall, which follows an east-west alignment from Inveravon to the River Forth at Bridgeness. Proposals which would exploit the

potential of the Antonine Wall for the development of tourism, recreation and interpretation facilities will be welcomed by the District Council.

BONNYBRIDGE AND BANKNOCK LOCAL PLAN WRITTEN STATEMENT AND PLAN July, 1989 - 3rd Edition

Aims, Strategy and Policies

POLICY : BON 9

That along the Antonine Wall, there will be a general presumption against proposals for development which would adversely affect the line, setting and amenity of the wall. However, there will be a general presumption in favour of proposals which would lead to sympathetic use of the wall for tourism, local recreation and interpretation. (Figure 1).

To recognise that the Wall is a resource of great value for tourism, local recreation, education and archaeological interpretation and to protect the Wall for these purposes as well as encouraging its use for these same purposes.

POLMONT AND DISTRICT LOCAL PLAN
2nd REVIEW WRITTEN STATEMENT & PLAN
December 2001

Design & The Built Environment

POL 7.12 Sites of Archaeological Interest

In order to protect and conserve significant archaeological/historic features:

- (i) there will be a general presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological/historic importance and their settings;
- (ii) archaeological sites which are threatened by development, where preservation has proved impossible, will be excavated and recorded. The Council supports Historic Scotland's policy to seek developer funding of any necessary excavation, recording and publication works;
- and
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.

POL 7.13 Antonine Wall

Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.

SUPPORTING INFORMATION

Sites of Archaeological Interest (Policy POL 7.12)

7.18 Through Policy POL 7.12 the Council seeks to protect Scheduled Ancient Monuments (as listed in Appendix 2) and other sites of archaeological or historic importance and their settings, in recognition of their importance as a local and national heritage resource. In the event that development is permitted at, or near, a site of archaeological importance, efforts will be made to collect and record information or artifacts. Archaeological sites of local and regional significance are recorded on the Council's Sites and Monuments Record which is available for inspection at Callendar House.

Antonine Wall (Policy POL 7.13)

7.19 The Antonine Wall, together with its associated camps and forts, is the most significant archaeological feature in the Local Plan area. The wall was constructed in the middle of the second century A.D. as the northern boundary of the Roman Empire. Policy POL 7.13 recognises the importance of this feature, and gives protection to its line and setting. Policy POL 7.13 also indicates the potential which exists for greater interpretation and educational use of these features.

FALKIRK LOCAL PLAN
1st REVIEW -WRITTEN STATEMENT & PLAN
(Incorporating 1st Alteration)
June 2000
1st Alteration, September 2002

Local Plan Strategy
Design and Built Environment
POLICIES

FAL 3.14 SITES OF ARCHAEOLOGICAL INTEREST

In order to protect and conserve archaeological and historic features of significance and their settings:

- (i) there will be a presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological or historic interest and their settings;
- (ii) archaeological sites where development is permitted will be excavated and recorded. The Council supports Historic Scotland's policy to seek developer funding for any necessary excavation, recording and publication works; and
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.

FAL 3.15 ANTONINE WALL

Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.

SUPPORTING INFORMATION

Archaeology

3.21 The Local Plan Area contains a number of Scheduled Ancient Monuments, as listed in Appendix 1. These sites of national importance are protected by the Scottish Ministers and Scheduled Monument Consent is required for any development affecting them. In addition, other sites of local or regional importance are recorded in the Sites and Monuments Record, which is now maintained by the Council and housed at Callendar House. NPPG 5 on Archaeology and Planning sets out the Government's planning policy regarding archaeological remains. It is supplemented by PAN 42, which provides advice on good practice to planning authorities on the handling of archaeological matters within the planning process. Policy FAL 3.14 implements this advice, providing for the protection of archaeological sites and their settings, and for excavation and recording in the event of development being permitted at such sites.

3.22 The Antonine Wall, together with its associated camps and forts, is the most significant archaeological feature in the Local Plan Area. The wall was constructed in

the middle of the second century AD as the northern boundary of the Roman Empire, and Falkirk contains some of the best preserved stretches. Policy FAL 3.15 recognises the importance of this feature, and gives protection to its line and setting. Policy FAL 3.15 also indicates the potential which exists for greater interpretation and educational use of these features.

FALKIRK DISTRICT COUNCIL
DEPARTMENT OF PLANNING
GRANGEMOUTH LOCAL PLAN
WRITTEN STATEMENT AND PLAN
February, 1985 (Reprinted with alterations February, 1989)

Aims, Strategy and Policies

Local Plan Policies

Policy Grangemouth Twenty-two : Antonine Wall

THAT ALONG THE ANTONINE WALL, THERE WILL BE A GENERAL PRESUMPTION AGAINST PROPOSALS FOR DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE LINE, SETTING AND AMENITY OF THE WALL. HOWEVER, THERE WILL BE A GENERAL PRESUMPTION IN FAVOUR OF PROPOSALS WHICH WOULD LEAD TO A SYMPATHETIC USE OF THE WALL FOR TOURISM, LOCAL RECREATION AND INTERPRETATION.

To recognise that the Wall is a resource of great value for tourism, local recreation, education and archaeological interpretation and to protect the Wall for these purposes as well as encouraging its use.

Policy Grangemouth Twenty-seven : Ancient Monuments

THAT DEVELOPMENT PROPOSALS ON OR ADJOINING SCHEDULED ANCIENT MONUMENTS AND OTHER SITES OR MAJOR ARCHAEOLOGICAL IMPORTANCE WILL BE OPPOSED BY THE DISTRICT COUNCIL WHEREVER THEY WOULD THREATEN THE MONUMENTS OR SITES THEMSELVES, OR THE CHARACTER OF THEIR SETTING, UNLESS EXCEPTIONAL CIRCUMSTANCES JUSTIFY A RELAXATION OF THIS POLICY. DEVELOPMENT PROPOSALS

AFFECTING SITES OF LESSER IMPORTANCE MAY BE APPROVED SUBJECT TO CONDITIONS REQUIRING THAT DEVELOPMENT TAKES PLACE IN A CERTAIN MANNER AND THAT ARCHAEOLOGISTS ARE GIVEN FULL ACCESS TO THE SITE PRIOR TO AND DURING DEVELOPMENT TO FACILITATE THE RECORDING OF ANY UNCOVERED FEATURES OF INTEREST.

To protect the historical heritage of Falkirk District.

RURAL LOCAL PLAN WRITTEN STATEMENT AND PLAN (1ST REVIEW)

Adopted November 1994

CHAPTER 3 : AIMS, STRATEGY AND POLICIES

POLICY RURAL 16

SITES OF ARCHAEOLOGICAL INTEREST

That to protect and conserve archaeological/historical features of significance:

1. There will be a general presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological/historical importance or their setting.
2. Archaeological sites which are threatened by development, where preservation has proved impossible, will be excavated and recorded. The District Council supports Historic Scotland's policy to seek developer funding of any necessary excavation, recording and publication works.
3. The District Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice. Furthermore, where appropriate, developers are requested to deposit any local finds and copies of publications with the District Council's Museum Service.

To protect or where necessary record the historical and archaeological heritage of Falkirk District.

Note : Appendix 1 indicates the location of Scheduled Ancient Monuments within the Local Plan area. For information on other historical/archaeological sites, developers should consult the Sites and Monuments Records held by Central Regional Council.

POLICY RURAL 17

ANTONINE WALL

That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably.

To protect and promote the Antonine Wall as a resource of great value for tourism, local recreation, education and archaeological interpretation.

VILLAGE STATEMENTS

ALLANDALE

The settlement has developed in three distinct parts: the first focused on Allandale Cottages in the east, the second incorporating the village shop and two storey terraces at Thorndale Gardens, and the third being Dundas Cottages in the west. The terraces of Allandale Cottages represent an interesting example of early 20th century artisans dwellinghouses. They have survived generally unaltered externally and in 1979 a Conservation Area was designated, in order to preserve the uniformity and

character of the cottages. *The Antonine Wall between Thorndale Gardens and Dundas Cottages is a Scheduled Ancient Monument.*

Relevant Policies

With regard to possible development proposals and opportunities within and adjacent to the village of Allandale, reference should be made in particular to Policy Rural 10 (Agricultural Land), Policy Rural 14 (Conservation Areas), *Policy Rural 16 (Sites of Archaeological Interest)*, *Policy Rural 17 (Antonine Wall)* and Policy Rural 18 (Canals).

MUIRHOUSES

The present-day village can be divided into four general areas; the original single storey stone cottages and a few plot developments to the west and south which were designated a Conservation Area in 1975; the ribbon of mainly interwar bungalows which stretches northward down Carriden Brae; Little Carriden which comprises a collection of local authority cottage style dwellings; and finally the area of two storey local authority houses in Millar Crescent/Gledhill Avenue. A number of Listed Buildings, two areas covered by a Tree Preservation Order and *the site of a Roman Camp which is a Scheduled Ancient Monument can be found within or adjacent to the village.* The open space between the village and Grahamsdyke Road provides an attractive feature vital to the setting of the Conservation Area.

Relevant Policies

With regard to possible development proposals and opportunities within and adjacent to the village of Muirhouses, reference should be made in particular to Policy Rural 10 (Agricultural Land), Policy Rural 14 (Conservation Area), Policy Rural 15 (Listed Buildings), *Policy Rural 16 (Sites of Archaeological Interest)* and Policy Rural 20 (Trees and Woodland).

OLD POLMONT

The village consists of a small T-shaped group of privately owned dwellinghouses of varying character and style. From the east, the road through the village is fairly steep and is bordered on both sides by an attractive stone wall. *The line of the Antonine Wall which is a Scheduled Ancient Monument runs to the south of Old Polmont* and to the east lie Polmont Woods. Both the existing Parish Church and the Old Church are Listed Buildings and the Old Church is also a Scheduled Ancient Monument.

Relevant Policies

With regard to possible development proposals and opportunities within and adjacent to the village of Old Polmont, reference should be made in particular to Policy Rural 11 (The Green Belt), Policy Rural 15 (Listed Buildings), *Policy Rural 16 (Sites of Archaeological Interest)*, *Policy Rural 17 (Antonine Wall)* and Policy Rural 20 (Trees and Woodlands).

Falkirk Council Structure Plan

Approved June 2002

Built Environment and Heritage

POLICY ENV.5

BUILT ENVIRONMENT AND HERITAGE

Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed

Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- 1 Measures to ensure that assets are maintained in a good state of repair;**
- 2 Promotion of appropriate new uses for buildings;**
- 3 Promoting sensitive interpretation of heritage assets.;**
- 4 Protection of the assets and their setting from inappropriate development;**
- 5 Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset; and**
- 6 Reviewing the boundaries of areas to ensure their continuing relevance.**

5.17 The quality of the built environment has a major influence on the image of the area, and contributes to the quality of life enjoyed by local residents. Important buildings, groups of buildings, groups of trees and areas of historic importance are already protected by policies which are tailored to their significance in national or local terms. It is important that this protection is continued and updated where appropriate. There is a specific need to review areas designated as Conservation Areas to ensure that boundaries and policies remain relevant. The need to promote awareness of the built heritage through better interpretation and to capitalise on its potential to attract visitors, has also been noted.

Falkirk council local plan - finalised draft march 2005

AREA WIDE POLICY FRAMEWORK- Supporting Policies/Guidance chapter 3 - environmental quality

Archaeology

3.26 There are around 100 Scheduled Ancient Monuments within the Council area, as listed in

Appendix 4. A high proportion of these relate to the Roman period and are associated with the

Antonine Wall. Other important sites include Blackness Castle, Kinneil House and the two canals. These sites of national importance are protected by the Scottish Ministers and Scheduled Monument Consent is required for any development affecting them. In addition, other sites of regional or local importance are recorded in the Sites and Monuments Record which is maintained by the Council's archaeologist.

3.27 NPPG5: Archaeology and Planning sets out the Government's planning policy regarding archaeological remains. It is supplemented by PAN 42, which provides good practice to planning

authorities on the handling of architectural matters within the planning process. Policy EQ16 implements this advice, providing for the protection of archaeological sites and their settings, and for excavation and recording in the event of development being permitted on such sites.

3.28 The Antonine Wall, together with its associated camps and forts, is the most significant archaeological feature within the Council area, running from Castlecary in the west to Bo'ness in the east. The wall was constructed in the second century AD as the northern boundary of the Roman Empire, and the Council area contains some of the best preserved stretches. Its status would be further enhanced if the current bid

for nomination as part of a multi-country 'European Frontiers of the Roman Empire' World Heritage Site is successful. Policy EQ17 recognises the importance of the feature, gives protection to its line and setting, and indicates the potential for greater interpretation and educational use.

POLICIES

EQ16 SITES OF ARCHAEOLOGICAL INTEREST

The Council will seek to protect and conserve, in situ, archaeological and historic features of significance and their settings. Accordingly:

- (1) Development which would destroy or adversely affect Scheduled Ancient Monuments and their settings will not be permitted except in exceptional circumstances;
- (2) There will be a general presumption against development which would have an adverse effect on other sites of archaeological or historic interest;
- (3) On sites where development is permitted and preservation of archaeological features in situ is not feasible, excavation and recording will be required. The Council supports Historic Scotland's policy to seek developer funding for any necessary excavation, recording and publication works; and
- (4) The Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.

EQ17 ANTONINE WALL

Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.

GLASGOW CITY

City Plan - Part 2 - Development Policies - Section 8 - Built Heritage

HER 4 Ancient Monuments

CONTEXT AND JUSTIFICATION

Ancient monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 and are scheduled by the Scottish Ministers. The preservation of ancient monuments and their setting is a material consideration in determining planning applications, whether a monument is scheduled or not. National Planning Policy Guideline 5: Archaeology and Planning (NPPG 5) provides further advice.

The ancient monuments in Glasgow are shown on the Environmental Policy Designations Maps.

POLICY

There will be a presumption in favour of retaining, protecting, preserving and enhancing ancient monuments and their setting. Developments that have an adverse impact on scheduled ancient monuments and their setting will be strongly resisted.

DEFINITION

Environmental Policy Designation

Environmental policy designations cover the built and natural heritage of Glasgow. These areas are important because of their environmental quality, biological diversity and/or their historic, architectural or archaeological significance and contribute positively to the quality of the environment, image and diversity of the City.

Scheduled Ancient Monuments		Listed Status
1.	Forth and Clyde Canal, Port Dundas Basin (includes Railway Swing Bridge and Bascule Bridge)	B, B, A
2.	Forth and Clyde Canal, Glasgow Branch (includes River Kelvin Aquaduct and Maryhill Road Aquaduct)	A B
3.	Forth and Clyde Canal (Cleveden Road to Bishopbriggs Golf Course) (includes aqueduct at Bilsland Drive)	B
4.	Forth and Clyde Canal (Netherton Farm to Cleveden Road)	
5.	Forth and Clyde Canal (Duntreath Avenue to Blairdardie Road)	
6.	Antonine Wall (Balmore Road to Summerston)	
7.	Antonine Wall (Crow Hill to Balmore Road)	
8.	Antonine Wall (River Kelvin to 120m North of Balmuirdy Cottages)	
9.	Antonine Wall (Summerston to River Kelvin)	
10.	Cathcart Castle, Castle Road, Cathcart	C(S)
11.	North Woodside Flint Mills, Garriochmill Road, North Kelvin	
12.	Linn Park Iron Bridge, Cathcart	B
13.	Remains of Bell's Pottery, Kyle Street	
14.	Crookston Castle, 170 Brockburn Road, Pollok*.	A
15.	Glasgow Cathedral, 70 Cathedral Square* (Cathedral and Graveyard)	A
	* <i>In the care of the Secretary of State for Scotland</i>	

City Plan - Part 2 - Development Policies - Section 8 - Built Heritage

HER 5 Sites of Archaeological Importance

CONTEXT AND JUSTIFICATION

Sites of archaeological significance are subject to the provisions of National Planning Policy Guideline 5: Archaeology and Planning (NPPG 5), Planning Advice Note 42: Archaeology - the Planning Process and Scheduled Monument Procedures (PAN 42) and the Joint Structure Plan.

The preservation of sites of archaeological significance and their setting is a material consideration in determining planning applications, whether a monument is scheduled or not. The principal known sites are shown on the Environmental Policy Designations maps. It should be noted that there are a large number of other sites within the City that are not identified in the table but where, for instance, artefacts have been discovered. The West of Scotland Archaeology Service should be contacted for information (Address: 20 India Street, Glasgow G2 4PF, Telephone: 0141 287 8333).

POLICY

1. There will be a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in the City.

2. When development is proposed that would affect a site of archaeological significance, the following will apply:
(a) the prospective developer will notify the West of Scotland Archaeology Service and the Council at the earliest possible stage in the conception of the proposal; and

(b) an assessment of the importance of the site will be provided by the prospective developer as part of the application for planning permission or (preferably) as part of the pre-submission discussions.

3. When development that will affect a site of archaeological significance is to be carried out, the following will apply:
(a) developers will be expected to make provision for the protection and preservation of archaeological deposits *in situ* within their developments, where possible by designing foundations that minimise the impact of the development on the remains; and

(b) where the Planning Authority deems that the protection and preservation of archaeological deposits *in situ* is not warranted for whatever reason, it shall satisfy itself that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains.

4. Where archaeological remains are discovered after a development has commenced, the following will apply:

(a) the developer will notify the West of Scotland Archaeology Service and the Council immediately, to enable an assessment of the importance of the remains to be made; and

(b) developers should make appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains. (Developers may see fit to insure against the unexpected discovery of archaeological remains during work).

Note:

The West of Scotland Archaeology Service must be consulted for all sites in each category.

DEFINITION

ENVIRONMENTAL POLICY DESIGNATION

Environmental policy designations cover the built and natural heritage of Glasgow. These areas are important because of their environmental quality, biological diversity and/or their historic, architectural or archaeological significance and contribute positively to the quality of the environment, image and diversity of the City.

Known Sites of Archaeological Significance	
1.	Historic Settlement Areas
	Calton/High Street Glasgow City Centre (including Cathedral to Merchant City)
2.	Sites Requiring Consultation with Historic Scotland
	Antonine Wall and Balmuildy Roman Forts Cathcart Castle Crookston Castle Glasgow Cathedral Forth and Clyde Canal and Glasgow Branch Port Dundas River Kelvin (by Queen Margaret Drive)
3.	Other Sites
	Numerous sites across the City

last updated: 21 May 2005

2. Kilsyth local plan

This is the Local Plan for Kilsyth and the surrounding area which has been prepared by North Lanarkshire Council. It replaces the Kilsyth Local Plan which was adopted by Cumbernauld and Kilsyth District Council in 1983.

The Plan consists of a Written Statement and a Proposals Map. The Written Statement outlines the wider planning context for the document, identifying proposed objectives for the area, suggesting policies and proposals for future action by the Council and other bodies along with the reasoning that lies behind them. The Proposals Map identifies, on an Ordnance Survey base, the areas in which the proposed policies and proposals apply, and should be read in conjunction with the Written Statement.

The Local Plan has been shaped by the views of a wide range of individuals and organisations who responded to the extensive consultations which took place during the Plan's earlier stages.

This document represents the final stage in the local plan adoption process which began in January 1995 with the production of the Consultative Draft, through a Public Local Inquiry in 1998, to the Deposit Version of the Plan which was forwarded to the Scottish Executive in October 1999. The Scottish Ministers considered the Plan and decided not to issue a direction under Section 17(4) or Section 18(1) of the Town and Country Planning (Scotland) Act 1997 which enables the Council to formally adopt the Plan.

The Kilsyth Local Plan is the first Plan to be formally adopted by the Council and as such represents the first in a new family of Plans which will guide the development of North Lanarkshire in the 21st Century.

3. Cumbernauld local plan

EN 4 Scheduled Ancient Monuments & Archaeological Sites

There will be a presumption against development which could adversely affect or threaten a scheduled ancient monument or its setting. Where permission is granted affecting the setting of scheduled monuments, it will normally be restricted by conditions or be subject to a legal agreement providing for the protection and preservation in situ of the archaeological remains.

EN 5 Scheduled Ancient Monuments & Archaeological Sites

1.1 There will be a presumption against development, which would adversely affect an unscheduled archaeological site, which is considered to be of sufficient interest to be protected from disturbance. On sites where development is permitted, consent will normally be subject to a legal agreement and /or conditions to ensure that

archaeological remains are preserved in situ. Where this cannot be justified the Council will seek to ensure through the use of planning conditions or legal agreements that the developer has made provision for the excavation and recording of remains prior to and during development.

EN 6 Scheduled Ancient Monuments & Archaeological Sites

1.2 There will be a presumption against development within the Antonine Wall Amenity Zone, which could adversely affect the setting of Antonine Wall.

WEST DUNBARTONSHIRE COUNCIL

Clydebank Local Plan adopted by West Dunbartonshire Council 15 September 2004

Policy E7

Scheduled Ancient Monuments and other Archaeological Sites

The Council will resist any development proposal that would have an adverse impact on or affect the setting of a Scheduled Ancient Monument, or upon other locally or nationally important archaeological sites. Development which would affect features of archaeological importance, will be considered against the following criteria:

- the Council is satisfied that the benefits of the development outweigh the archaeological interest,
- the approval of development where the preservation of the archaeological interest is not possible or feasible will be conditional upon provision being made for the recording of the features prior to and during development, and
- where the presence of archaeology becomes apparent once development has commenced, adequate opportunity should be afforded by the developer for an archaeological investigation.

Reasoned Justification

9.25 The archaeological resources of the Plan area are finite, and the Council recognises the importance of them together with their setting, and therefore will endeavour to ensure that they are preserved and protected from inappropriate development. NPPG 5 sets out the policy context with regard to archaeological remains and the requirements of development plans.

9.26 Scheduled Ancient Monuments are those sites or structures considered to be of national importance. Once scheduled, a monument comes under the protection of the Scottish Ministers, and any works affecting a Scheduled Ancient Monument requires their consent. Furthermore it is an offence to damage or destroy it. It is also necessary for the Council to undertake appropriate consultation with Historic Scotland where the setting of such sites is affected by a development proposal. Often archaeological sites display little surface impact, however the Council has identified the Scheduled Ancient Monuments within the Plan area and these are identified on the Proposals Map and are listed within the Plan's Technical Supplement.

9.27 Only parts of the Antonine Wall within the Plan area are 'scheduled', however the entire Wall within the Plan area is identified as an archaeological resource. Where developments that may affect the setting of the identified route of the Wall are proposed the advice of West of

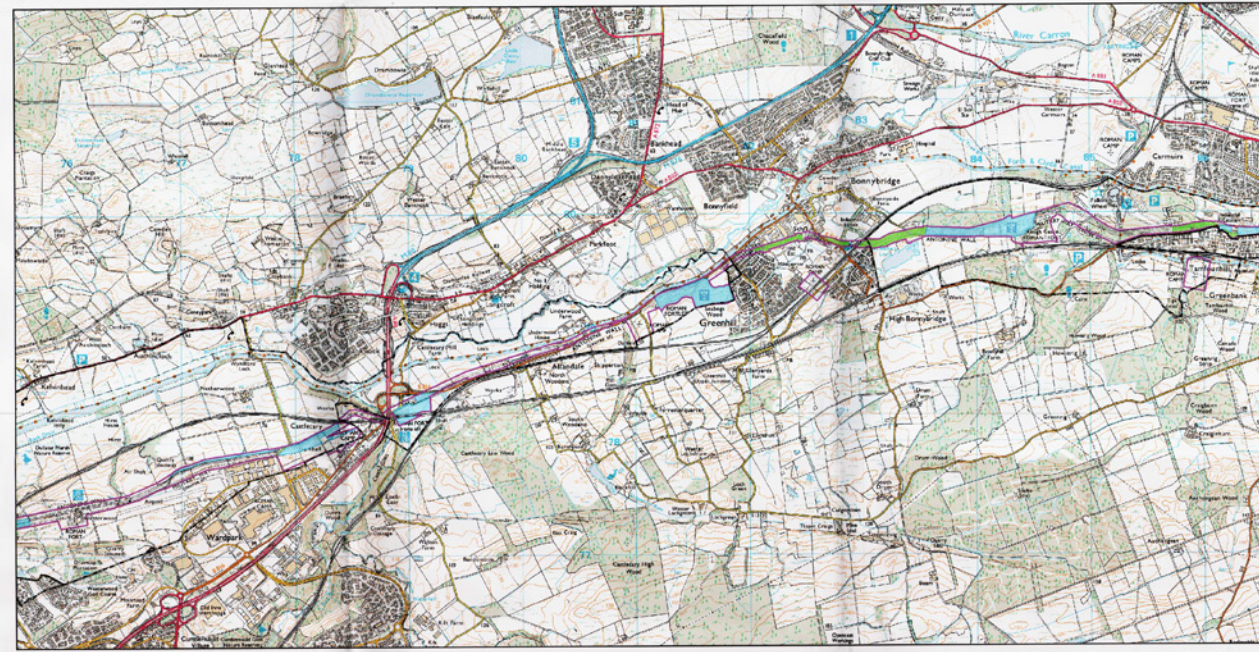
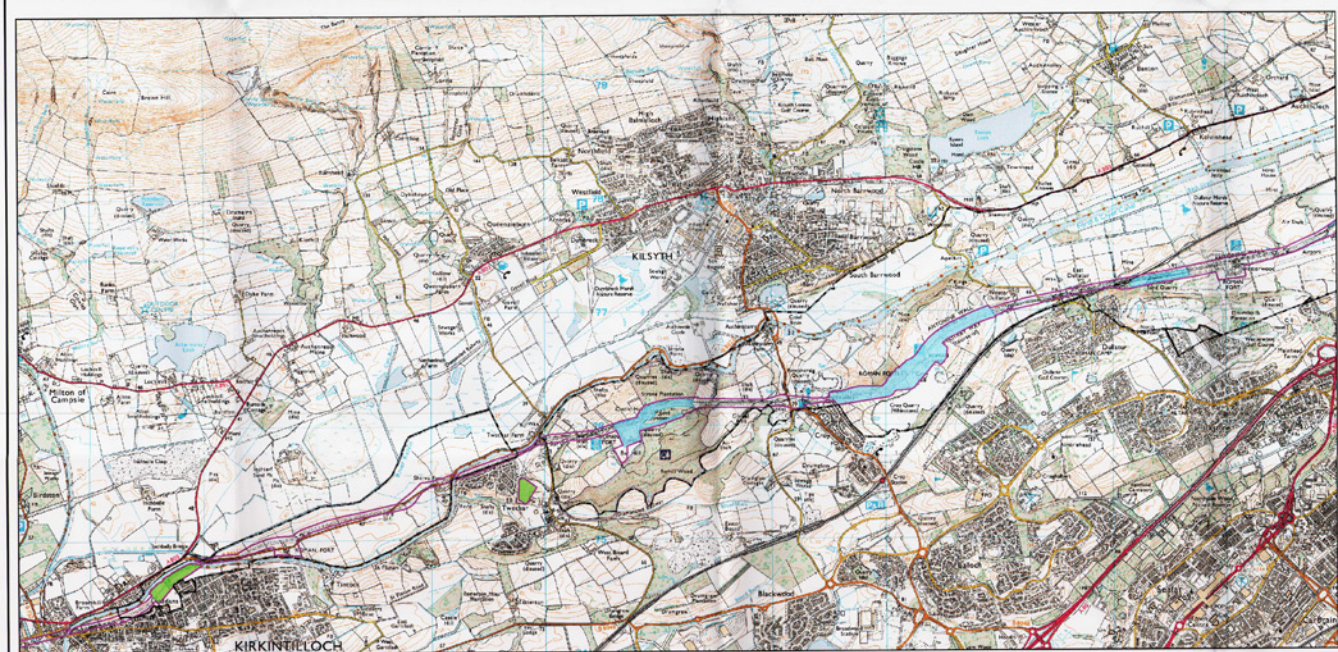
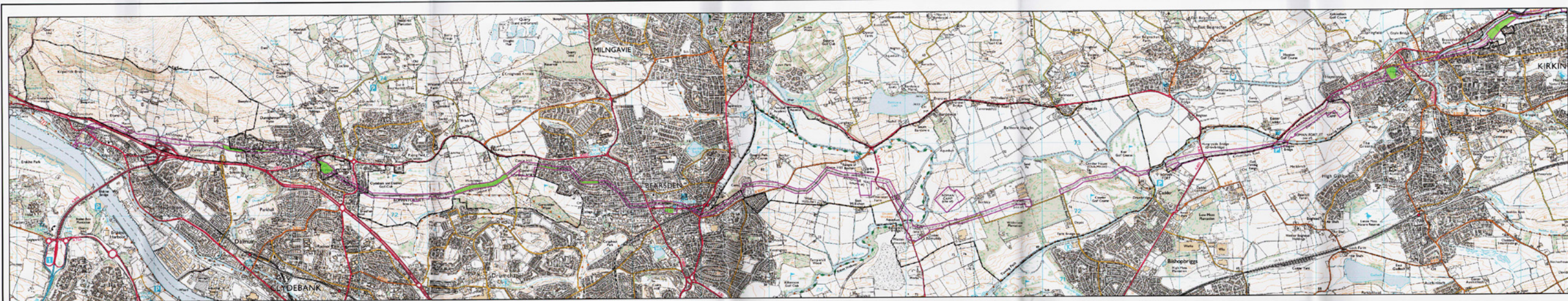
Scotland Archaeology Service will be sought and Historic Scotland will be consulted.

Policy E8
Landscape Character

Development within the Green Belt, wider countryside and green corridors through the urban area, will have particular regard to the landscape character and distinctiveness of the Plan area. Proposals should positively contribute to conservation or regeneration of these landscapes. Proposals which are detrimental to the landscape character will not generally be supported unless there are mitigating circumstances which are not contrary to other policies in this Plan. Where such circumstances exist mitigating measures should be proposed to minimise adverse impacts.

Reasoned Justification

9.28 Clydebank is heavily influenced and physically contained by elements of the landscape character of the Kilpatrick Hills. A landscape character assessment has been undertaken for the entire Glasgow and Clyde Valley area (Glasgow and the Clyde Valley Landscape Assessment 1999), which has identified three character areas. Green corridors through the urban area include the River Clyde, Duntocher Burn and the Forth and Clyde Canal. Drumlin foothills cover the northeast of the Plan area, with rugged moorland hills in the remaining greenbelt and wider countryside. The Council consider it important to offer general protection to the character of the landscape around Clydebank and the wider countryside and will support proposals to enhance the landscape setting of Clydebank.



Antonine Wall

Proposed World Heritage Site

SCALE 1:20,000

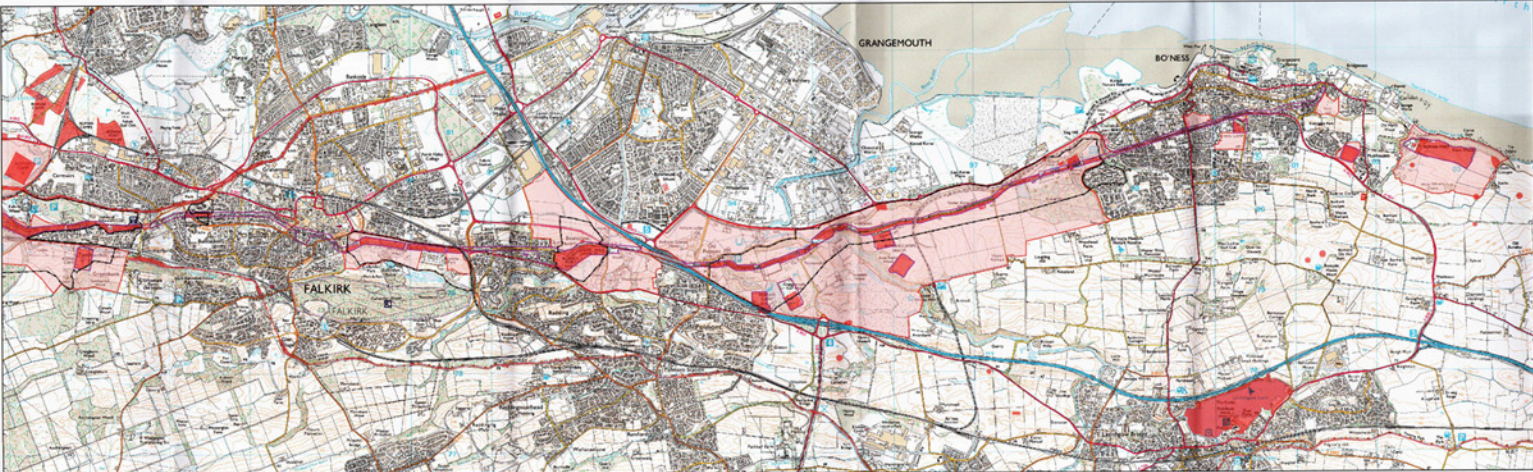
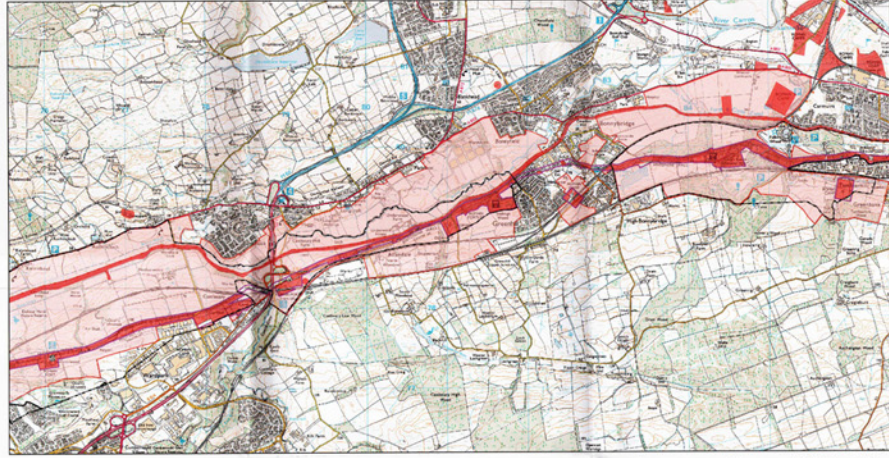
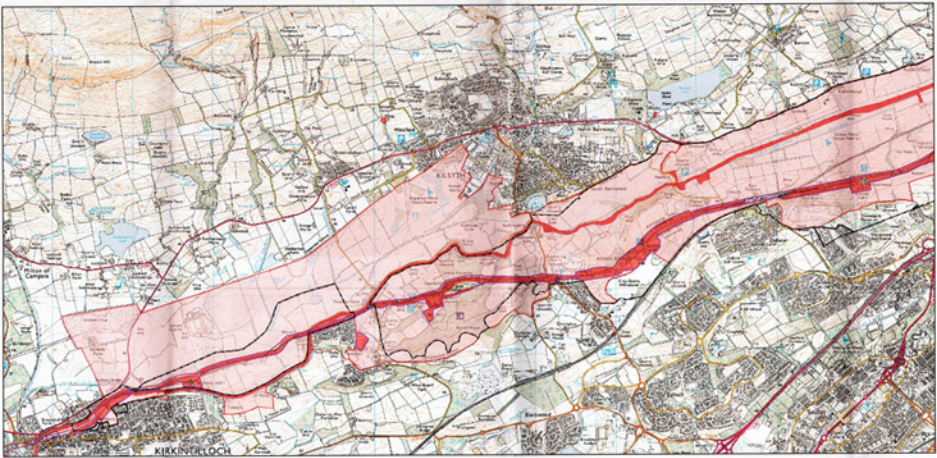
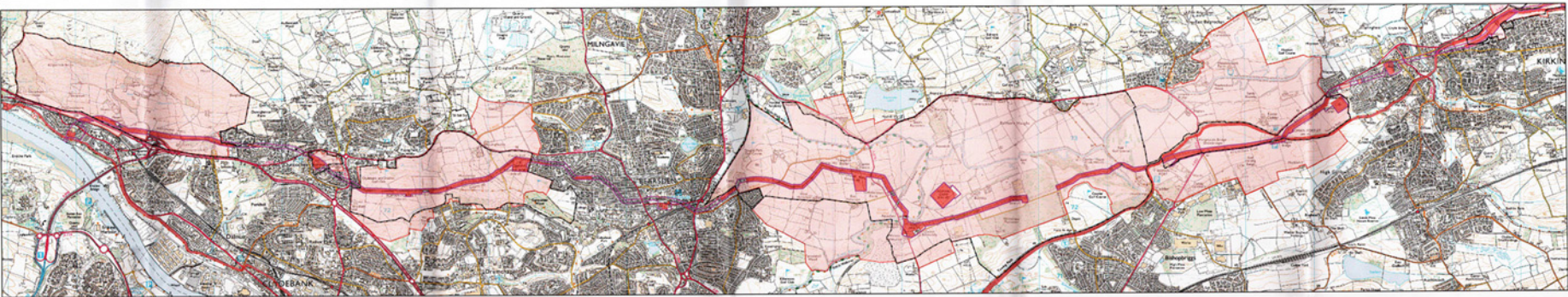


KEY

Owner	
	Scottish Ministers
	Local Authority
	WHS Site Boundary
	1973 Amenity Zones



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Antonine Wall Proposed World Heritage Site

SCALE 1:20,000








Royal Commission on the Ancient and Historical Monuments of Scotland



 East Dunbartonshire Council
  West Dunbartonshire Council
  Glasgow City Council
  Falkirk Council
  North Lanarkshire Council

KEY

- WHS Site Boundary
- WHS Buffer Zone
- Scheduled Monument
- 1973 Amenity Zones

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World Heritage List: ICOMOS Evaluation Missions 2008

UK 2007 Nomination – Frontiers of the Roman Empire: The Antonine Wall

ICOMOS Mission 3-6 September 2007

**Peter Marsden
Senior Policy Advisor, DCMS**

- Warm welcome on behalf of the UK Government to the United Kingdom and to The Antonine Wall.
- Unique site, stretching across Scotland from the River Clyde to the Firth of the Forth, is an important feature in Scotland's countryside.
- The UK Government is responsible for nominating sites to UNESCO for inclusion on the World Heritage List and for the overall policy on World Heritage in the UK.
- Government works with partners at international, national and local level on World Heritage issues – in the case of The Antonine Wall with the Scottish Government and German authorities.
- DCMS leads on World Heritage for the UK. Responsible for ensuring that UK, as State Party, fulfils its obligations under the World Heritage Convention
- Under an International concordat with Scotland, Scottish Ministers are responsible for identifying and putting forward for nomination individual Sites within Scotland, and for ensuring that Scottish sites meet the requirements of the Convention.
- The Convention has proved to be an effective and positive force in bringing together nations from all over the world to collectively safeguard sites of outstanding universal value.
- Since the UK signed up to the Convention in 1984, we have fully supported UNESCO and the World Heritage Committee in its implementation.
- The UK now has 27 World Heritage Sites [17 in England, 4 in Scotland [Old and New Towns of Edinburgh, Heart of Neolithic Orkney, New Lanark and St Kilda – all extremely important in their own right], 2 in Wales, 1 in Northern Ireland and 3 in our Overseas Territories].
- Diverse spread both geographically and in terms of type - ranging from archaeological sites, great houses, landscapes, urban centres and the

inaugural section the Frontiers of the Roman Empire trans-national World Heritage Site [Hadrian's Wall].

- UK Government takes seriously its responsibility for World Heritage and the conservation and protection of its existing and future World Heritage Sites.
- Protection for World Heritage Sites is enshrined in the UK planning systems within which policies adopted in local authority development plans have statutory backing and legal status. [Hear more about this later].
- We also require Management Plans, in accordance with UNESCO policy, to bring about consensus among all the stakeholders involved in the site and strike a proper balance between conservation, access, interests of the local community and sustainable economic use of the site.
- Now seeking to add another unique site to the World Heritage Site – as a further extension of the Frontiers of the Roman Empire World Heritage Site.
- In 2005 the UK Government welcomed the WH Committee's decision to inscribe the Upper German Roman Limes as an extension of Hadrian's Wall to create a new trans-national WH Site - Frontiers of the Roman Empire.
- Hope that many more countries will seek to add their own sections of the Roman frontier throughout Europe, North Africa and the Middle East over the coming years
- The nomination for The Antonine Wall has been developed for the UK by Historic Scotland working in close partnership with local authorities, Government Agencies and experts both in the UK and overseas.
- In particular, there has been close collaboration with the German authorities through a UK-German Inter Governmental Committee responsible for the management infrastructure of the 'Frontiers' World Heritage Site, the Deutsche Limeskommission on behalf of the four Länder through which the Roman frontiers pass [Baden-Württemberg, Bayern, Hessen and Rheinland Pfalz], and the pan-European scientific committee ('The Bratislava group').
- The management proposals for the Antonine Wall conform to the management principles established in the Summary nomination Statement for the Frontiers of the Roman Empire WHS which have been accepted by UNESCO.
- The nomination is a great achievement and a testimony to the spirit of national and international co-operation.

- Embodies the UK's commitment to supporting the World Heritage Committee's aim to widen the range and representation of sites on the World Heritage List in particular trans-national sites.
- The nomination has the Government's full support of the UK Government (as expressed by Tessa Jowell, then Secretary of State for Culture, in the Forward to the Nomination Document) and the German authorities.
- But - appreciate that to achieve inscription on the WH List, sites must satisfy the World Heritage Convention's very stringent criteria of outstanding universal value and the assessment must by necessity be thorough.
- We are keen to co-operate as fully as possible in this process and I know that the bid partnership will do their best to answer any specific questions or provide any information required during the evaluation.
- Should there be any issues requiring further information or clarification at the end of, or after the visit, we would be happy to follow these up with ICOMOS as soon as possible.
- Hope you have an interesting and enjoyable visit.

31 August 2007

ANTONINE WALL PROGRAMME FOR THE EVALUATION

Note: the programme only details the main sections to be visited. It is intended that the evaluator will be driven along the line of the Wall over the 4 days and briefed on all aspects en route as appropriate. Professor Visy will be accompanied each day by Professor Breeze, Dr Findlater and Ms Laura Bailie of Historic Scotland.

Sunday 2 September

20.20 Professor Visy arrives Edinburgh airport and take a taxi to the Apex Hotel in the Grassmarket (Booking reference: 1419169)

Monday 3 September Theme: introduction to the visit and to the Antonine Wall

09.00 Dr Findlater to collect Professor Visy from Apex Hotel

09.15 Assemble at Longmore House
In attendance Historic Scotland:
John Graham (Chief Executive)
Malcolm Cooper (Chief Archaeologist)
Peter Bromley (Head of Properties in Care)
Susan Williamson (Head of International Policy)
Laura Bailie (International Policy Team)
Isla Macleod (Press Office)
Bob Hislop (Architect for Antonine Wall)
George Findlater (Inspector of Ancient Monuments)
David Breeze
Antonine Wall Steering Group:
Ian Ludbrook (Planning Officer, Falkirk Council)
Lyndsay Noble (Planning Officer, North Lanarkshire Council),
Deirdre Craddock (Planning Officer, City of Glasgow)
Alistair Gemmell (Planning Officer, West Dunbartonshire)
Peter Stott (Falkirk Council Museums Service)
Supported by:
Rebecca Jones (RCAHMS)
Peter Marsden (Department for Culture, Media and Sport)

09.30-09.40 Welcome and introduction by John Graham

09.45-09.55 Opening remarks by Peter Marsden

10.00-10.25 Introduction to the Antonine Wall its present context and the proposed WHS by David Breeze

10.30-11.00 Coffee

11.00-11.10 Protection – overview of scheduling and National Planning Policy Guidelines by Malcolm Cooper

- 11.15-11.25 Management of the Site – Properties in care by Peter Bromley
- 11.30-11.55 Recording the Antonine Wall - identifying the Site by Dr Rebecca Jones
- 11.55-12.30 Discussion
- 12.30-13.30 Lunch at Longmore House (all those from morning session, Diana Murray RCAHMS)
- 13.30 Depart for Cumbernauld
- 14.30 Arrive Cumbernauld air field for flight at 15.00 along the Antonine Wall led by Professor Bill Hanson of Glasgow University and Dr Rebecca Jones of RCAHMS
- In case of rain, there will be a presentation on recording the Antonine Wall at RCAHMS
- 17.00 Return to Edinburgh
- 19.30 Dinner at Scotch Whisky Centre, Queen Street hosted by John Graham for Professor Visy and representatives of the state party

Tuesday 4 September Theme: the protection of the Wall and its survival in Falkirk

- 09.00 Dr Findlater to collect Professor Visy from Apex Hotel
- 09.45-10.45 Rough Castle (in the care of Historic Scotland)
- 10.45 Meet at the north-east corner of the site:
Douglas Worrall of Central Scotland Forest Trust (owners of Tentfield Planatation)
Angus Duncan manager of the Falkirk access rangers together with two of the rangers, Leslie Sweeney and Fiona Wishart
Richard Millar and Simon Hickman of British Waterways Board
Geoff Bailey, Falkirk Council archaeologist
Ian Ludbrook and Peter Stott (Steering Group / Falkirk Council)
Walk to Falkirk Wheel
- 11.00-12.00 Falkirk Wheel: coffee; inspect interpretation of the Antonine Wall; presentation on the interpretation plans by British Waterways Board
- 12.05-12.30 Watling Lodge (in the care of Historic Scotland)
In attendance: R. Hislop (Historic Scotland architect for the Antonine Wall); Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk Council)
- 12.45 Arrive Callendar House (Falkirk Council)

Welcome by Sue Selwyn, Head of Culture and Lifelong Learning, Falkirk Council.

Lunch (Steering Group, Geoff Bailey, Nikki Goldsworthy Education Officer in Falkirk Council)

Visit the small display of Roman material in Callendar House museum prepared for school parties and the section of ditch in the grounds of Callendar House.

- 14.00 Callendar House
In attendance: the Steering Group, Alistair Macdonald (City of Glasgow Council), Geoff Bailey (Falkirk Council):
Presentations on the protection of the proposed WHS and its buffer zone through scheduling and planning policies:
- Protection through scheduling by George Findlater
 - Protection of the Site in urban areas by Ian Ludbrook
 - The local authority archaeology service by Carol Swanson
 - Protection of the buffer zones by Lyndsay Noble
 - A case-study: Duntocher Primary School by Alistair Gemmell
- 15.30 Depart for Kinneil
- 15.45-16.00 Kinneil House estate, including fortlet (Falkirk Council).
In attendance: Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk)

- 16.10-16.20 Bridgeness, Bo'ness: visit the site of the proposed display board and meet Bob Willox.
In attendance: Ian Ludbrook, Peter Stott and Geoff Bailey
- 16.20 Depart for Edinburgh
- 17.00 Arrive Apex Hotel
- 18.15 Dr Breeze to conduct Professor Visy from Apex Hotel to Edinburgh Castle
- 18.30 Ministerial reception at Edinburgh Castle
- 20.00 Dinner at the Oloroso Restaurant, 33 Castle Street, for Professor Visy, the Steering Group and Rebecca Jones

Wednesday 5 September Theme: the linearity of the Wall, conservation and its wider protection through the buffer zone

- 09.00 Dr Findlater to collect Professor Visy from Apex Hotel
- 10.00-10.15 Seabegs Wood (in the care of Historic Scotland)
In attendance: Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk)
- 10.20-10.35 Castlecary fort (in the care of Historic Scotland)
In attendance: Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk)
- 10.40-11.00 Coffee at Castlecary Hotel
In attendance: Ian Ludbrook, Peter Stott, Geoff Bailey (Falkirk), Lyndsay Noble (North Lanarkshire Council)
- 11.00-12.30 Walk from Castlecary to Dullatur (part in the care of Historic Scotland; Garnhall sector in the ownership of North Lanarkshire Council)
In attendance: Lyndsay Noble (North Lanarkshire)
- 13.00 Auld Kirk Museum, Kirkintilloch (East Dunbartonshire)
In attendance: Gordon Smith, Elizabeth Brown and Peter McCormack (East Dunbartonshire Museums Service)
Richard Callendar (Planning Officer, East Dunbartonshire)
Lyndsay Noble Planning Officer, North Lanarkshire Council)
Adrian Cox (Historic Scotland)
Malcolm Crosby (Forestry Commission)

Welcome by Gordon Smith, Head of Community Services, East Dunbartonshire Council

Lunch in the Barony Chambers

- 13.30 Presentation on the museum and education activities by Peter McCormack
- 14.00 Presentation on conservation along the Antonine Wall by David Breeze
- 15.00 -17.00 Walk over Croy Hill and Bar Hill (Part in the care of Historic Scotland)
In attendance: Richard Callendar, Lyndsay Noble, Malcolm Crosby
- 18.00 Return to Edinburgh
- 19.30 Dr Breeze to collect Professor Visy from Apex Hotel for dinner at the invitation of Rebecca Jones (Flat 2.1 Lochinvar Drive, Edinburgh EH5 1GJ. Tel: 0131 551 4400)

Thursday 6 September Theme: the west end of the Wall, its survival in urban areas and wider access issues, including community involvement

- 09.00 Dr Findlater collects Professor Visy from Apex Hotel
- 10.30-11.00 Arrive Bearsden: coffee at Tickled Trout, Dobbies Garden Centre
In attendance: Richard Callendar (Planning Officer, East Dunbartonshire Council)
- 11.15-11.40 New Kilpatrick Cemetery, Wall base (owned by East Dunbartonshire Council)
- 12.00-12.30 Bearsden: bath-house and latrine (in the care of Historic Scotland)
- 12.30-13.30 Lunch in Bearsden at La Bavarde Restaurant, New Kirk Road
- 13.45-14.30 Golden Hill, Duntocher
In attendance: Alistair Gemmell (Planning Officer, West Dunbartonshire Council)
- 15.00 Arrival at Hunterian Museum, University of Glasgow
In attendance: Ewen Smith and Jim Devine (Hunterian Museum)
Deirdre Craddock, Gillian Dick and Alistair Macdonald (Glasgow Council)
Sue Mitchell (Education Officer, Historic Scotland)
Adrian Cox (Historic Scotland, Properties in Care)
Professor Bill Hanson (University of Glasgow)
Professor Lawrence Keppie (Hunterian Museum)
Peter McCormack (Auld Kirk Museum, Kirkintilloch)
Members of the Steering Group
- Welcome by Ewen Smith
- 15.10 Inspect the distance slabs
- 15.25 The Hunterian Museum's display, IT programme and future plans by Jim Devine
- 15.50 Access issues on the Antonine Wall by Peter Stott
- 16.20-16.30 Discussion
- 16.45-17.45 Final session with Historic Scotland (Susan Williamson, Laura Bailie, Isla Macleod, David Breeze and George Findlater) and Peter Marsden (DCMS)
- 18.00-19.30 Reception in the Hunterian Museum

THE PROTECTION OF THE ANTONINE WALL

The Antonine Wall nomination document details the UK legislation which protects the proposed World Heritage Site and its buffer zone. What is equally important is the history of the way in which this legislation has been implemented for this offers an indication of how threats to the Antonine Wall will be dealt with in the future.

1957 was an important year for the Antonine Wall. Following the Second World War, new towns were created in Britain. One was to be placed at Cumbernauld, a few km south of the Antonine Wall. The first factories were placed to the north of the new town, close to the Roman frontier. The planners sought amenity space for their factories and, as a result, the factories were placed at the back of their plots, immediately adjacent to the Military Way behind the Antonine Wall. The then inspector of ancient monuments in charge of the Wall, Iain Macivor, realised that he could do nothing to prevent this development because there were no strong policies in place to protect the amenity of the Wall. However, he set out to create the framework within which no further inimical developments could cause similar damage.

Iain Macivor sought to use the Ancient Monuments Act 1931 to designate amenity areas around the Antonine Wall. When the then Scottish Development Department would not agree to this way forward, he discussed the protection of what we would now call buffer zones with the local authorities along the Antonine Wall. As a result these amenity area/buffer zones were incorporated into structure and local plans and became enshrined with the Green Belt and Countryside policies.

At the same time, the specific protection to the monument through the Ancient Monuments Act 1931 was reviewed and many more areas were taken into state care and/or scheduled. Scheduling was reviewed in the 1970s and again in the 1990s to ensure that the monument is properly protected.

Firmer measures were undertaken to protect the Antonine Wall. In 1963, a proposal to build over the Wall at Hillhead east of Kirkintilloch was opposed and, at a Public Inquiry, permission to construct houses over the Wall line was refused. Since the 1960s, no new houses have been built over the monument, except where permission had already been granted. Within 2 schemes at that time, for example to the east of Bearsden, the line of the Wall was left as a strip of public open space within a housing estate, even though nothing of the monument was visible.

With the monument itself secured, further attention was paid to the buffer zone. In the early 1970s, at the height of the oil boom, a proposal, supported by the local authority, to build a pipe construction factory in open countryside to the east of the fort at Auchendavy and south of the Wall, was opposed to a Public Inquiry at which the views of the Inspectorate of Ancient Monuments prevailed. Shortly afterwards, another Public Inquiry effectively determined a limit to the western extension of the town of Duntocher situated towards the west end of the Wall, with refusal given to the construction of a third of a private housing estate.

The "case law" accrued through these Public Inquiries, fought at the highest legal level in Scotland, have helped ensure the protection of the remainder of the Antonine Wall and its buffer zone. The progressive erosion of the Antonine Wall over the previous 100 years and more has been halted: modern life may require the construction of a new road, but not even such a development has taken place for 30 years. In addition, the buffer zone has been protected from attrition. Now, the protection of the Antonine Wall and its buffer zone is enshrined in all central and local government legislation.

ANTONINE WALL EVALUATION VISIT

PROTECTION AND HANDLING OF CASEWORK

Additional information for Professor Visy

1. Statutory protection

1.1 The Antonine Wall and its buffer zone is protected through two main strands of legislation:

- Ancient Monuments and Archaeological Areas Act 1979
- Town and Country Planning (Scotland) Act 1997 (in process of being replaced by the Planning etc (Scotland) Act 2006)

1.2 In addition there are a range of other legislative requirements relating to Strategic Environmental Assessment and Environment Impact Assessment which may provide additional protection for the Wall.

2. Ancient Monuments and Archaeological Areas Act 1979

2.1 This is specific heritage legislation, seeking to identify and to protect nationally important archaeological sites and monuments.

2.2 In summary, this legislation allows the Scottish Government to designate nationally important archaeological sites as 'scheduled ancient monuments'. Once so designated, it becomes an offence to undertake works to the monument without the written consent of Historic Scotland (acting on behalf of the Scottish Government). At present about 40kms of the Antonine Wall (about two thirds of the monument) is protected by scheduling in 84 separate designated areas. Historic Scotland is at present reviewing the number and boundaries of the scheduled sites on the wall and in the buffer zone.

2.3 The 1979 Act also allows the Scottish Government (and local authorities) to take nationally important monuments into guardianship or ownership. Once in guardianship or ownership, any proposed works are subject to an equivalent process of consent to that of third parties.

2.4 Once scheduled, monuments in third party ownership will be visited by Historic Scotland monument wardens on a periodic basis and can benefit from grant-aid for repairs or for management agreements. Sites in the guardianship or ownership of the Scottish Government will benefit from more general survey, repair and access initiatives led by Historic Scotland's Properties in Care Group.

2.5 All applications for scheduled monument consent are determined by Historic Scotland on behalf of the Scottish Government. About 250 applications for consent are received for scheduled ancient monuments in Scotland annually. Historic Scotland's Inspectorate deals with all applications for scheduled monument consent on behalf of the Agency.

2.6 In reaching a view on scheduled monument consent applications, Historic Scotland will follow Scottish Minister's policy and best practice in relation to ancient monuments and world heritage sites. Scottish Ministers are in the process of published a series of Scottish Historic Environment Policy (SHEPs) documents which set out their policies. SHEP 1, *Scotland's Historic Environment* and SHEP 2, *Scheduling: Protecting Scotland's Nationally Important Monuments* are already published. It is intended that the SHEP on *Scheduled Monument Consent* be published in 2007/08 and a SHEP on *World Heritage Sites* in 2008/09.

2.7 All development directly affecting scheduled parts of the monument will therefore be subject to a consents process administered by Historic Scotland. If Historic Scotland is minded to refuse consent, it remains open to the applicant to request that the application be heard by an independent Reporter appointed by Scottish Ministers. The result of this hearing or local inquiry with recommendations will be reported to Scottish Ministers who will take the final decision.

3. Town and Country Planning (Scotland) Act 1997 (in process of being replaced by the Planning etc (Scotland) Act 2006

3.1 This legislation related to land-use planning. Scotland is in process of adopting the provisions of the 2006 Act which replaces the 1997 Act. The Act defines a range of development and other activities as works for which planning consent must be granted prior to commencement.

3.2 The Planning Acts are administered by local planning authorities. The Act encourages the adoption of development plans which set out policies to be followed by the local authority when considering planning applications and to identify areas for possible development. The 4 local authorities for the Antonine Wall are in the process of identifying appropriate planning policies for the protection and management of the Antonine Wall as part of their wider planning duties.

3.3 While planning authorities are obliged to consider a range of factors when reaching decisions on individual applications, the historic environment will be a material consideration in reaching a view. Planning authorities will take into account their own historic environment policies and also wider planning guidance, for example that set out in National Planning Policy Guideline 5 *Archaeology and Planning* (NPPG 5) and National Planning Policy Guideline 18 *Planning and the Historic Environment* (NPPG 18).

3.4 Where a planning proposal directly affects part of the Wall scheduled as an ancient monument, then both planning consent and scheduled monument consent must be sought. If planning consent is granted but scheduled monument consent is not, the proposals cannot be implemented.

3.5 Where a planning proposal affects the setting of a scheduled part of the Wall (eg. buffer zone), the planning authority is obliged to consult with Historic Scotland before reaching a decision. If Historic Scotland objects to the proposals but the planning authority is minded to grant consent, the planning authority must indicate this to the Scottish Government's planners who in turn will consult with Historic Scotland and ask them if they maintain their objection. If Historic Scotland maintain their objection, the Scottish Government's planners can call the

case in for their own decision via a public local inquiry heard by an independent Reporter. As with 2.7 above, the Reporter send the report of the inquiry with recommendations to Scottish Ministers who take the final decision.

3.6 Where a planning proposal directly affects an unscheduled part of the Wall or the setting of an unscheduled part of the Wall the planning authority will need to determine whether the proposals are appropriate (as in 3.3 above). Although they are not required to consult with Historic Scotland, in practice they are likely to do so where significant proposals have been received, thereby allowing Historic Scotland to set out its views about the suitability or otherwise of the proposals. Where proposals are controversial it remains open for Scottish Ministers to call the case in for their own determination via a public local inquiry (see, 3.5 above).

3.7 Historic Scotland is currently considering how it might further build capacity and expertise within the four local planning authorities along the Wall and to further clarify and define respective roles for the control of development on the Wall and within the buffer zone.

4. Other issues

4.1 A range of major capital projects such as road-schemes, windfarms, power-stations and related schemes will be subject to Strategic Environmental Assessment and/or Environmental Impact Assessment. Scottish Ministers (including Historic Scotland) are given the opportunity to comment on these in terms of both the methodology of assessment and the recommendations and to raise objections where appropriate. Where significant and adverse major capital programmes affecting the Antonine Wall are brought forward, again it remains open to Scottish Ministers to have the case heard at Public Local Inquiry with Ministers taking the final decision.

4.2 Where major capital projects are being planning or funded through the Scottish Executive, internal liaison procedures within the Executive should allow Historic Scotland to identify issues for the Antonine Wall and to feed these in at a strategic level during the project evaluation stages.

Malcolm Cooper
Chief Inspector

3 September 2007

Recording the Antonine Wall: Identifying the Site

Rebecca Jones



www.rcahms.gov.uk

- The presentation will look at the following areas in the preparation of the Nomination Maps: our existing knowledge base for the recording and identification of the Wall, supplementary field survey undertaken to support the preparation of the Nomination Maps, on-going programmes of research, and how all this information is integrated to inform our knowledge of the location of the Wall.
- Background: First detailed recording of the Wall in 1755 by William Roy (published in 1793). First systematic recording of the Wall as part of the mapping undertaken by the Ordnance Survey (1st edition maps) in the mid 19th century.
- Much of the key work in locating the Wall and its features was undertaken in the late 19th and early 20th centuries by the Glasgow Archaeological Society and the Society of Antiquaries of Scotland. Sir George Macdonald was a key figure in locating and interpreting the Wall as his two magisterial volumes on *The Roman Wall in Scotland* (1911, 1934) demonstrate. His work informed the first folio of maps of the Antonine Wall, produced by the Ordnance Survey.
- In the 1950s, the Ordnance Survey produced a further folio of maps of the Antonine Wall, incorporating photographs of specific stretches of the Wall. These are a valuable source of reference for the recent history of the Wall.
- In 1980, the Archaeology Branch of the Ordnance Survey produced an invaluable detailed survey of the Wall. The folio contains 122 maps at scales of 1:2,500 and 1:1,250 and two accompanying folders of notes. The archaeology from these maps has been digitised and was used as the basis for the work on the Nomination Maps.
- To supplement this digital information, a short programme of field survey was undertaken in Summer 2006, using a Differential Global Positioning System, to update key areas of the Wall. Areas targeted included where the Wall was visible as a subtle earthwork but was not depicted as such by the Ordnance Survey, who had a strict criteria of 0.3m for the depiction of topographic features.
- This newly gathered information was integrated with the other information available for the Wall. RCAHMS holds the National Collection of material on the Historic Environment and curates a large archive of material including 19th and 20th century excavation plans and photographs of the Wall.

- RCAHMS is also actively engaged in programmes of Survey, including aerial survey which has been operating since 1976. Over 20 temporary camps, most of which are associated with the construction of the Wall, have been recorded from the air since survey began in Scotland (originally by Cambridge University) in the 1940s. Aerial survey has recorded elements of the Wall and its associated features as cropmarks and is also a useful mechanism for recording subtle earthworks in low lighting conditions. It has also recorded changes in presentation of monuments, for example, the fortlet at Golden Hill, Duntocher, was exposed by the Council as an archaeological feature in 1978 but is now marked through differential grass cutting.
- RCAHMS continues to undertake recording work on the Wall, and took a series of photographs of the bathhouse at Bearsden in June 2007 from a 'hi-spy' camera mounted on a high pole above a Land Rover.
- RCAHMS have also been actively collecting and archiving the results from external programmes of survey along the Wall, such as the campaign of geophysics undertaken by Glasgow University and GSB Prospection. These have been integrated with other sources of information utilising the Geographic Information System (GIS).
- Case Study: Balmuildy Roman Fort

All sources of evidence were amalgamated as layers in the GIS. This included

 - Ordnance Survey mapping of the archaeology
 - Raster aerial photographs, geo-referenced
 - Aerial photographic transcription
 - Scanned and geo-referenced excavation plans, such as S N Miller's excavation plans of 1912-14 (published in 1922 - *The Roman fort at Balmuildy (Summerston, near Glasgow) on the Antonine Wall*)

This information was used to create digital polygons defining the extent of the known archaeology. This was integrated with the Scheduled Ancient Monument areas and was used to create the World Heritage Site area.

 - N.B. As stated in Volume II of the Nomination document, the World Heritage Site was defined in the following way:
 Along the line of Wall the southern boundary of the proposed World Heritage Site has been placed 5m to the south of the rampart and then projected 50m to the north of this line creating a 50m corridor... This corridor is widened where necessary...
 Where the Wall and its associated structures such as forts and camps are protected through scheduling, the proposed World Heritage Site line has been placed around the perimeter of the scheduled area, except where the scheduling refers to a monument of a different period.
- The Nomination Maps also include depictions of the areas protected by the Buffer Zones.

ROUGH CASTLE

Rough Castle is one of the best places to see the whole range of elements forming the Antonine Wall: the rampart itself (standing nearly 2 m high in one place), the ditch, upcast mound, Military Way, quarry pits, fort and annexe, *lillia* and “expansion”. The core of this section has been in state care for 50 years (it remains in the ownership of the National Trust for Scotland but is managed and maintained by Historic Scotland); part of the site is in the care of Historic Scotland from the adjacent land-owner. There have been attempts to extend the land holding but, so far, without success.

Apart from the outstanding survival of the site also illustrates several of the issues of the Antonine Wall.

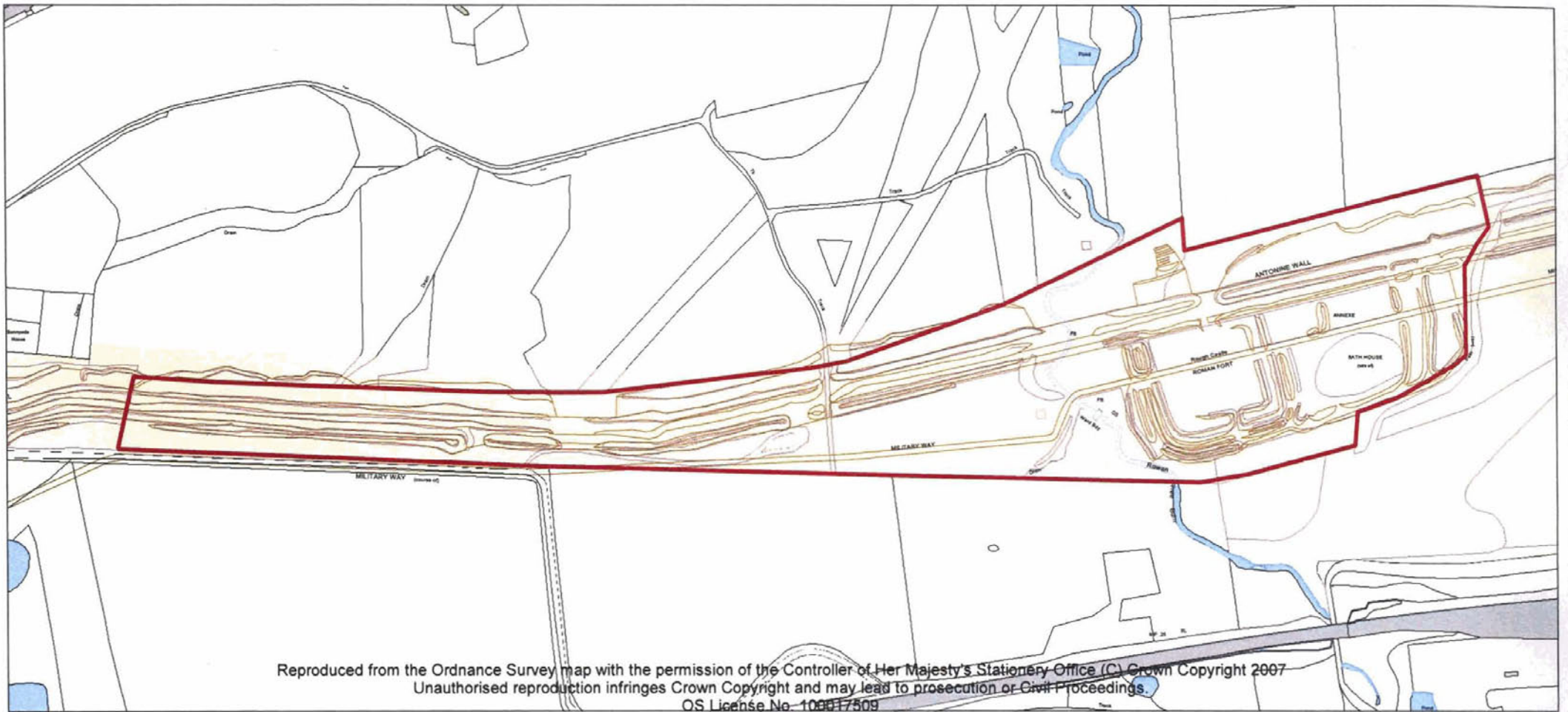
- The site has suffered from the attention of quad bikers in recent years who see the ramparts and ditches as a challenge. In order to prevent such damage, all vehicles have been excluded from the site. A more compact car park at the main entrance. There is currently no coach parking at the site
- Access for vehicles is difficult, being along a long track. A new path network, leading visitors to the site from the Falkirk Wheel, where there is ample car parking, is being developed: we will visit the Falkirk Wheel next to discuss these developments
- Although the archaeological remains are in state care, the boundaries of the site are tight into the archaeological remains. Space for a larger car park is not available within the current holding. Further consideration of this aspect will fall within the framework of the access strategy which is being developed
- There is a strict grass cutting and vegetation control regime
- Several interpretation panels have been erected, but there is scope for a more extensive scheme.
- There is also the potential for interpretation of the Wall at the Falkirk Wheel
- Falkirk Council rangers offer guided walks for visitors and we will meet these.

At the site we will meet:

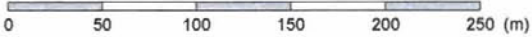
- Richard Millar and Simon Hickman of British Waterways
- Douglas Worrall of Central Scotland Forest Trust
- Ian Ludbrook, Peter Stott, Geoff Bailey of Falkirk Council
- Angus Duncan manager of the Falkirk access rangers

We will walk through the woodland to the Falkirk Wheel. Here the issues for discussion are:

- Joint interpretation of the Wall and the canals both at the Wheel and at Croy Hill/Bar Hill
- The development of a path network from the Wheel to the Antonine Wall.
- Falkirk Council rangers offer guided walks for visitors and we will meet these.



Local Authority Falkirk Council



THE ANTONINE WALL

Rough Castle



- KEY**
- Guardianship Boundary
 - Scheduled Monuments

WATLING LODGE

In attendance: R. Hislop (HS), Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk Council)

This section has been in state care for 50 years. The western stretch of ditch is in the care of HS. The eastern stretch of ditch is owned by the National Trust for Scotland but wholly managed and maintained by HS; the rampart area is owned by HS. The section between the west and east areas, where the fortlet is situated, is owned by Falkirk Council.

- This is the best surviving length of ditch on the entire Wall being close to its original size
- The upcast mound is interesting in having a sharp profile owing to the fall of ground to the north
- There is a fine stand of trees on the berm: steps have been taken to replace these as they mature and die
- The rhododendrons on the upcast mound regularly require thinning
- Cars have to park on the adjacent public road.



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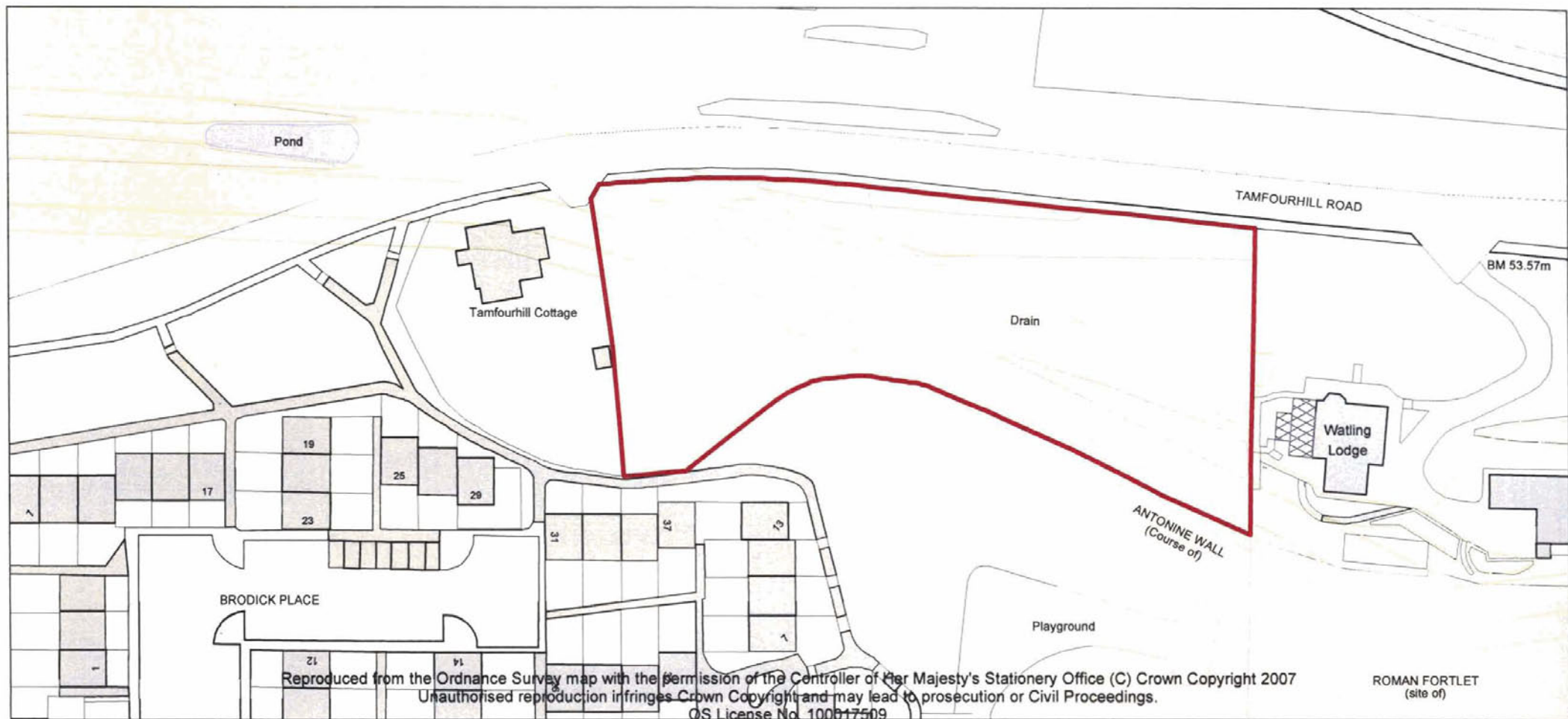
Local Authority: Falkirk Council

THE ANTONINE WALL

Watling Lodge



- KEY**
- Scheduled Monuments
 - Guardianship Boundary



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Local Authority: Falkirk Council

0 10 20 30 40 50 Scale 1:1000(m)



THE ANTONINE WALL

Watling Lodge West

- KEY
- Guardianship Boundary
 - Scheduled Monuments



CALENDAR PARK, FALKIRK

Callendar House is the main museum of Falkirk Council. It was built by a member of the family of Forbes of Callendar in the French style in honour of his wife, a French lady.

Welcome by Sue Selwyn, Head of Culture and Lifelong Learning, Falkirk Council.

Lunch: Steering Group, Geoff Bailey (Council archaeologist), Nikki Goldsworthy (head of Education in Falkirk Council)

There is a small display of Roman material in Callendar House museum prepared for school parties which we will visit.

The existence of the house and its grounds ('policies' in Scots) resulted in the survival of the Antonine Wall ditch, cut through at one point to create a vista from the front of the house.

After lunch, presentations on the protection of the proposed WHS and its buffer zone through scheduling and planning policies:

- Protection through scheduling by George Findlater
- Protection of the Site in urban areas by Ian Ludbrook
- The local authority archaeology service by Carol Swanson
- Protection of the buffer zones by Lyndsay Noble
- A case-study: Duntocher Primary School by Alistair Gemmell

World Heritage List: ICOMOS Evaluation Missions 2008

UK 2007 nomination – Frontiers of the Roman Empire (Antonine Wall)

ICOMOS Evaluation Visit 3-6 September 2007

George Findlater
Inspector of Ancient Monuments, Historic Scotland

Overview

This presentation will demonstrate that the Antonine Wall is effectively protected through scheduling in rural areas. This can be shown through the work of Historic Scotland officials in six key areas: the designation programme for the monument; the control of works to the scheduled sections of the monument; the protection of scheduled monuments in the planning system; the relationship of scheduled monuments and current land management regimes; and finally proactive working relationships with owners and land managers of the scheduled sections of the Wall.

Antonine Wall scheduling programme

Stress the importance of scheduling as the basis for effective protection of the Antonine Wall. HS officials take considerable time and research to ensuring that the designation of an archaeological site as a monument of national importance is clear, justifiable and practical.

The requirement for scheduling is laid out in Section 1 of the Ancient Monuments and Archaeological Areas Act 1979 where Scottish Ministers are required to maintain a “schedule” or list of sites of national importance.

Once a site is scheduled a legal scheduling document is produced which is then lodged in the Register of Sasines or the Land Register. This ensures that whenever a land transfer takes place the new owners are aware, when receiving their property deeds, that scheduled monument lies on their land.

The first section of the Antonine Wall was scheduled over eighty years ago. Since that time, during three major scheduling programmes, in the 1950s, 1970s and the 1990s, over 2/3 of the site has been designated, where it is considered that scheduling acts as the best protection for the Wall.

The criteria for determining sites of national importance is now laid out in a recently produced document entitled Scottish Historic Environment Policy (SHEP) 2 Scheduling. SHEP is a series of statements representing current Scottish Ministers policy on all aspects of the historic environment.

There is currently an ongoing programme to review the entire scheduling of the Antonine Wall based on the newly laid out policy in SHEP 2 with a view to revising existing designations to bring them up to current standards or to designate new areas based on new archaeological research undertaken since the last major programme in 1990s.

HS officials take a great deal of time to explain the scheduling process with land owners and managers. We see it as a crucial stage in the designation process that owners understand the implications of a scheduled monument on their land and the future management of such a site.

Control of works to scheduled monuments.

Under Section 2 of Ancient Monuments and Archaeological Areas Act 1979, there exists a strict control of works to scheduled monuments which is administered by HS acting on behalf of Scottish Ministers. Under this Act any works which affect a scheduled monument requires the prior written consent of Scottish Ministers, known as scheduled monument consent (SMC).

All SMC applications for the Antonine Wall are handled by a Inspector with specialist training in Roman archaeology. SMCs are checked by a senior inspector before issue. Where a consent is issued it usually with conditions as is usual in planning applications. These conditions also contain a short justification for the imposition of that condition.

While most works to scheduled monuments require SMC, there are some works that do not require prior consent. These are termed Class Consents and given such consents under the Ancient Monuments (Class Consents) (Scotland) Order 1996. These consents are quite specific and do not necessarily lead to any damage to the monument.

It is important at this stage to emphasise the relationship to consent given under the planning system which is given by our colleagues in the local authorities and the consent issued by HS. They constitute separate consent regimes and one consent can be issued without prejudice to the other.

In addition to physical works affecting scheduled monuments, the use of metal detecting on scheduled monuments is prohibited unless with the prior written consent of Scottish Ministers.

If anyone damages a scheduled monument or carries out work without an SMC or does not adhere to the conditions of a SMC, this constitutes a breach of the 1979 Act. If there is a case for prosecution, HS will report to the Procurator Fiscal who decides to take the case forward for prosecution. This has not yet arisen to date on the Antonine Wall.

With such a strict control of works to scheduled monuments and the legal implications by failing to observe them, we have always encouraged owner and land managers to engage in early discussions with HS if works are required in and about the site of scheduled monuments.

Scheduled monuments and development control

The main primary legislation for spatial planning in Scotland is the Town and Country Planning (Scotland) Act 1997. My colleagues from the local authorities in later papers will talk in more detail about the implementation of this Act. This section

will focus on the precise relationship of scheduled monuments within the planning system.

Under NPPG 5, Archaeology and Planning, the site and setting of a scheduled monument is a material consideration in planning applications and must ensure it is not adversely affected. At this point I should note that the setting of a scheduled monument is secured within the planning systems. The designation of a scheduled monument seeks to preserve the site of a scheduled monument. HS is a statutory consultee in this process and all local authorities are guided by their own archaeological advisors in determining whether the site and setting of a scheduled monument is adversely affected.

Planning decisions on archaeological sites are guided by Scottish Government policy which is contained in three main documents: National Planning Policy Guidance (NPPG) 5 – Archaeology and Planning; NPPG 18 – Planning and Historic Environment; and finally Planning Advice Note (PAN) 42 – Archaeology.

We have always sought in this process to establish strong relationships with our colleagues in the Local Authorities, and most especially within their archaeological services, to better understand our respective positions and to seek a unified approach to the protection of the Antonine Wall in the planning system.

As with the SMC process, we always encourage developer to seek HS and the LAs views early on when considering development proposals near scheduled monuments. Early engagement with developers is vital to ensure that change in the historic environment can be managed and the implications of development fully understood and mitigated.

Vital to this engagement with developers is the provision of historic environment information to guide effective planning and decision making for both regulators and developers. Central to this information provision is the map-based web interface (www.pastmap.org.uk) which is jointly produced by our colleagues in the Royal Commission of Ancient and Historic Monuments of Scotland (RCAHMS) and Historic Scotland. The site lists all nationally designated monuments and other archaeological sites held by National Monuments Record of Scotland. The site is also starting to list the local sites recorded in the Sites and Monuments Records maintained by Local Authorities.

Scheduled monuments and land management regimes

As 2/3 of the Antonine Wall lies within rural areas of which the majority is given over to some form of agricultural activity, the relationship of land management regimes and scheduled monuments is crucial to the future protection of the monument.

Most forms of agricultural activity within Scotland are covered by the Common Agricultural Policy (CAP) Reform of 2003. This broad EU policy set out agriculture policy for immediate future in Scotland.

Within this policy farmers are allocated, under the Single Farm Payment System within Scotland's Rural Development Programme, a set amount of monies if they have scheduled monuments on their land.

However, farmers and other land managers are encouraged to undertake proactive land management schemes if they are considered beneficial to the long term preservation of the monument. These schemes are now termed Rural Development Contracts.

However, while these schemes are geared to land owners and their managers, there is another area of European Commission funding that is geared towards local communities who also have vested interest in the protection of the Antonine Wall LEADER is a mainstream part of the Scotland Rural Development Programme 2007-2013. In the words of the Scottish Government, "it is a bottom up form of local governance aimed at empowering communities to develop their own area using innovative approaches and cooperation". Currently East Dunbartonshire and North Lanarkshire have begun a LEADER programme, of which HS is a member, and especially targeting the proposed AWWHS as one of its key aims.

The Management Plan of the proposed Frontiers of the Roman Empire (Antonine Wall) will also form a key part in the future strategies towards the rural protection of the Wall. The Management Plan has as its specific action points to formulate a broad landscape and woodland strategy which will guide and help regulators, land managers, owners and local communities in understanding and planning for the future sustainable protection of the monument.

Working with owners and land managers

Every three to five years our Monument Wardens carry out condition surveys of all scheduled monuments. Specifically, the survey of the Antonine Wall has recently been completed. They also meet up with owners to discuss the condition of the site. Area Inspectors can also carry out targeted visits to discuss specific points which may require consent. These frequent visits form a strong base for the protection of the site.

There are opportunities for owners and land managers to access monies towards the proactive management of their sites. These can be done under two forms through the provision of the 1979 Act towards a one off grant or through a Management Agreement which is run over a set period of time. During their visits of sites, Monument Wardens will discuss with landowners their suitability for such schemes and, if they think there is suitable land management issue, will refer the owner/land manager to the area Inspector for consideration of the grant.

It is essential that owners and land managers have access to information about scheduled monuments, their protection and the legal implications, and the opportunities for proactive land management. We have produced a range of booklets to help with these various issues and all this advice is on our website www.historic-scotland.gov.uk. The archaeological information underpinning scheduled monuments can be found on the website of our colleagues at the RCAHMS www.rcahms.gov.uk

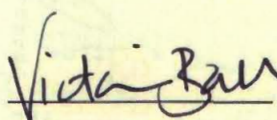
We encourage every owner to undertake some form of conservation planning. We have produced a short booklet to guide owners in this exercise and regularly meet with owners/land managers to discuss the most effective way to take these plans forward.


Summary

Through the work of Historic Scotland officials in 6 key areas: the designation programme for the monument; the control of works to scheduled section of the monument; the protection of scheduled monuments in the planning system; scheduled monuments and the land management regimes; and finally proactive working relationships with owners and land managers of the scheduled sections of the Wall, we believe that we have a robust heritage and planning legislation framework, a solid land management framework, and have long experience in forging solid working relationships with LAs, owners, land managers and local communities. We are therefore confident that Antonine Wall is effectively protected through scheduling in rural areas.

The monument known as Antonine Wall, Callendar Park, Falkirk, comprises a section of the Antonine Wall which runs through Callendar Park in Falkirk, from Kemper Avenue in the west, to the railway line by the A803 Mary Street roundabout in the east. The area to be scheduled is in four parts: the first runs from the southernmost end of the car park in Kemper Avenue to the western edge of Estate Avenue. The second runs from the eastern edge of Estate Avenue to the north of the tower blocks on Seaton Place to the western edge of the original northern approach avenue to Callendar House. The third part runs eastwards from the eastern side of the avenue and immediately to the north of Callendar Business Park, ending at the access road for the Business Park. The fourth part runs from the eastern side of the access road, slightly north of east, ending at the railway line. The scheduled area is designed to protect an area at least 25m north of the north lip of the ditch, and 20m south of the southern edge of the rampart, except where modern development has removed archaeological deposits (such as the Business Park). The scheduled area is extended 40m to the south of the rampart at the western end of this section, at the Kemper Avenue car park, to protect the area where the building with the hypocaust was found. A modern path cuts across the line of the Wall from Seaton Place to Callendar Road; the top 50cm of the path including the paved surface is excluded from the scheduling to allow routine maintenance to take place without the requirement for written consent. The monument, which lies in the Parish of Falkirk and the County of Stirling as shown outlined in red on the Plan annexed and executed as relative hereto and which forms part of the subjects described in the (1) Disposition by William Forbes in favour of Edinburgh and Glasgow Railway Company dated 8 July 1857 and recorded in the Division of the General Register of Sasines for the County of Stirling on 31 July 1857 (the present part owners whereof being Network Rail, 3rd Floor, Arena Point, 1 Hunts Bank, Manchester); (2) Feu Disposition by William Dudley Henry Charles Forbes of Callendar in favour of Provost Magistrates and Councillors of Burgh of Falkirk dated 14 March 1967 and recorded in the Division of the General Register of Sasines for the County of Stirling on 14 July 1967; (3) Disposition by Lowbrook Investments Limited in favour of Central Regional Council dated 26 November 1992 and recorded in the General Register of Sasines for the County of Stirling on 28 January 1993; (4) Feu Disposition by William Dudley Henry Charles Forbes of Callendar in favour of Governors of Callendar Park College of Education dated 14 March 1967 and recorded in the General Register of Sasines for the County of Stirling on 3 April 1967; (5) Disposition by Executors of Joseph Hunter Davidson Crawford in favour of the Provost Magistrates and Councillors of the Burgh of Falkirk dated 29 December 1967 and recorded in the General Register of Sasines for the County of Stirling on 16 January 1968 (the present part owners whereof being Falkirk Council, Municipal Buildings, Falkirk); and (6) registered in the Land Register of Scotland under Title No STG27035 (the present part owners whereof being Manor Forrest Limited, Atrium House, Callendar Business Park, Falkirk), is hereby included in the Schedule of Monuments appearing to the Scottish Ministers to be of national importance compiled and maintained by them under section 1(1) of the Ancient Monuments and Archaeological Areas Act 1979.

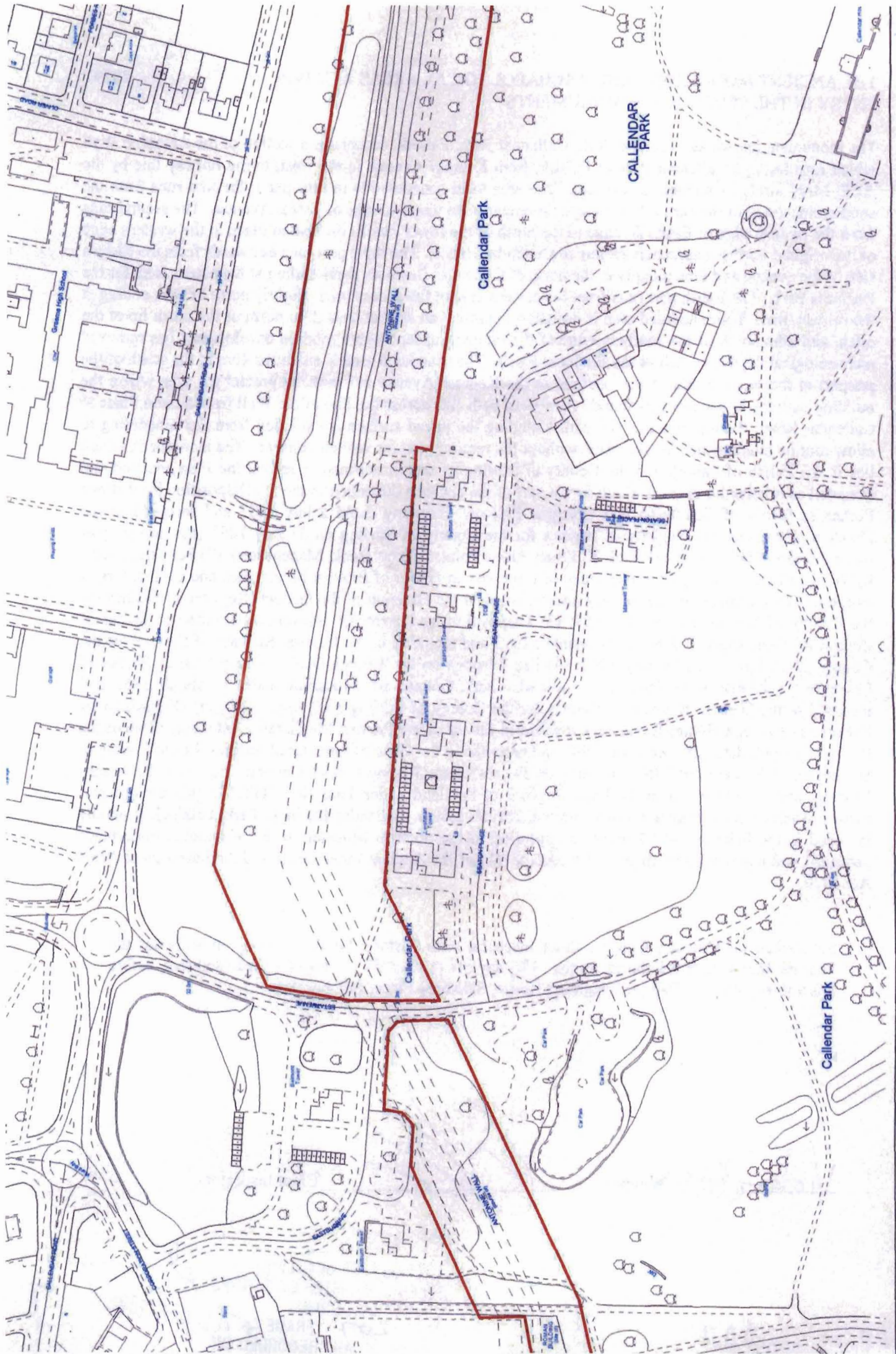
Subscribed by Malcolm Cooper, Chief Inspector with Historic Scotland, being an officer of the Scottish Ministers at Edinburgh on the 12 day of AUGUST Two thousand and five, before this witness Victoria Ball, of Longmore House, Salisbury Place, Edinburgh.

 Witness

 Chief Inspector

STG 05 . . . 207

REGISTERS OF SCOTLAND
GENERAL REGISTER OF SASINES
COUNTY OF STIRLING
FICHE 207 FRAME 472 DEC 2005
PRESENTED AND RECORDED ON



CALLENDAR PARK

Callendar Park

Callendar Park

Callendar Park

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THE ANCIENT MONUMENTS AND
ARCHAEOLOGICAL AREAS ACT 1979

12 DEC 2005
YEARLY RUNNING No. 2701

stg

Entry in the Schedule of Monuments

7

DS300002401
2005

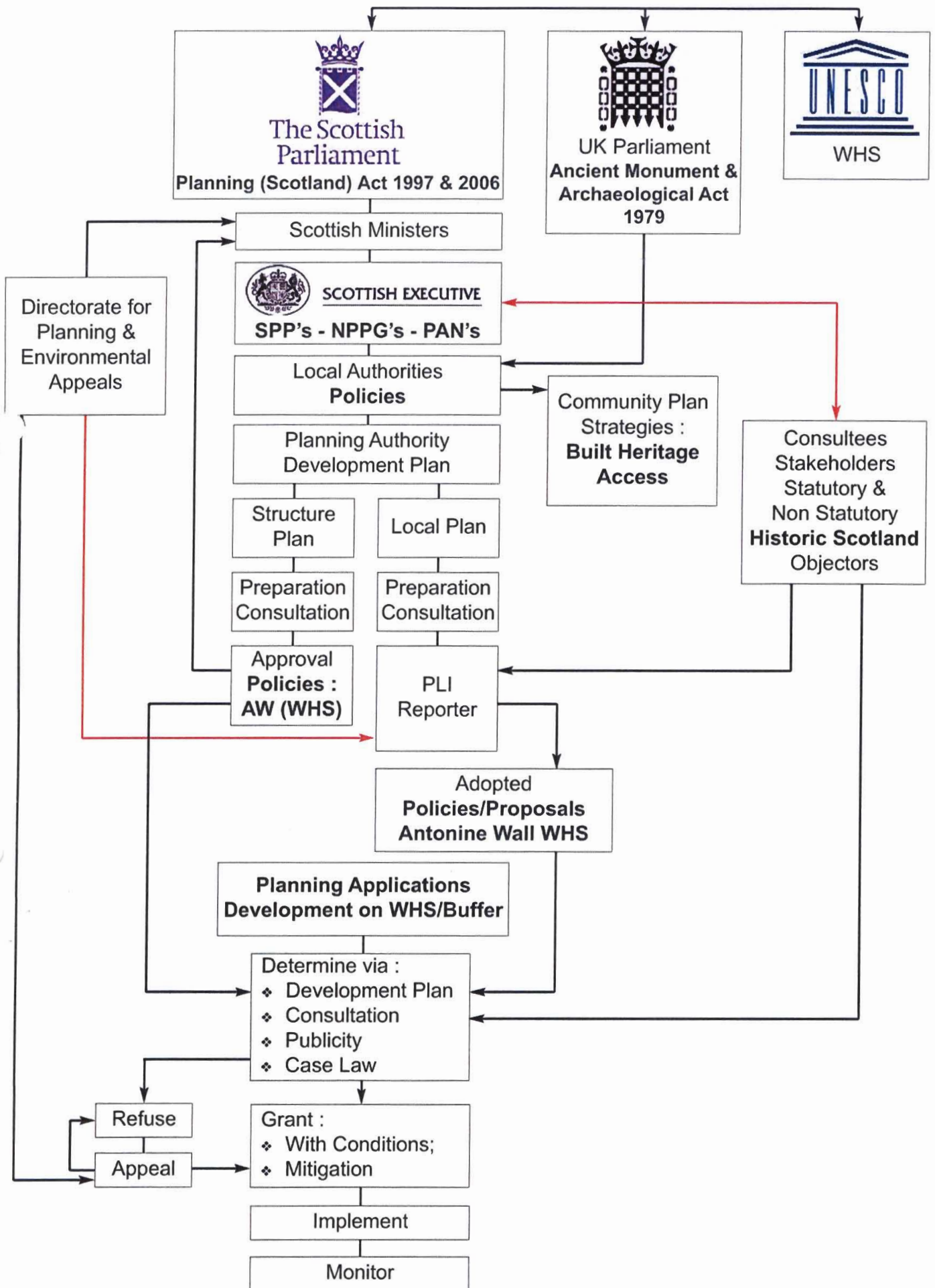
Re: The Monument known as
Antonine Wall, Callendar Park, Falkirk

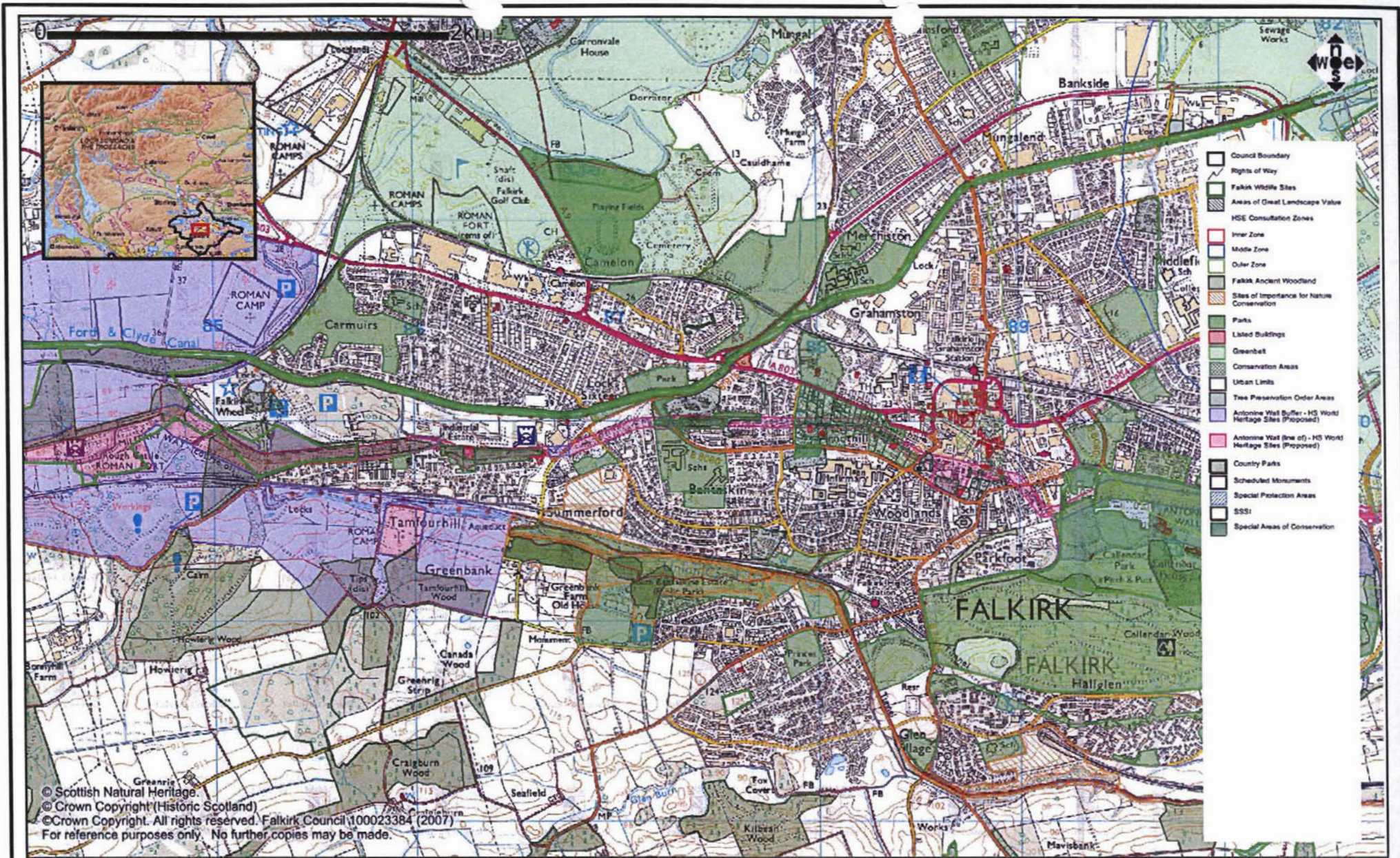
in the Parish of Falkirk and
County of Stirling

Search Sheet Nos: 7
38752
64433
26389
Title No: STG 27035

Historic Scotland
Longmore House
Salisbury Place
Edinburgh

Planning System Scotland





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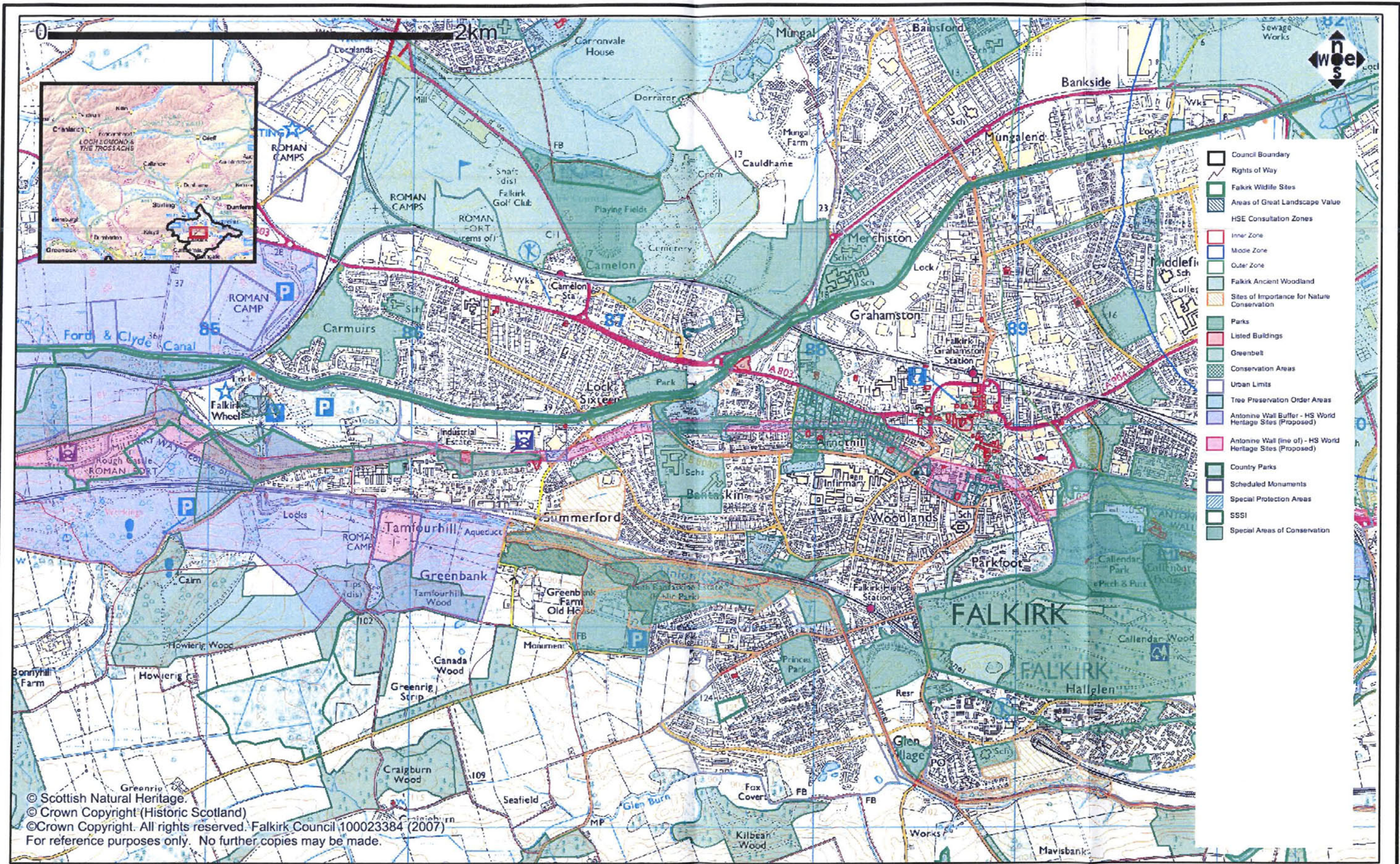
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FALKIRK GIS CONSTRAINTS

ANTONINE WALL ROUGHCASTLE-CALLENDAR PARK





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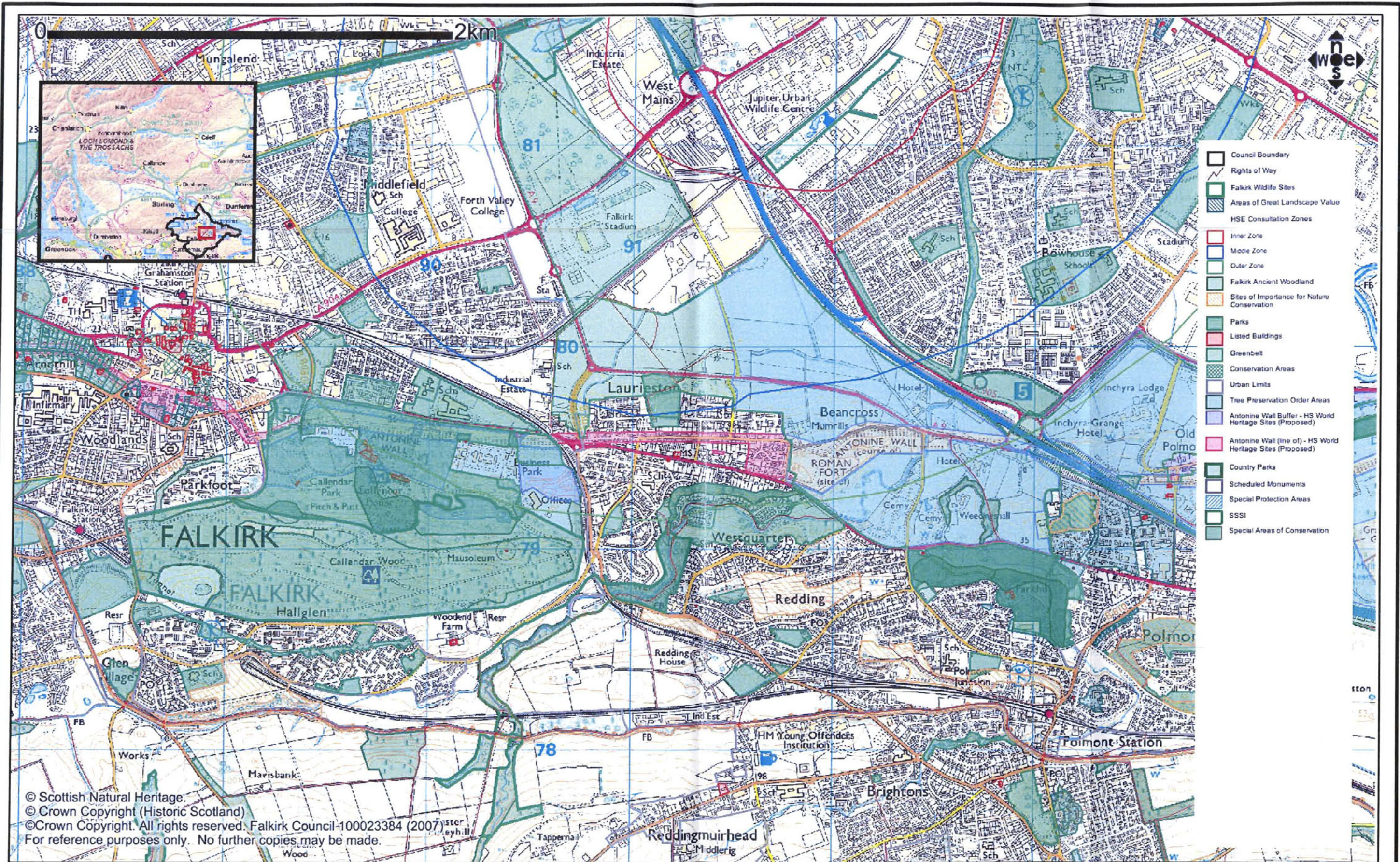
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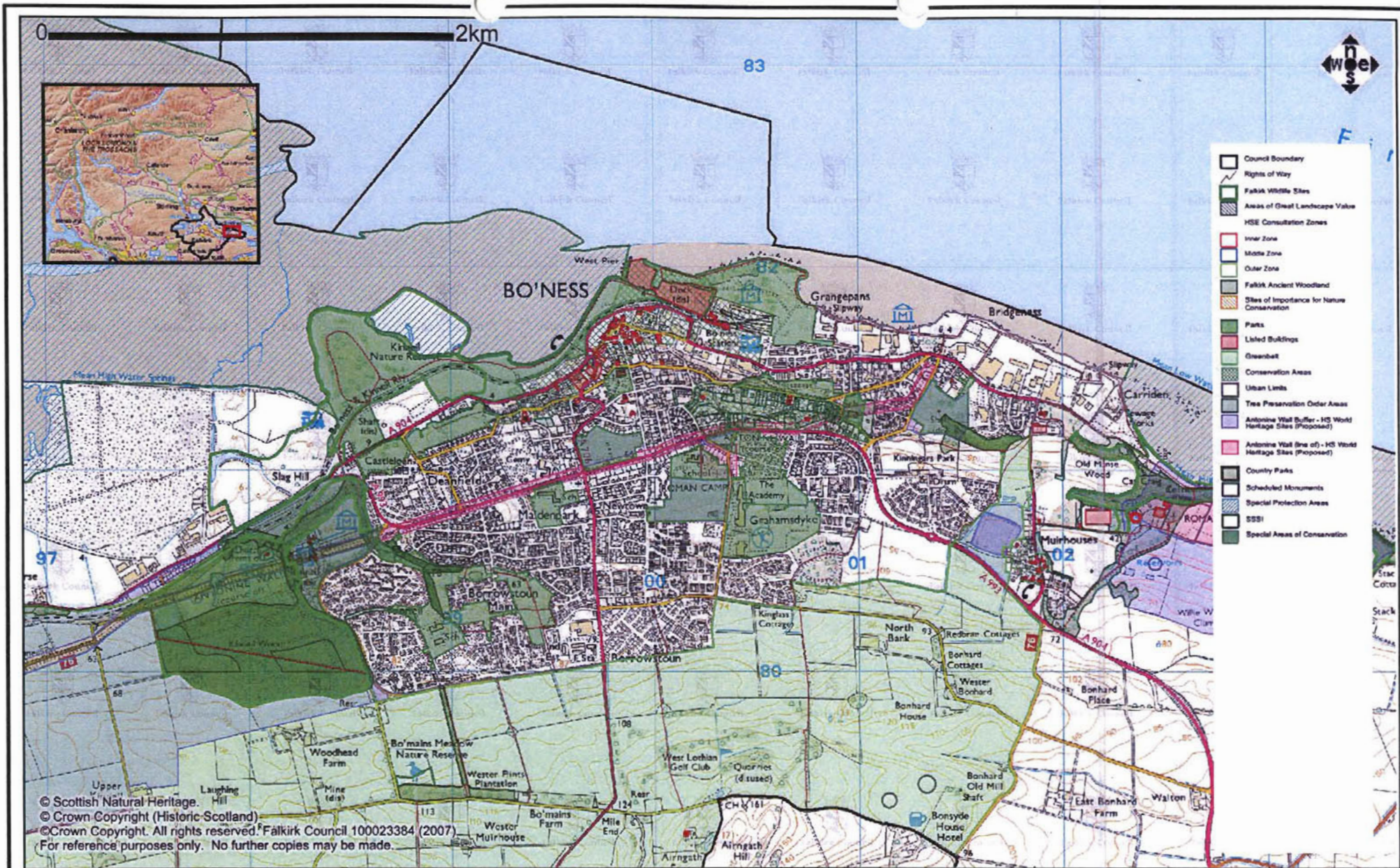
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FALKIRK GIS CONSTRAINTS

ANTONINE WALL CALLENDAR PARK-MUMRILLS





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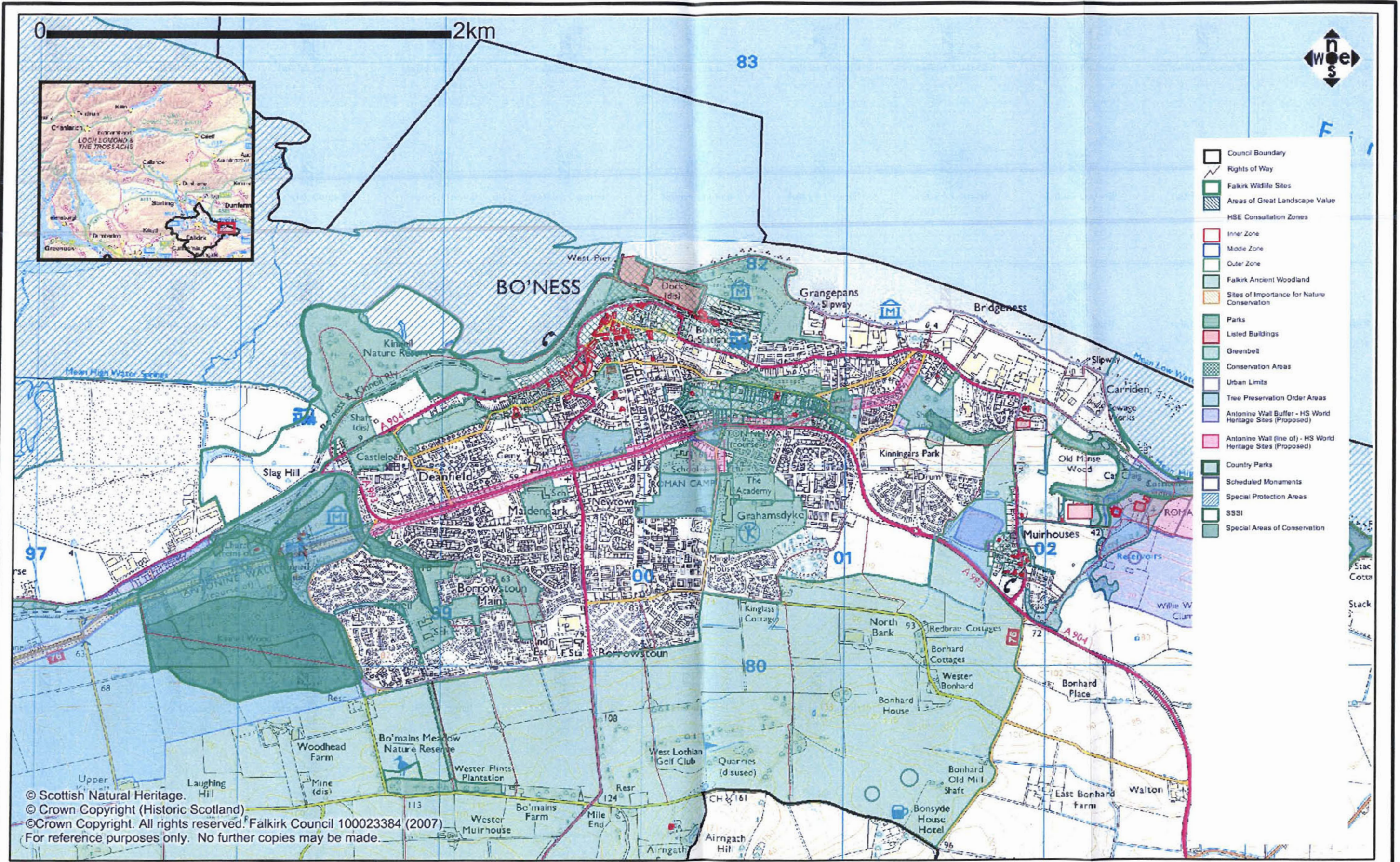
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FALKIRK GIS CONSTRAINTS

ANTONINE WALL-BO'NESS





- Council Boundary
- Rights of Way
- Falkirk Wildlife Sites
- Areas of Great Landscape Value
- HSE Consultation Zones
- Inner Zone
- Middle Zone
- Outer Zone
- Falkirk Ancient Woodland
- Sites of Importance for Nature Conservation
- Parks
- Listed Buildings
- Greenbelt
- Conservation Areas
- Urban Limits
- Tree Preservation Order Areas
- Antonine Wall Buffer - HS World Heritage Sites (Proposed)
- Antonine Wall (line of) - HS World Heritage Sites (Proposed)
- Country Parks
- Scheduled Monuments
- Special Protection Areas
- SSSI
- Special Areas of Conservation

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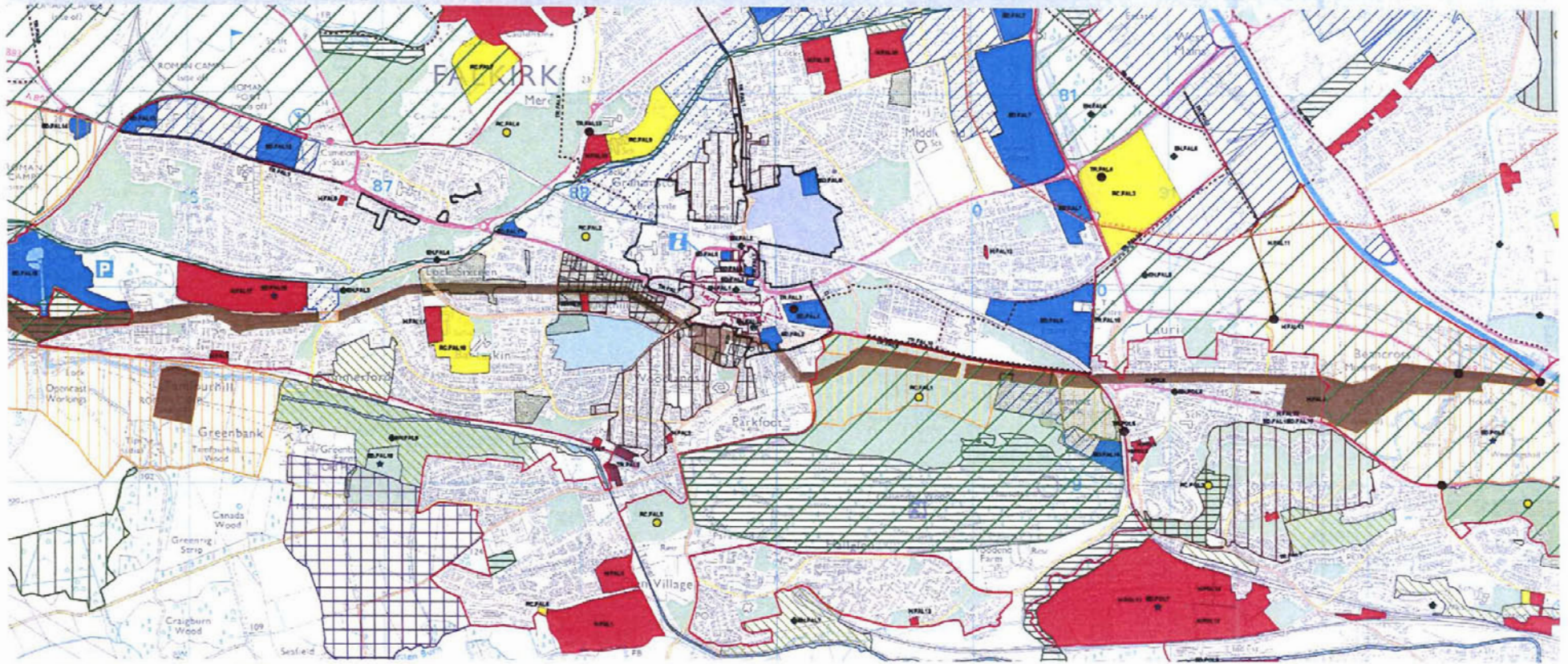
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FALKIRK GIS CONSTRAINTS

ANTONINE WALL-BO'NESS





Falkirk Council Local Plan (Finalised Draft - Deposit Version)

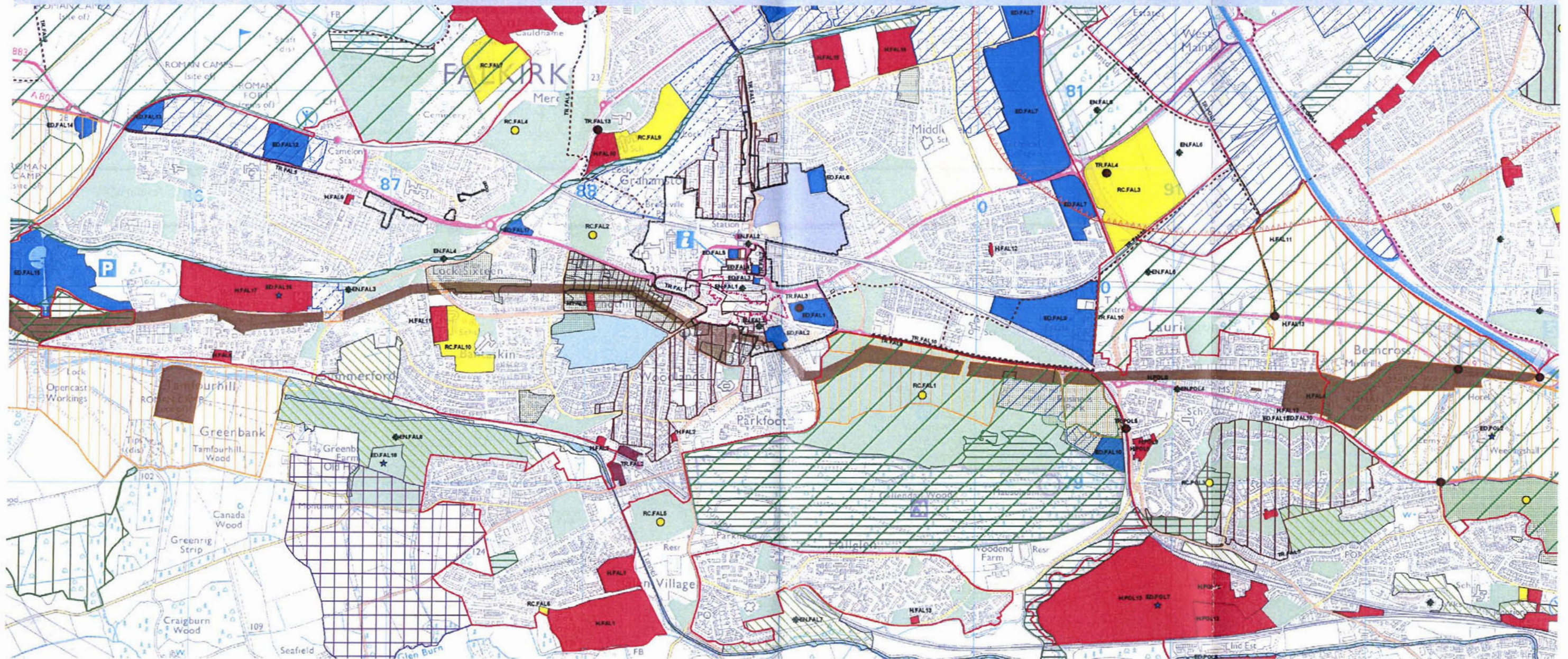
Key

Policies

- | | |
|--|--|
| Urban/Village Limit (EQ19) | Open Space (SC12) |
| Conservation Areas (EQ12) | Business & Industry Retention (EP2(2)) |
| Areas of Townscape Value (EQ13) | Business & Industrial Areas with Potential for Redevelopment (EP3) |
| Antonine Wall World Heritage Site (EQ17) | Town/District/Local Centre Boundaries (EP6, FAL 4, FAL5) |
| Antonine Wall World Heritage Site Buffer Zone (EQ17) | Core Retail Area (FAL4(2)) |
| Green Belt (EQ20) | Canals (EP17) |
| Special Protection Area (EQ 24) | Major Hazard Consultation Zones (EP18) |
| Site of Special Scientific Interest (EQ24) | Pipeline Consultation Zone (EP18) |
| Wildlife Sites (EQ24) | Site of the Battle of Falkirk Muir (FAL 1) |
| Site of Importance for Nature Conservation (EQ24) | Forth Valley College Site (FAL2) |
| Tree Preservation Order (EQ26) | Falkirk & District Royal Infirmary Site (FAL 3) |
| | Central Retail Park (FAL4(4)) |

Proposals and Opportunities

- | | |
|--|----------------------------|
| Environment | Economic Development |
| Housing | Transport & Infrastructure |
| Long Term Development Opportunity (L&S1) | Path Proposals |
| Recreation & Community Facilities | |



Falkirk Council Local Plan (Finalised Draft - Deposit Version)

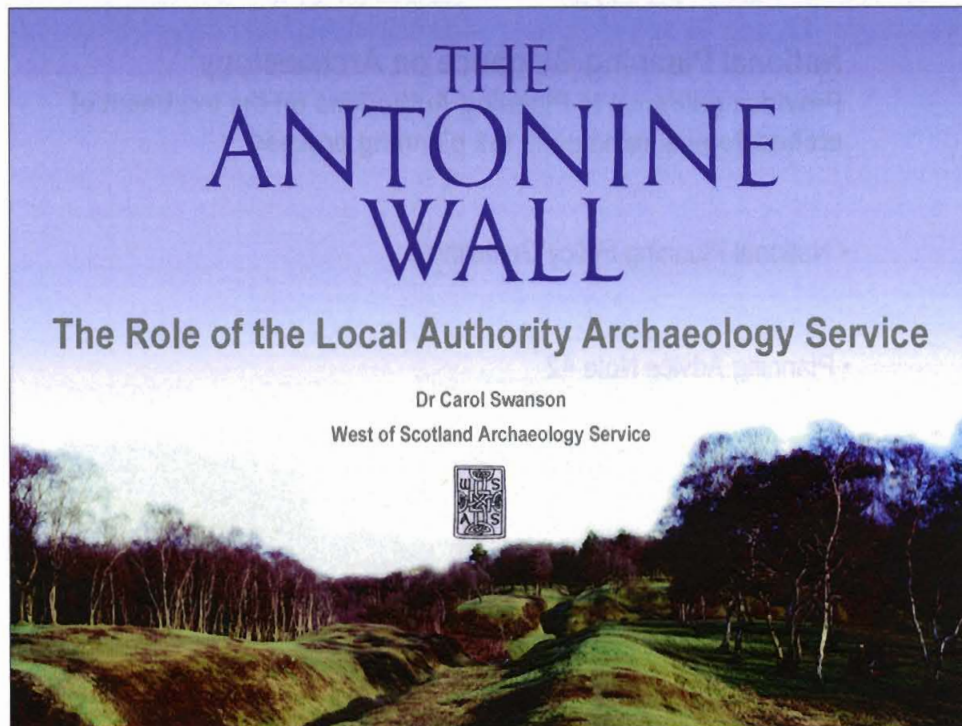
Key

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WoSAS provides advice to 3 Local Authorities which have the Wall within their boundaries – West Dunbartonshire, Glasgow City and North Lanarkshire Councils.

This presentation describes the way in which Local Authority archaeology services work in general, and thereby their important role in protecting the Wall and its buffer zone via the Scottish planning system.

National Planning Guidance on Archaeology
Provides guidance to Planning Authorities on the treatment of
archaeological remains in the planning process

- National Planning Policy Guideline 5
- Planning Advice Note 42



Local Authority archaeology services are provided within the context set out in national planning policy guidance - NPPG 5 and PAN 42.

NPPG 5 sets out the policies to be contained within the structure (that is, strategic) and local development plans. The policy thrust is preservation of archaeological resources *in situ*, failing that a full record is to be made, via full archaeological excavation if necessary. The developer pays for any record which requires to be made.

NPPG 5 also sets out the general principles of the procedure which the Local Authorities should follow in respect of the treatment of archaeological remains in the planning process, but PAN 42 provides the details, in particular it provides a definition of a local Sites and Monuments Record, which is to consist of appropriate archaeological information and, crucially, appropriate professional staff.

Development Plan Policies for Archaeology **Protect archaeological sites and landscapes and their settings**

- Structure Plan Policy
- Local Plan Policy



In keeping with the national planning policy guidance, all Structure and Local Plans now contain policies which protect archaeological resources.

The role of the Local Authority archaeologist is to provide professional advice to the Local Authorities on the further development of these policies as may be required, but their main role is the provision of advice to allow the Local Authorities to take informed decisions on planning applications which have been identified as affecting archaeological resources, within the context of the approved development plan policies.

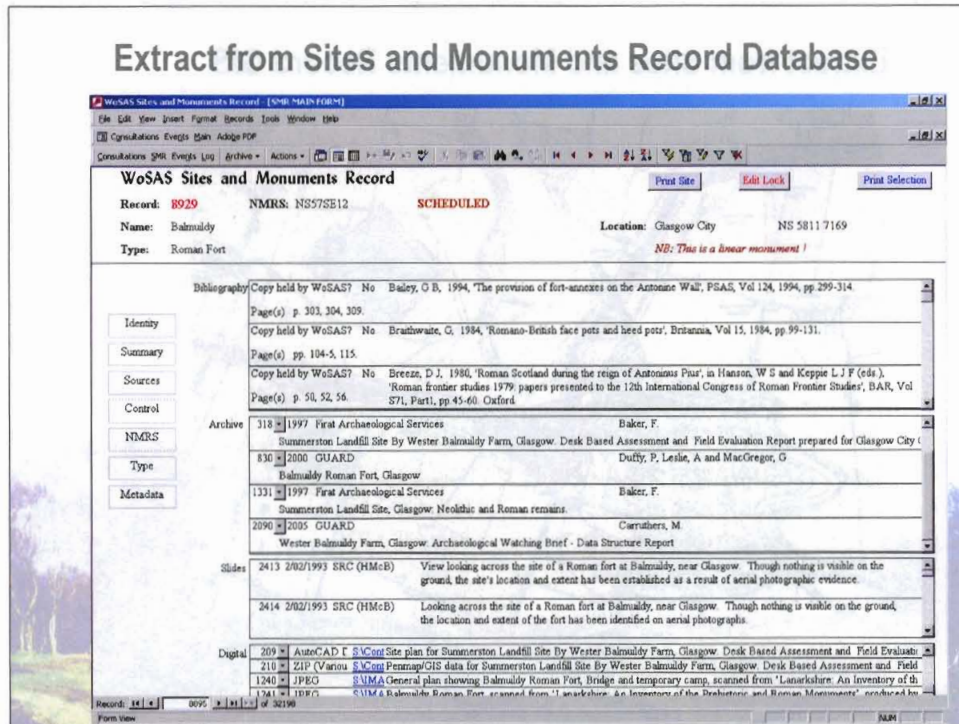
Local Authority Sites and Monuments Record
Definitive record of archaeological sites and landscapes

Database Format	Monuments Events Sources Archive
GIS Format	Monument Polygons Event Polygons Other relevant covers



All Local Authority archaeologists maintain and develop a Sites and Monuments Record as set out in detail PAN 42. Exact formats of the Record vary from area to area, but following PAN 42, they must contain both detailed archaeological information, and maps of that information.

The West of Scotland Sites and Monuments Record contains both elements, all of it in digital format, consisting of inter-relational databases and a Geographic Information System. These are some of the information areas included in the databases and the GIS.



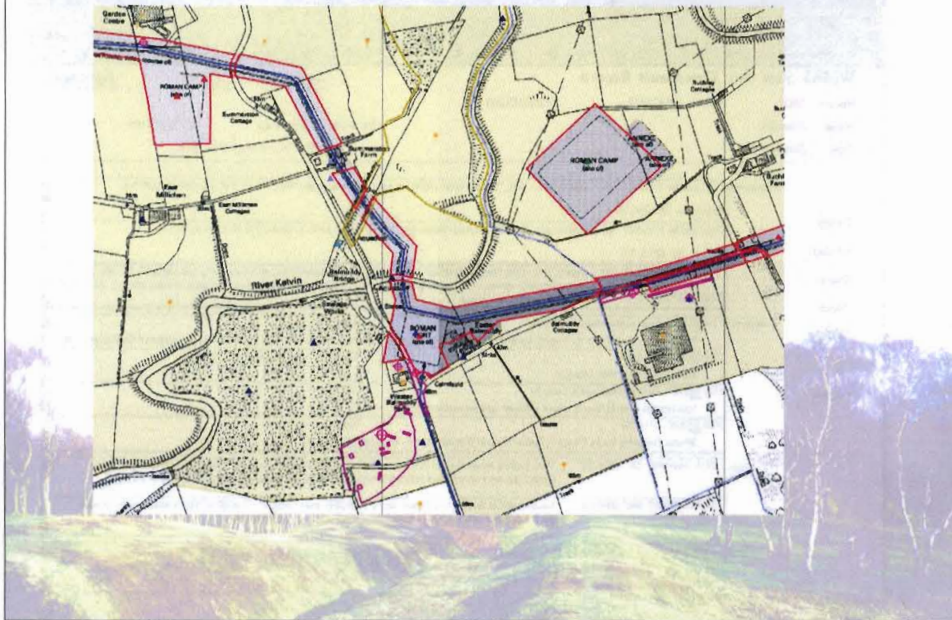
This is an extract from the WoSAS SMR showing some of the fields of information contained in the bibliographic/archive page.

There are further pages with other information fields – see the buttons on the left.

There are also other linked databases, such as, the casework database, an archaeological events database (details of excavations etc), and an archive database.

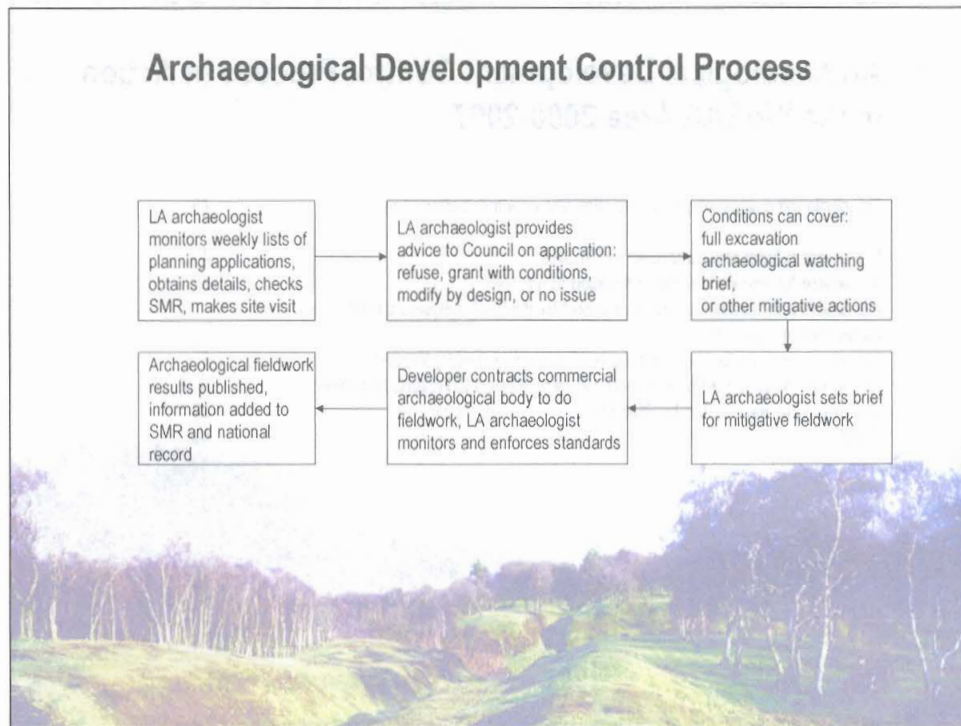
The Service also holds a paper archive of reports, as well as a digital archive.

Extract from Sites and Monuments Record GIS



This is an illustration of the WoSAS GIS for the Wall in the vicinity of the Fort at Balmuildy – the fort is within the Glasgow City Council boundary.

The GIS contains geographic information relevant to protection, such as boundaries of scheduled ancient monuments and the buffer zone, but it also contains information relevant to casework management, such as locations of consultations seeking advice, and locations of archaeological events (here details of the locations of trial trenches to the south of the fort are shown). Accompanying detailed information is contained within the relevant databases.



This is a summary of the process which a Local Authority archaeologist follows in providing advice to the Local Authority taking the decision on a planning application.

Potential issues which may affect archaeological resources are normally identified either directly by the Local Authority archaeologist (monitoring of lists), or by the Local Authority planners through use of consultation trigger maps supplied by the archaeologist.

The thrust of the development plan policy is preservation *in situ*, but in practice much of the work tends to be in securing a full record to be made at the developer's expense, after planning consent has been granted with archaeological conditions attached.

Archaeological Development Control Process in Action in the WoSAS Area 2000-2007

No. of planning applications on the Wall line or within buffer zone	48
No. where refusal recommended by WoSAS	4
No. where full excavation recommended by WoSAS	3
No. where prior evaluation recommended by WoSAS, followed by full excavation as required	6
No. where archaeological watching brief recommended by WoSAS	3
No. where WoSAS had no issue but Council referred to Historic Scotland	6
No. where no issue noted by WoSAS	26
Total	48



The year 2000 is the start date of the WoSAS digital logs.

A recommendation of refusal has been necessary in only a handful of cases. Prospective developers normally seek to avoid direct impacts on the Wall line, as is the case in respect of most identified significant archaeological sites in Scotland. In some cases this is because of environmental awareness, but also because of the existence of the approved protective archaeological policies within the Development Plan – planning applications in Scotland should be determined in accordance with the approved Development Plan.

More usual recommendations from WoSAS have been for archaeological recording to be achieved by attaching conditions to planning consents.

Many planning applications also involve comments from Historic Scotland as well as comments from the Local Authority archaeologist – the ones detailed here are where WoSAS had no issue, but the Local Authority also needed to consult Historic Scotland for comment.

The majority of identified potential issues were not in fact issues once the details of applications had been examined, and most of these applications will have been subsequently granted by the Councils.

Other Roles of the Local Authority Archaeology Service

- Early advice to developers at pre-planning application stage
- Advice for agri-environment grant scheme applications
- Advice for forestry proposals
- Project advice to Councils and to other bodies
- Supply of Sites and Monuments Record information to the public



The Local Authority archaeologist has other roles which can assist in the protection of the Wall and its buffer zone and these are listed here.

Increasingly Local Authority archaeologists are playing a larger role in positive projects to enhance and interpret archaeological sites and landscapes. This helps to raise public awareness. They also have a crucial role in supplying public information and archaeological events through the existence of the Sites and Monuments Records. This too can help to encourage public attitudes towards protection of archaeological sites.

Protection of Setting – The Buffer Zones (BZs)

SLIDE 1 – Introduction

Building on George, Ian and Carol's presentations, I would like to give a brief overview of the AW Buffer Zones (BZ) and their role in the protection of the monument and its setting. By way of an overview, I would like to start by providing a base for our understanding of the BZs, define the identification methodology and then set out its role.

SLIDE 2 – Basis for a Buffer Zone?

In terms of 'what is a buffer zone', we based our methodology and definition on the operational guidelines from UNESCO. As you will be aware, the guidelines state that a Buffer Zone is an area which has restrictions to provide an added layer of protection.

This definition makes it clear that protection is not just critical for the monument itself but also for a wider area that makes up its setting.

The guidance sets out parameters to work with when establishing a framework to define the BZs. Fundamentally, these parameters tie the BZs to existing legislation and policy and also require that relevant authorities review existing policies.

SLIDE 3 – Amenity Zones

Before I move onto the methodology, I would like to highlight that the BZs and the value of setting is not a new concept. As David pointed out yesterday, protecting setting and the wider landscape by the use of zones was first proposed 50 years ago and were then formally published in 1973. The purpose of the Amenity Zones at this point was to protect the amenity of the Wall and preserve the unique linear monument over and above the scheduled areas.

Since 1973, the Amenity Zones have been fully integrated into the statutory planning system in both planning guidance and policy. Local plans contained a policy which had a presumption against development within the Amenity Zone that would be detrimental to the monument and setting. This does not however preclude development. The Amenity Zone policy would not prevent development that was appropriate and that could reasonably be located in the Buffer Zone areas without damaging the Wall and the wider landscape. As David stressed yesterday through examples, the policies since 1973 have been successfully used by local authorities to prevent inappropriate development. It should be highlighted that the Amenity Zones were defined to coincide with greenbelt and other countryside policies which provide a robust policy framework.

SLIDE 4 – Identification Methodology

To define the BZs which really re-defined the Amenity Zones, the Steering group commissioned Land Use Consultants to advise on location and extent of the zones. Land Use Consultants have a proven track record of successful involvement with other World Heritage Site - they defined the setting of the Tower of London. Land Use Consultants established with the Steering Group a robust methodology based on immediate setting and important views.

The Buffer Zones were defined using various layers of information and field work, from inter-visibility and land use analysis to aligning the proposed buffer zones with current planning policy and on-site verification. The full methodology can be found in the nomination document and I am sure a copy of the Land Use Consultant's report is available as part of the nomination. The consultants also made a number of planning and management recommendations which the Steering Group developed and integrated into the Management Plan.

SLIDE 5 – The Antonine Wall Buffer Zones

The Buffer Zones are largely a redefinition of the 1973 Amenity Zones. Looking at the maps that illustrate the extent of the BZs (see nomination map document), you will see that there are 14 separate BZs which lie between urban areas and around forts and camps. In other words, the BZs are out with the urban areas except where large areas of open space exist such as significant urban parks. They generally cover the scheduled areas of the Wall. Over the next few days you will see that the BZs cover various landscapes and land uses such as those identified on the hand out.

SLIDE 6 – The Antonine Wall Buffer Zones

To ensure that the BZs are robust and can be used in an effective manner they follow permanent and defensible boundaries such as roads and field boundaries. In line with the UNESCO guidance, the BZs conform with statutory designations and do take account of existing development proposals – as is the case at the Falkirk Wheel. Importantly, the BZs determine and firm up the issue of ‘setting’. This can be difficult in other policy areas as setting is not always defined yet setting forms part of the policy. This up to date review of the amenity zones and their re-definition to form BZs strengthens the policy making its application more effective and consistent. The BZs provide a mechanism that unifies the approach taken by local authorities which offers continuity and certainly in the walls protection and also makes the relationship with developers smoother as it is transparent and again consistent.

SLIDE 7 – Role of the Buffer Zones - PROTECTION

Essentially, the role of the BZs is to protect and where appropriate to enhance the wider landscape setting of the Wall. The BZs allows the setting to be protected through a hierarchy of legislation, policy and guidance. Malcolm Cooper yesterday and George, Ian and Carol have outlined in detail that this provides two sources of legislative control and decision making through Ancient Monument legislation and the associated consents within the scheduled areas and the Planning system and the Development Control system in the BZs. Within the actual BZs, there is a raft of national planning guidance such as NPPG 18 and NPPG 5 and PAN 42. These documents inform the development and implementation of policy and stress the importance of setting, providing significant material weight. The GDPO ensures that local authorities refer issues of setting to Historic Scotland which gives them the opportunity to influence the decision making process within the planning system.

In terms of protection at a local level, as Ian has raised, the 5 local authorities have revised their planning policies and have in partnership with Historic Scotland developed a new policy specific to the Antonine Wall. This will be adopted by the local authorities. As Ian has discussed, the policy is based on a presumption against development unless satisfactory mitigation can be secured and there is no conflict with other local plan policies. It has to be kept in mind that there are other substantial policies that will prevent development in rural areas such as greenbelt policies and their equivalent. These basically only allow development that is unique to the rural landscape and can be justified on this basis i.e. new housing in the greenbelt would not allowed unless there was an absolute need to be in that location.

A new mechanism for further protection of the Wall and its setting is Supplementary Planning Guidance (SPG). All local authorities across the Wall have committed to the development of SPG and have tied this into their policy on the Antonine Wall. As Malcolm indicated yesterday, SPGs has a history of use and will be treated as a material consideration in assessing planning applications. SPG will assist in the implementation of policy by addressing details of location, use, design and quality.

This hierarchy makes for a solid protection framework.

SLIDE 8 – The Role of the Buffer Zone – ENHANCEMENT

There is also a significant role for the BZs to play in allowing local authorities, Historic Scotland and other relevant partners such as the Forestry Commission to be proactive in the raising of the quality of the appropriate development and appropriate land management. This can be achieved in 3 key ways –

- **POLICY** - From the policy and the guidance that forms its base, you can see a greater emphasis on issues of quality and securing measures of mitigation.
- **SPG** – the SPG will deal more actively with details of appropriateness and quality for development in the Buffer Zones. This will guide policy implementation and once a development has been tested that it is in principle acceptable within the BZ, it will aid in making the development of the highest quality and design.
- **PARTNERHIP** – There is also increased scope now that there is an up to date definition of setting to work with partners and encourage positive management practices to enhance the visual appearance and environmental quality of the landscape such as preventing damaging operations, land restoration etc. There are also substantial opportunities as we touched on yesterday to increase the ways in which people can experience the wall.

It is recognised and the steering group are very mindful that enhancement is not about re-creating Roman times but related to protecting and raising the standards of the existing setting to secure the outstanding universal significance of the proposed World Heritage Site.

Thursday 4th September - Callendar House, Falkirk

Presentation - Case Study: Golden Hill Primary School, Duntocher

- Slide 2: Presentation highlights a proposed replacement primary school at Golden Hill, Duntocher. Demonstrates the controls on new development within the Antonine Wall Buffer Zone and the partnership working between local authorities departments and between the local authority and external organisations, e.g. Historic Scotland, WoSAS.
- Slide 3: School is located at the western end of the Antonine Wall, to the south-east of Golden Hill Park, site of the Roman Fort and Fortlet at Duntocher. Triangle on the map marks the highest point of the park, with the topography of the land sloping down from here in all directions.
- Slide 4: There is need for a new school and the current building is not 'fit-for-purpose': not wind and water-tight; does not comply with DDA: on different levels due to slope, difficult and expensive to resolve; poor environment for current educational needs: small classrooms. Replacement to be built on same site, alongside existing to avoid having to decant students during construction.
- Slide 5: Partners. WDC is both Client and Decision Maker.
- Slide 6: Extract from Local Plan Proposals Map: Golden Hill Park protected as open space (green), school allocated as a Public Service (yellow), Proposed WHS shown with red line (south-west corner of school grounds within WHS). Scheduled section shown by broken brown line. Buffer zone shown with thin brown diagonal line. School grounds not previously in 1973 Amenity Zone.
- Slide 7: Local Plan Policy: outlines protection to site and setting of wall within Buffer Zone. Implemented through Development Management process.
- Slide 8: Development site shown as broken red line. Existing school shown in red on the right-hand side will be demolished once the new school, outlined in the middle is constructed. The left-hand side of the site closest to the Proposed WHS will be fenced off during construction as this is where there is most likely to be underlying archaeological interest. Trial trenches dug in middle of site prior to construction of school.
- Slide 9: View of proposed school (yellow shape) from south-east corner of site. Can see that in comparison to existing school (red shape) the proposed development has a significantly lower profile.
- Slide 10: Photomontage from north-west corner of site. Removal of existing school and height of proposed school (yellow) opens up views of the Antonine Wall, particularly to south-east. Allows better interpretation of linearity of the AW and its setting as the new school assimilates better with the landscape within the Buffer Zone.
- Slide 11: Improved designed achieved by working with partners in design process. Buffer zones not only prevent development that would have an adverse impact on the AW and its setting but encourage enhancement of wider landscape setting and thus are a key element of the robust hierarch of protection afforded to the proposed WHS.

Alistair Gemmell
Planning Officer, West Dunbartonshire Council

BO'NESS: KINNEIL HOUSE AND BRIDGENESS

Kinneil

In attendance: Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk Council)

In the grounds of Kinneil House is the only example of a visible fortlet along the line of the Wall. The site was completely excavated in 1980 and laid open for public inspection. Slabs mark the line of the destroyed rampart and timber posts the timber buildings. The land on which the fortlet sits is owned by Falkirk Council. A small museum in the same grounds displays material from the fortlet: this is run by Falkirk Council but is not in the proposed WHS.

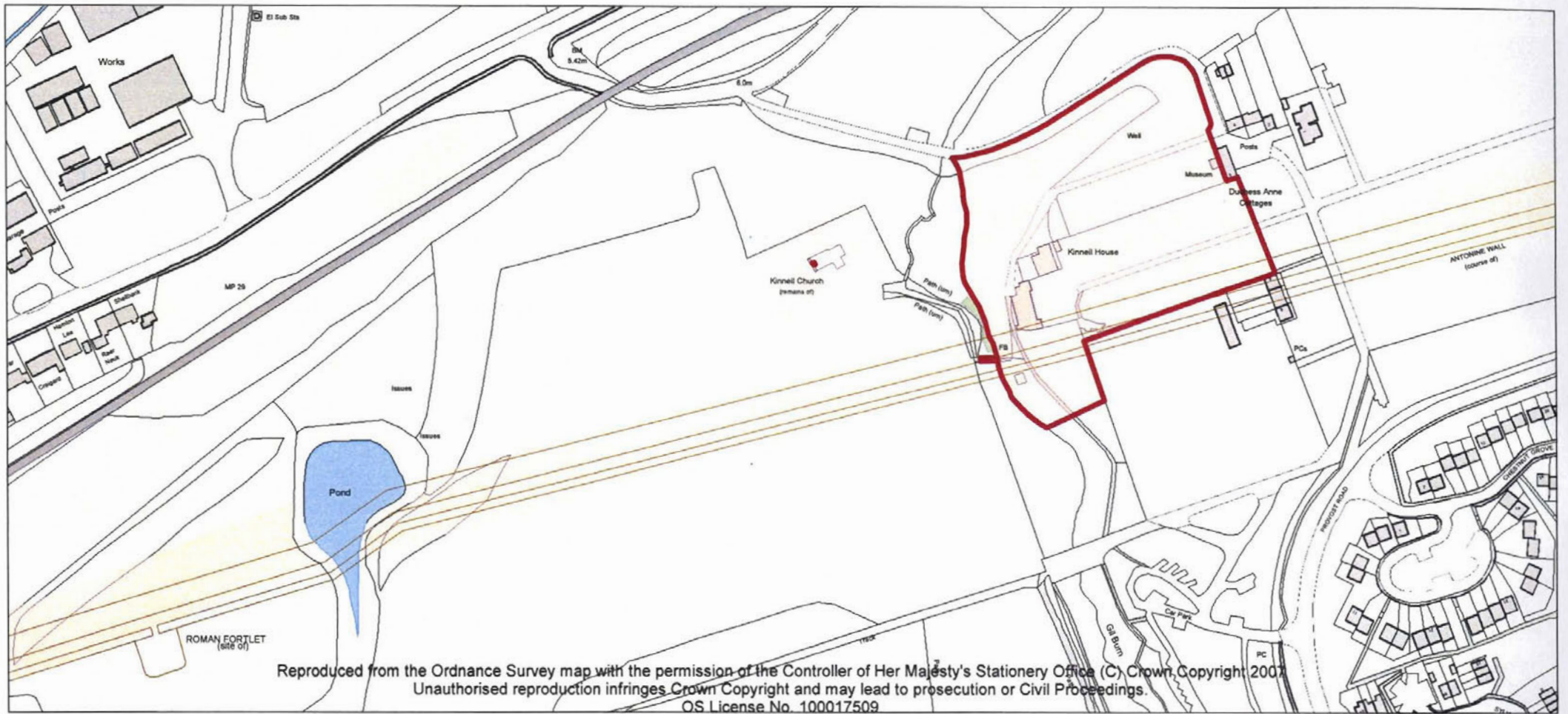
The main issues are:

- Access: the site lies in a public park with car parking at Kinneil House, of interest in its own right
- There is a small museum illustrating the history of the estate
- On site interpretation
- Maintenance of the site by the local authority

Bridgeness

A distance slab was found at Bridgeness in 1868 and a replica of the inscription placed at the site. There is now a proposal to erect a more informative display board across the road from the site of the discovery on an area of open ground.

In attendance: R. Hislop (HS), Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk Council) and R Willox.





Local Authority Falkirk Council



THE ANTONINE WALL

Kinneil House

KEY

-  Guardianship Boundary
-  Scheduled Monuments



SEABEGS WOOD

In attendance: Ian Ludbrook, Peter Stott and Geoff Bailey (Falkirk Council)

This is one of only 2 places where it is possible to see the Military Way. The rampart, ditch and upcast mound are also well preserved. At the west end of the wood is a sharp turn where the rampart and ditch moves northwards to link with the fortlet. The wood is owned by the National Trust for Scotland but wholly managed and maintained by HS.

Main issues:

- There is a regime of grass-cutting
- The wood has been in existence since at least 1787
- There is local interest in the survival of the trees
- It has proved impossible to arrange car-parking on the site so cars have to park on the public road. It is intended to consider this problem as part of the access strategy for the site.

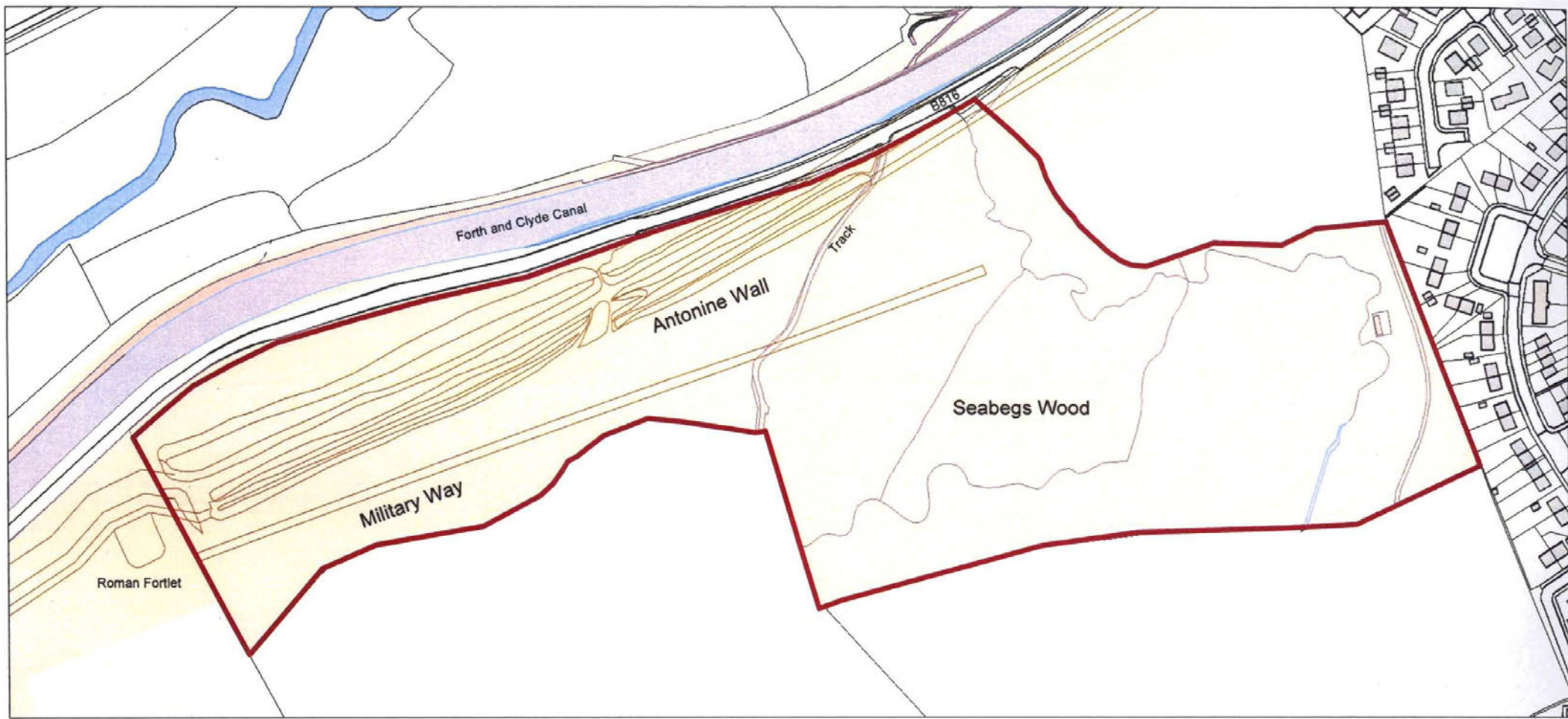
CASTLECARY FORT

In attendance: Ian Ludbrook, Peter Stott, Geoff Bailey (Falkirk Council)

The fort and annexe are in the care of HS.

Main issues:

- This is one of only 2 forts on the AW with stone walls, and the only one where such stonework is visible
- The fort and annexe are part of a working farm
- Cars may be parked on the former public road
- The trees on the site have been there since at least the late 19th century.





Local Authority Falkirk Council

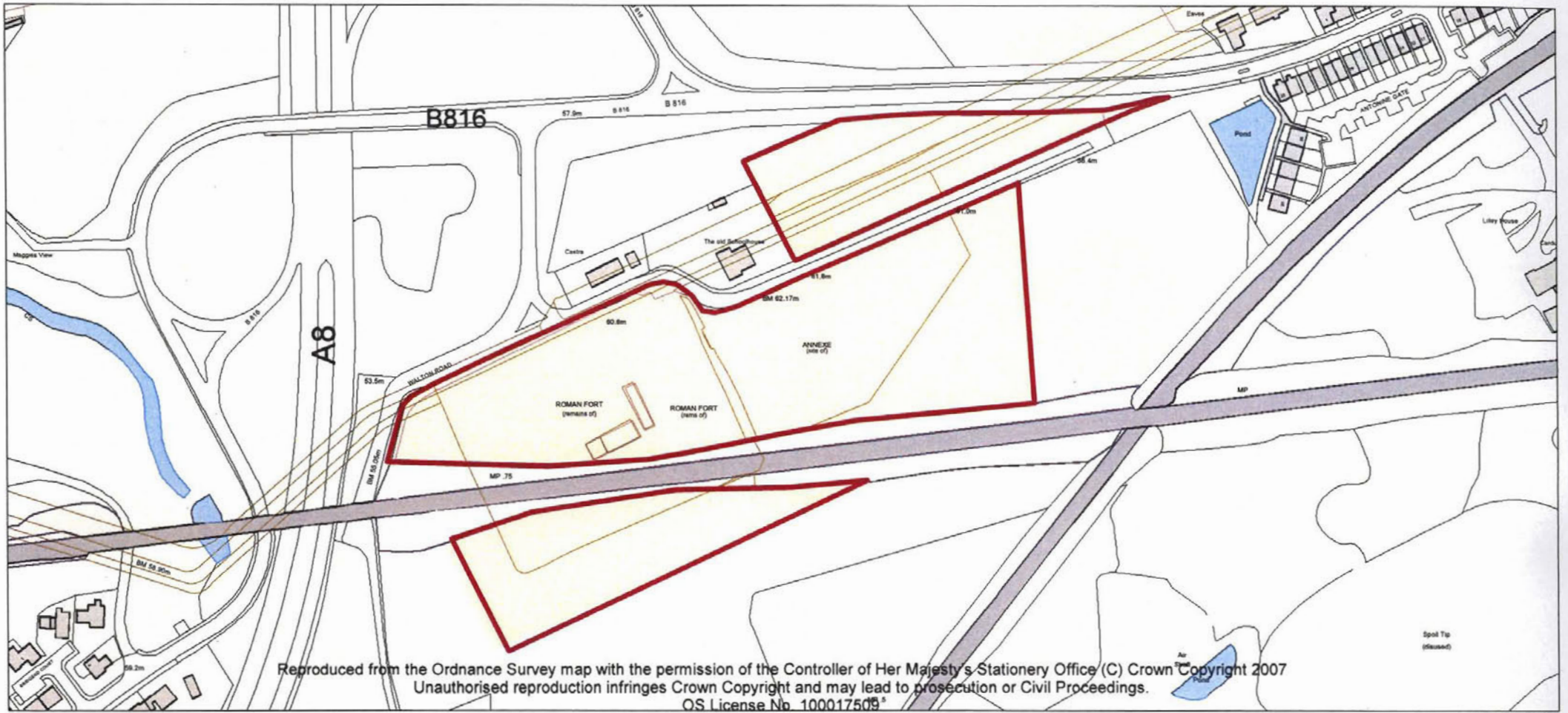


THE ANTONINE WALL

Seabegs Wood

- KEY**
-  Guardianship Boundary
 -  Scheduled Monuments





Local Authority Falkirk Council



THE ANTONINE WALL Castlecary

- KEY
- Guardianship Boundary
 - Scheduled Monuments



Garnhall

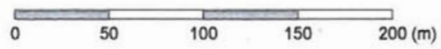
Wardpark East Industrial Estate

Hotel

Castlecary Road

A8

Wyndford Rd



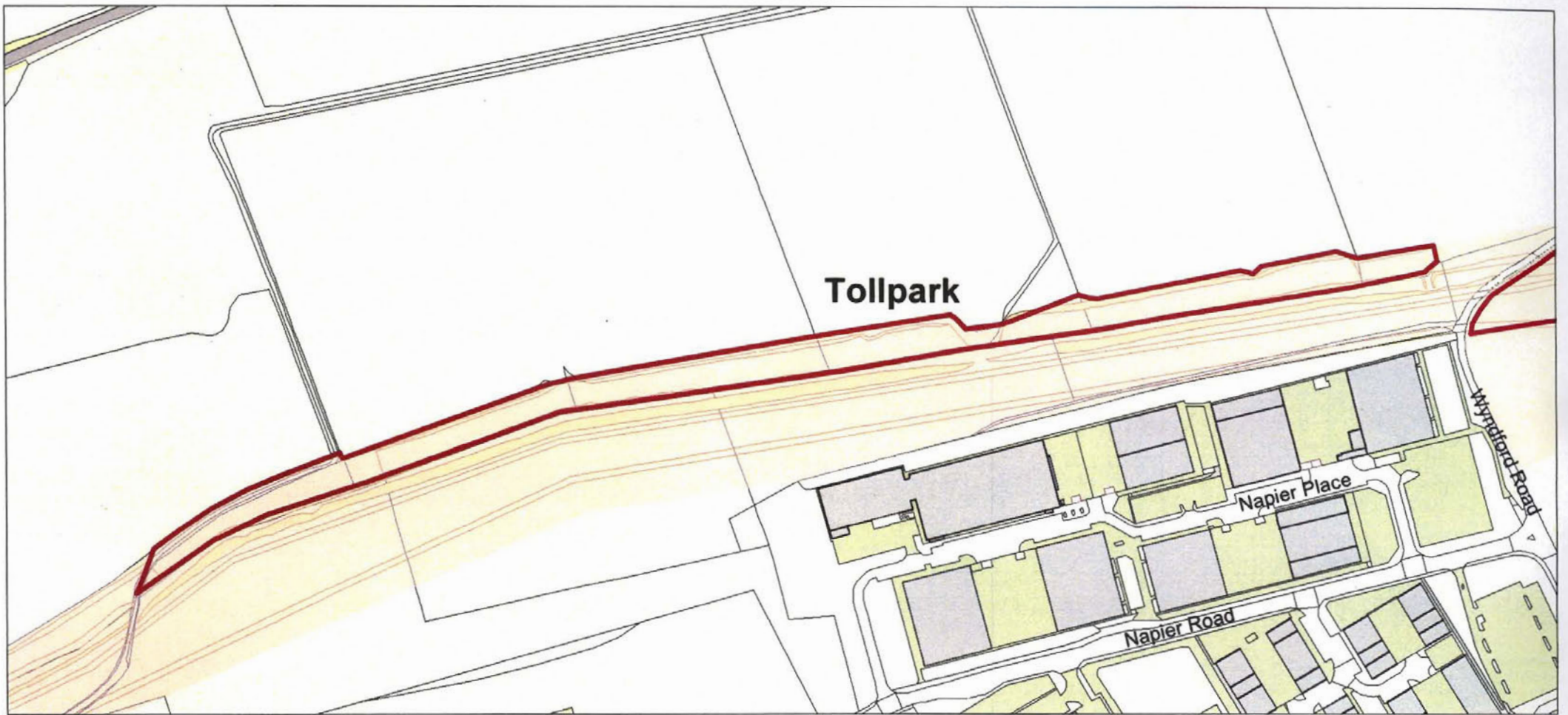
Local Authority North Lanarkshire Council

THE ANTONINE WALL Garnhall

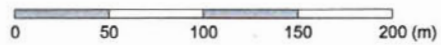
KEY

-  Guardianship Boundary
-  Scheduled Monuments





Local Authority North Lanarkshire Council



THE ANTONINE WALL

Tollpark

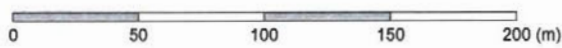


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-  Guardianship Boundary
-  Scheduled Monuments



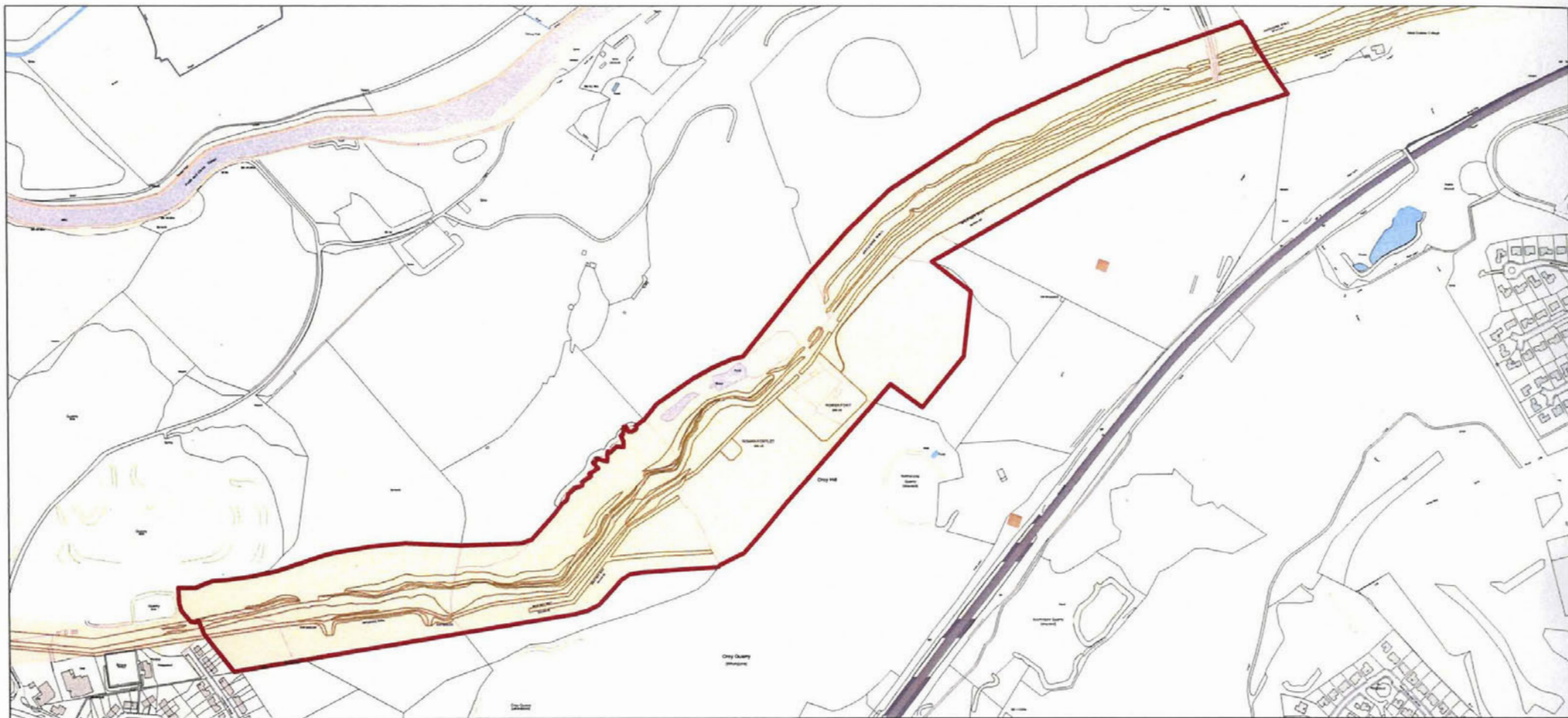
Local Authority North Lanarkshire Council



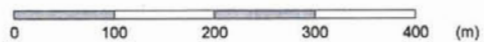
THE ANTONINE WALL Westerwood- Dullatur

- KEY**
- Guardianship Boundary
 - Scheduled Monuments





Local Authority: North Lanarkshire Council



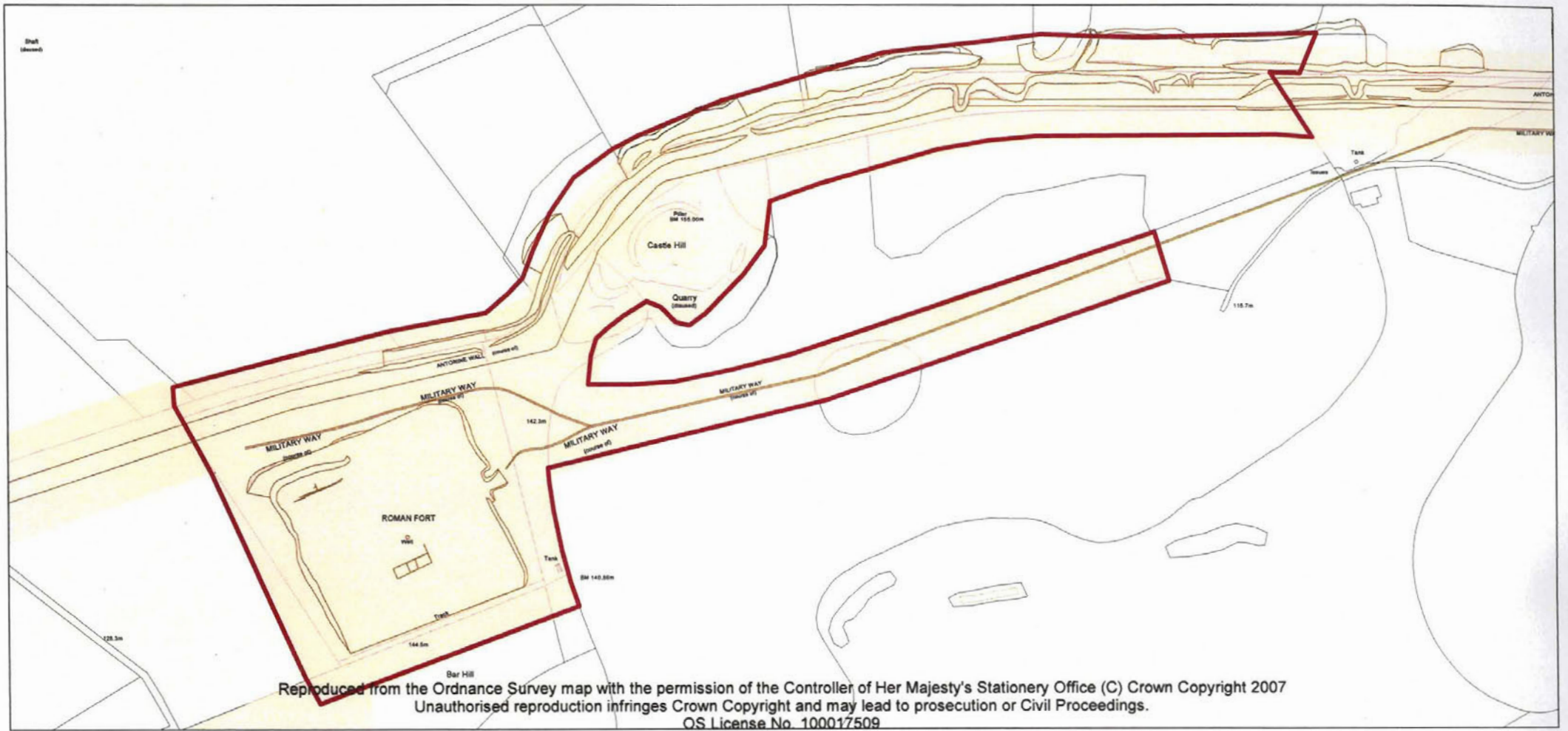
THE ANTONINE WALL

Croy Hill



KEY

-  Scheduled Monuments
-  Guardianship Boundary



Local Authority: East Dunbartonshire Council



THE ANTONINE WALL

Bar Hill



KEY

- Scheduled Monuments
- Guardianship Boundary

CASTLECARY TO TWECHAR

In attendance: Lyndsay Noble and Richard Callendar and, at Croy Hill and Bar Hill, Malcolm Crosby of the Forestry Commission

The stretch of Wall from Castlecary to Twechar, a distance of 10 km, is the most spectacular along the whole frontier. Much of it is in state care, and one section is owned by North Lanarkshire Council. The frontier here passes through farm-land, a golf course, woodland, across Croy Hill and over the highest point of the Wall, Bar Hill. This stretch will be walked in 2 stages, before lunch, from Castlecary to Dullatur, after lunch over Croy Hill and Bar Hill.

The intention is to:

- emphasise the linearity of the monument
- note the good survival of the monument: the ditch is nearly everywhere present, but also visible are:
 - expansions on Croy Hill,
 - the fort at Bar Hill
 - the Iron Age hill fort known as Castlehill
 - the uncut ditch at Bar Hill
 - the well-preserved upcast mound at Tollpark and Croy Hill
 - the sites of the fort and fortlet on Croy Hill
 - the site of the fort at Westerwood
- appreciate the monument in its landscape which helps understanding of the purpose of the frontier
- note the different land management regimes: abandoned farm-land, modern industry in the vicinity, golf course, woodland
- note particular land management problems, not least the necessity to control bracken
- note the use of Croy Hill by mountain bikers
- there is a recent history of cars being dumped and burnt on Croy Hill: as this is in state car, the HS squad remove them
- be informed about the history of the protection of the amenity of the Wall which started in this sector
- consider the extent of the buffer zones
- note that the land to the south of Croy Hill has been quarried and there are still outstanding approvals for quarrying to the north of the Wall.
- see the state and local authority land holding at Garnhall, Tollpark and Dullatur, Croy Hill and Bar Hill and their interpretation
- consider access: parking is generally on public roads: the intention is to review car parking as part of the access strategy
- consider on-site interpretation: although there are interpretation boards at the site, more could be placed there, but these would need to be carefully sites to protect the ambience of the site
- consider the display of the excavated remains: the earlier excavations which led to the exposure and consolidation of the headquarters building and the bath-house and HS policy for any possible future excavation and display on the site
- modern forestry restricts the view from the Wall to the east of the fort: discussions are in place with the Forestry Commission with a view to opening up some vistas

Schoolchildren discover the Antonine Wall:

A case study at Peel Park, Kirkintilloch

Adrian Cox, Cultural Resources Advisor, Historic Scotland

The Antonine Wall represents a wonderful educational resource and can provide a focus for both formal education and lifelong learning. The section of the Wall running through Peel Park, Kirkintilloch, was the scene of a recent partnership project between Historic Scotland and East Dunbartonshire Council. We endeavour to engage communities wherever possible in order to raise awareness of the monument and increase understanding. This particular project targeted schools in rural areas whose pupils might otherwise find access to the park difficult due to the distance involved.

The park now occupies the site of a Roman fort lying immediately to the south of the Antonine Wall, which occupies a ridge running through the centre of modern Kirkintilloch. Both the Wall and the fort are scheduled ancient monuments, dating from the 2nd century AD, when the Wall represented the north-west frontier of the Roman Empire. Peel Park also contains the site of Kirkintilloch's medieval castle, associated with the Comyn family. The position of these monuments on the ridge gives them a commanding view, especially to the north, across the Kelvin valley.

I offered to give detailed guided tours of the Roman remains to six primary school groups (around 160 children in total, over three days), and to follow these with artefact-handling sessions for the children in the Auld Kirk Museum, which has an excellent display about the Wall and a range of handling material. I am very grateful to the Curator, Peter McCormack, for making these available. The tours and artefact-handling focused on what everyday life on the Roman frontier would have been like, and on how archaeologists interpret the evidence they find.

The presentation of the fort to young schoolchildren offered an interesting challenge, as, apart from the Wall itself, there are very few remains surviving above the ground surface. The extent of the fort and some of its principle features are, however, known from Historic Scotland-sponsored archaeological survey and excavation work. The remains in the park offer an incredible time depth, as the Roman and medieval remains are accompanied by

public monuments (a fountain, bandstand and ornamental gates) manufactured in the town's ironworks, sadly now demolished.

My solution to the presentation of the fort was to give the children a tour in which the class would frame the outline of each of the buildings within the fort by standing on the line of the outer walls. The aim was to give them a flavour of everyday life on the fort, so in each building we used role-play to re-create scenes – for example, children posed as sentries patrolling the frontier, other children worked on making bread in ovens in the bakehouse, while others played games of chance as they relaxed in the bath-house, some brushed down the horses in the stables, and soldiers received their pay from administrators in the *Principia*. The children engaged with this wonderfully well and I felt they gained a good understanding of the busy hustle and bustle of everyday life on the Roman frontier. They were very excited by the concept of standing astride an international frontier, stretching around Europe and as far as North Africa, in their local public park.

Historic Scotland offers guided walks around several parts of the Antonine Wall, and we regularly give tours at Rough Castle to mark Scottish Archaeology Month, engaging the local community there and helping people understand and appreciate the exceptional remains in that area. There is a strong international theme running through the interpretation of the Wall, and an important concept is that the frontier represents a convergence of different cultures. Our guided walks reflect this, and introduce the role played by the Celts in defining the nature of frontier life, and of the soldiers who came from so many different parts of the Roman Empire to contribute to the diversity of life on the north-west frontier.

We hope there will be many opportunities in the future to expand partnership working and community engagement on the Wall.

Monument Warden Reports

All ancient monuments scheduled in Scotland under the *Ancient Monuments and Archaeological Areas Act 1979* are inspected on a 10-year rotation, though complicated monuments like the Antonine Wall might be visited more regularly. The inspections are carried out by members of the Historic Scotland Monument Warden team.

The purpose of the visit is to remind the owner of the scheduled status of the monument and discuss improved management. A leaflet, such as the attached, is handed over. A report is submitted to Historic Scotland in Longmore House. This includes a text report, sketch plan and photographs: a specimen is attached. These reports provide a condition survey of the Antonine Wall over the last 20 years.

Individual report (External use)

Index Number 90017

Date originally scheduled 03 SEP 1925

Date last scheduled 18 AUG 1999

Monument name Antonine Wall and fort, railway line to 300m E of Westerwood steading

Visit Date 20 JUN 2006

Recorder Mrs J Marshall

Inspector South East Team

Council NORTH LANARKSHIRE

NGR NS750771

Condition 3 **Risk** 3 **HS Priority** 4.24 **Opportunity for positive management?** 1

New damage? **IAM visit required?** **Interest in HS grant?** **Sketch?** Y **Slides?** Y

NMRS map number **NMRS site number**

NS77NE 8

NS77NE 35

NS77NE 77

NS77NE 62

Description and assessment of management requirements

20-JUN-2006, JM

This section of the Antonine Wall runs from the railway line at Easter Dullatur in the west to a burn and field boundary N of the runway at Cumbernauld Airfield, a distance of 1.45 kilometres. There is a farm/golf course track running along the entire length of the Wall it appears to generally follow a line between the edge of the ditch and the outer mound. At the E boundary of the scheduled area the track runs under a tunnel in the railway, there is a gateway into a small grass field to the S of the track. The line of the military way runs along the S edge of the field and into native woodland around the S and E perimeter of the field, there is quite dense bracken under the trees but it has not encroached far into the field. There are drains and streams flowing into the NE corner of the field, these have caused flooding in the past but at the time of my visit despite torrential rain the field was not boggy.

Between the golf course boundary and the railway to the S of the track there is an H.S maintained section of Wall, which is partly within native woodland, this woodland strip extends along the N boundary of the field. There is some quite severe sheep erosion on the steep bank of the ditch within the field. The lower branches of some of the trees appear to have been cut perhaps to stop the sheep from sheltering beneath them but there are still several, large, bare patches. N of the track there is more native woodland along the edge of old mine workings. There are no other problems in this area.

E of the guardianship area the Wall enters the golf course, there is a wide, band of rough grass over the outer mound with clumps of native trees and scrub. To the S of the track the ditch is very clearly visible to the W of the old Westerwood Farm steading, now used as storage sheds for grass cutting machinery, it stands a maximum of 4m wide by 2m deep and is partly covered in scrub with isolated trees. In long grass to the S of the steading there is a low bank visible around the perimeter of the Roman Fort.

To the E of the steading the track becomes overgrown with long grass, there is a field boundary fence on the N side of the track, the scheduled area extends into the arable fields. S of the track there is a narrow strip of grass with trees above the well preserved Antonine Ditch. The ditch is c. 12m wide by 3-4m deep at this point, a drystone revetment wall has been

Individual report (External use)

Description and assessment of management requirements

built on the N bank but is now crumbling in places. There are some scrub patches and small hawthorns on the banks of the ditch, these extend into the field, which borders the security fence of the airfield in the S.

Apart from the erosion at the W end, there are no new problem on the site. There does not seem to be so much activity around the old Westerwood steading and the erosion problems on the access tracks to the sheds appear to have improved.

06-AUG-1998, JM

I visited this site in response to a damage report. I only visited the W end of the scheduled area outside of which lies outside the directly maintained section.

This sector consists of a triangular field of rough grass which is bounded on the S by scrubby woodland. To the N there is a railway embankment with a level strip of waste ground below it. There is a farm road running under the railway from East Dullatur Farm, which links into the track through the golf course. Between the track and the field, there is a narrow strip of woodland. To the E there is the guardianship maintained section of rampart and ditch and a strip of conifer plantation. A small stream flows into the centre of the field boundary in the S and runs along a cutting, parallel to the fence. It flows into the waste ground below the embankment where it soaks into the ground; there is no piped exit under the embankment.

The week before my visit there had been serious flooding in the area: the stream had overflowed and left a trail of stones and debris on the farm road. The bed of the stream had been scoured out, and there was a small amount of debris on the banks, but no extensive damage to the scheduled area. There are oil drums and farm rubbish by the gate.

HS WARDEN SKETCH SHEET

Index No 92017

Monument ANTONINE WALL + FORT RAILWAY LINE TO 300m E OF WESTERWOOD STEADING

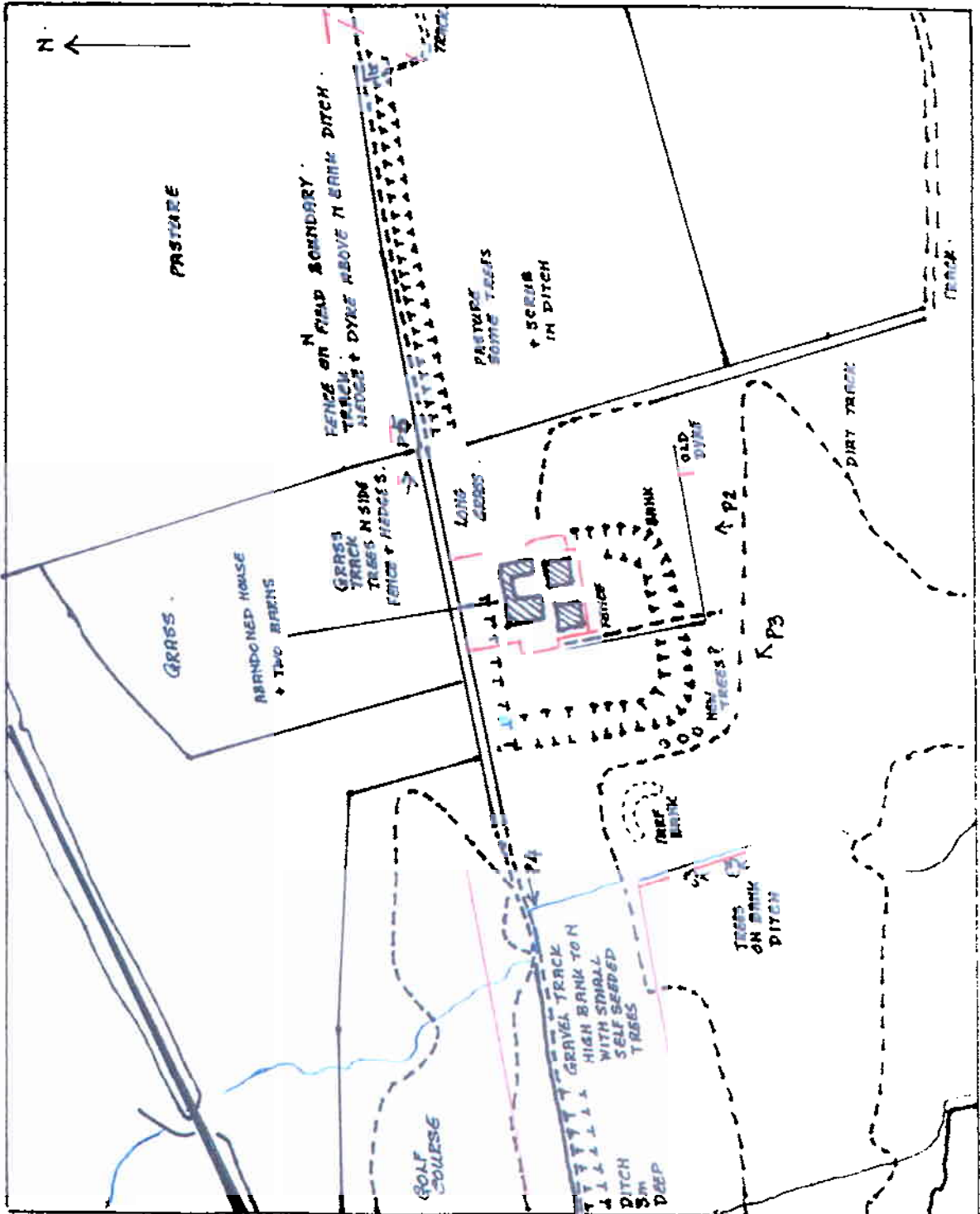
Region NORTH LAMARKSHIRE

District _____

Initials of Recorder STJ

Date of Visit 20 JUN 2006

Visit No 1



HS WARDEN SKETCH SHEET

Index No 40017

Monument ANTONIDE WALL + FORT RAILWAY LINE TO 300m EAST WESTERWOOD STEADING

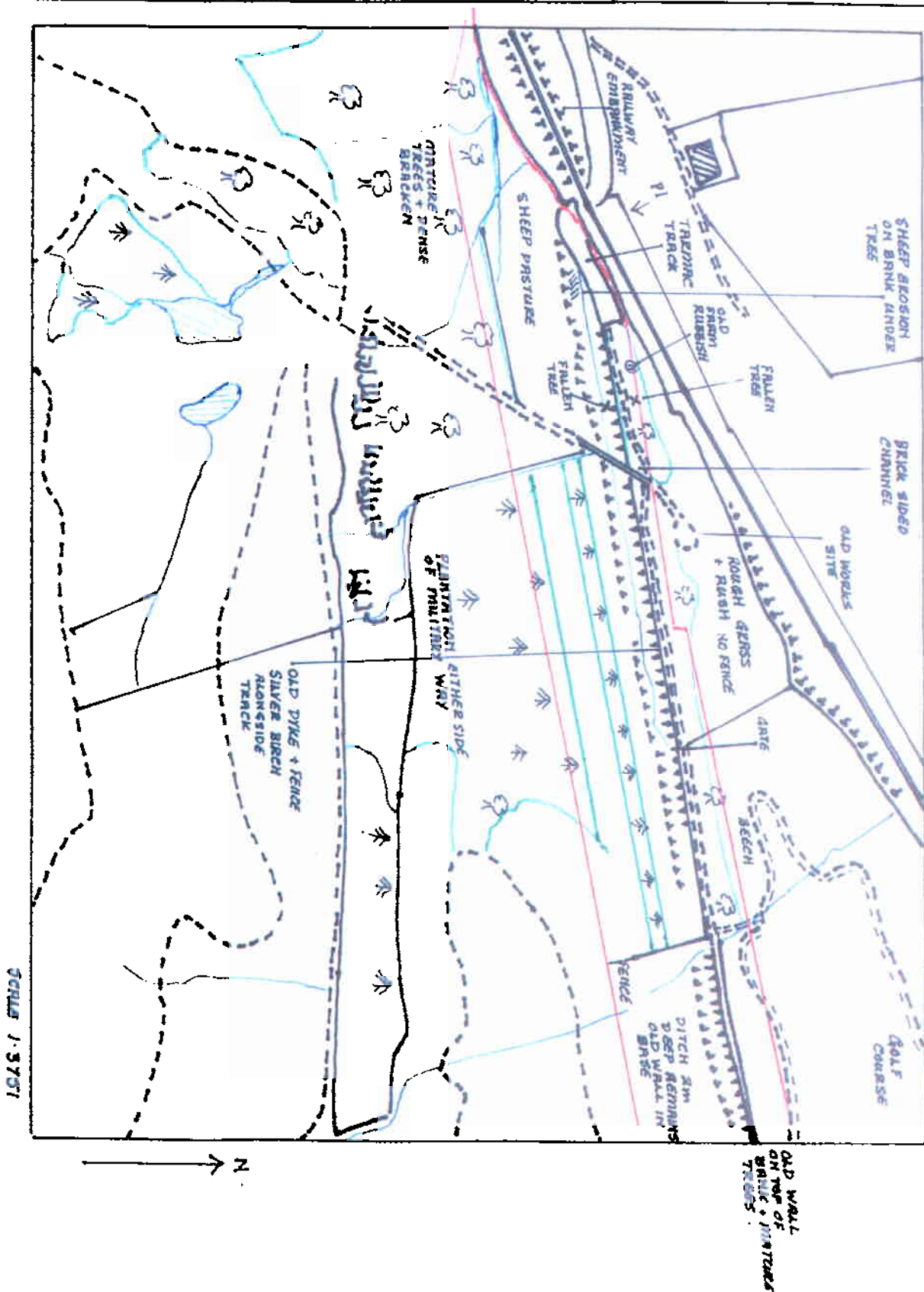
Region NORTH LANARSHIRE

District _____

Initials of Recorder JM

Date of Visit 20 JUN 2006

Visit No 1



OLD WALL ON TOP OF BANK + INTACT TREES

BEARSDEN

In attendance: Richard Callendar

Within the burgh of Bearsden there are 3 parts of the Antonine Wall visible. In New Kilpatrick Cemetery there are 2 visible stretches of rampart base in unusual surroundings, and, in the adjacent gardens, a stretch of ditch.

In the centre of town is the bath-house and latrine (HS). These were excavated between 1973 and 1982 and placed in state ownership.

The main points here are:

- the excellent survival of the remains within urban areas
- visiting the primary visible stone remains on the line of the Wall
- interpretation and linking to adjacent sites

A third stretch of Wall (ditch and rampart base) lies on Thorn Road, but is not to be visited.

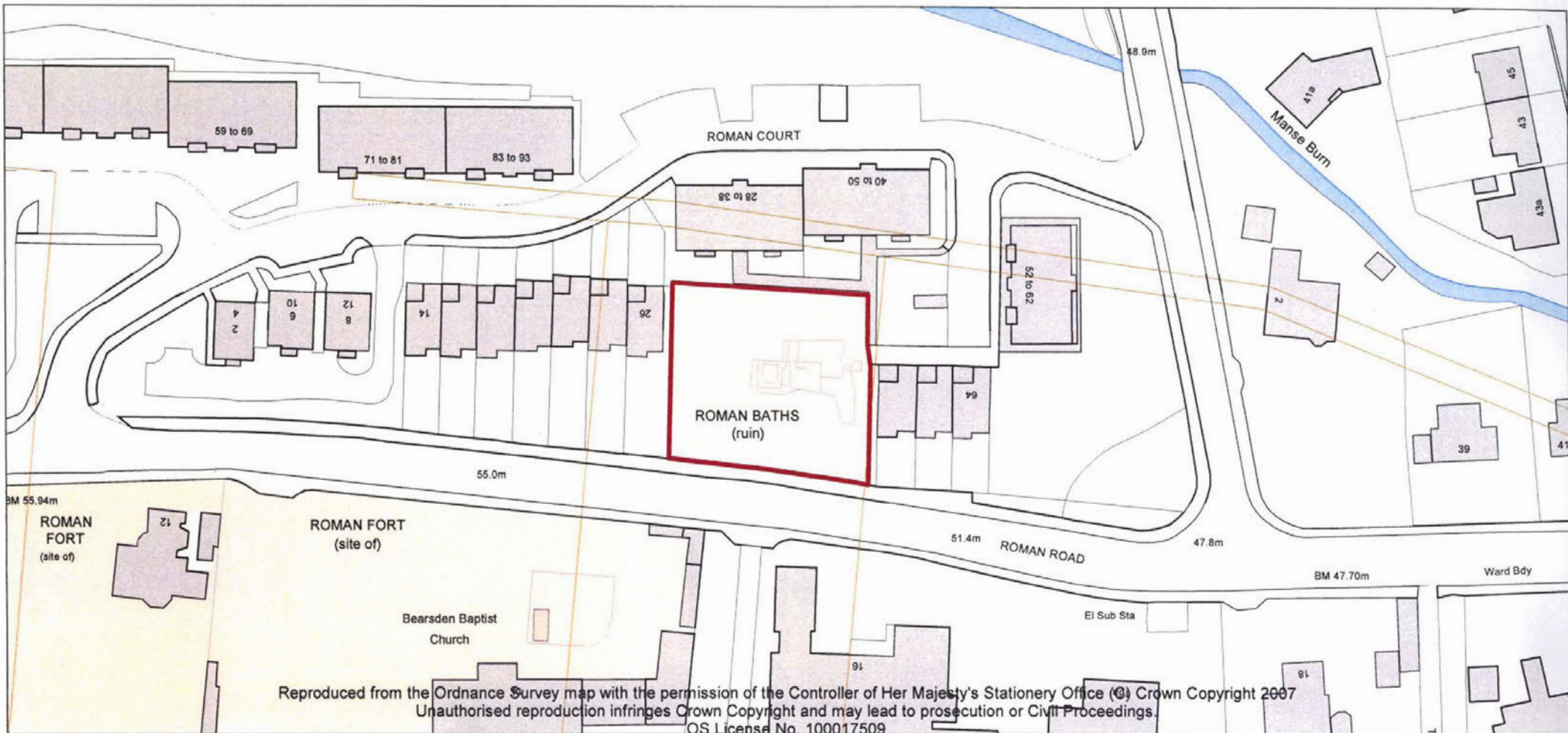
DUNTOCHER

In attendance: Alistair Gemmell

The fort, annexe and fortlet was excavated 60 years ago by Anne Robertson in advance of housing, which was not built owing to the importance of the remains. This is still one of the most important forts on the line of the frontier.

There are several issues here:

- This low hill offers a splendid view of the western end of the Antonine Wall which informs discussion on the purpose of the Antonine Wall. The hills to the north, rising from immediately in front of the Wall, are in the buffer zone
- A public enquiry was held 30 years ago which defined the western edge of this small town while the local authority has repeatedly refused proposals to develop new housing at the east end
- The site of the important fort here is preserved, but not on display. A new method of interpretation is being tried, differential grass cutting to mark out the lines of the rampart
- Part of the rampart base is on display



Local Authority: East Dunbartonshire Council

THE ANTONINE WALL

Bearsden, Roman Baths

- KEY
- Scheduled Monuments
 - Guardianship Boundary



ANTONINE WALL WORLD HERITAGE SITE

Access Management Plan - Issues

ACCESS

Adopt a broad definition of access: ranging from getting people to the monument, through access to information about the monument, to the social benefits of the presence of the monument to contemporary communities.

Processes in place to ensure protection have been described. One key influence on the effectiveness of these processes and on the protection of the monument - public opinion - is less predictable, and the methods of engaging with it much less systematic. Ensuring monument is valued by public opinion is ultimately the most important assurance of protection.

ACCESS STRATEGY

Nomination submitted February 2007. Management Plan contained an outline of how access is to be developed. Since February, work has begun on developing the intentions of the Management Plan. One result is the Access Issues paper (included in Zsolt's pack). This is the next step towards a more refined strategy and plan for access to be delivered over forthcoming months and years.

Strategy will cover the Wall in its entirety and it will be intended that all bodies involved in the Wall's management will sign up to it.

Strategy, and issues for it, considered under 3 main elements:

- Physical access
- Intellectual access
- Community engagement

PHYSICAL ACCESS

On-site visits

- We want to improve physical access to those sites where the remains are most impressive; we should consider encouraging access to these sites collectively as a package, but also acknowledge that visitors may not have the ability or inclination to take advantage of the whole package, and just dip into the Wall at any one of its component sites. There is a question over how extensive physical development should be at any given site - with respect to any of the sites, we have to consider the feasibility of looking beyond improving paths, signage and info panels to

more elaborate visitor facilities, including visitor centres, catering etc. What is the likely demand to justify investment?

- There is an expectation that World Heritage Sites add to the tourist economy of the areas in which they are located, and political support for them in the UK, both at national and local level, is often predicated on this expectation. There is a need to ensure that expectations of economic potential and resource allocation are realistic and match demand and levels of use.
- For the most part, the Wall does not lie in those geographical areas on which the Scottish tourism industry traditionally focuses its attention. Counter-balancing the challenge of improving the tourist potential, as well as achieving a realistic take on the tourist impact, is the need to protect the Wall.
- Partnership with British Waterways: the AW management partnership can use the linkage with BW to enable access to sites on the Wall - in particular Rough Castle, which links with BW's flagship site at Falkirk Wheel. Mutual advantage is that access to AW is achieved through work by BW, while BW gains added value to its offering through inclusion of access to AW.

On-site interpretation

- Other than galleries in the museums at Kinneil and Callendar House, on-site interpretation of the Wall is outdoor and low-key. Development of existing or new visitor attractions will depend on the findings of feasibility work.
- Sites on the Wall are presently interpreted by means of graphic panels. While this method is likely to remain, other media (mobile phone, podcasts, audio commentary, info packs etc) exploit new and developing means of access.
- The policy with regard to the remains themselves is to conserve as is. There will be a presumption against physical reconstruction on-site. Not only do reconstructions quickly go out of date against a background of changing knowledge, remains are evocative and engage the imagination.
- Nevertheless, work on the continent (eg. Iza in Slovakia) demonstrates creative solutions for greater impact, outline representative structures do not offend the integrity of the site, or damage the archaeology, and can be easily deconstructed when ongoing research demonstrates them to be obsolete.

Marking the presence of the Wall

- For much of its length, the physical monument itself is invisible, but is present in the pattern of planting, road alignments and housing developments (increasingly understood through the medium of aerial photography). This is as powerful a factor of the continuing influence of the monument on people's consciousness as the remains themselves, and as such deserves to be marked.
- Given that the proposed World Heritage site is as much a landscape as a structure, visual statements drawing public attention to its existence, even when completely invisible, should be considered. This could be

imaginatively done through a public art scheme or, for example as with the Helix (a landscaping project in Falkirk, incorporating part of the line of the Wall, presently competing for Big Lottery funding) where the presence of the Wall would deliberately impact the physical design of the project.

Visitor movement to and within the site

- The idea of a series of sites raises issues of transport around, as well as to, the site.
- In keeping with the principles of World Heritage, an emphasis should be given to sustainable transport development, designed to minimise environmental impact.
- It is expected that the car will continue for the time-being to be the favoured mode of independent access for most people, and so it is inevitable that facilities to accommodate this should be improved - challenge at Seabegs. Nevertheless, we should look especially to encourage access to the site via public transport, and through the development of cycle and pathways.
- The concept of the site forming a 'green gym' has been mentioned in the nomination document, and this reflects the mode through which those living in the vicinity of the Wall will best access it and appreciate its value to the local community - this value is not exclusively dependant on the community knowledge of Roman archaeology, but in an indirect appreciation of and respect for that heritage though its function as an amenity.
- Signage to and around the Wall should not only clearly reflect the World Heritage status of the monument, but also be clear in orientating visitors to it.
- Access maps for the public should co-ordinate the various modes of transport to and around the site, and should cover the site in its entirety as well as its localities.
- Linking these strands together will require the co-ordination of a partnership consisting of Historic Scotland, local authorities, British Waterways (the Forth and Clyde Canal runs parallel to the Wall for much of their lengths, and access to the Wall can be developed in conjunction with BW sites), Forestry Commission and Scottish Natural Heritage.
- Local authorities are presently recording paths in their areas, while Ordnance Survey/RCAHMS/Historic Scotland are presently producing an overview map of the Wall. This work will develop in pace with actual change to visitor access on the ground.

Equal access

- The site and its constituent parts should be the subject of an access audit, which in this case means the potential of those with motor or other disabilities to access and appreciate it. Compliance with Disability Discrimination Act underpins any assessment of access, and due consideration of disabled access is a requirement for any new development.

Marketing

- Branding - consistent presentation
- Single entity to which various agencies/bodies contribute.

DEVELOPMENT FEASIBILITY

The feasibility of physical development of visitor sites and facilities - new and existing - will depend on research into visitor profile and development potential. An economic assessment/visitor profile and development feasibility study should be commissioned as an early step towards an access strategy.

INTELLECTUAL ACCESS

- On site info - content of info at individual sites should be treated as components of a single narrative, at same time balancing need to convey idea of entire structure and values of World Heritage. Cf. probs over reconstruction on-site, much can be conveyed by graphic panels.

Actual physical visits do not, of course, represent the sole method understanding the monument. Any limitations of access, interpretation and development opportunities on site can be compensated for by good supporting offsite means of access.

- Education
 - to be considered as lifelong learning - programmes for all ages to be developed - Sue Selwyn (Head of Culture and Lifelong Learning at Falkirk Council) mentioned in her welcome a project devised by Falkirk Museums which used Romans and AW as basis for an adult literacy and numeracy programme.
 - nevertheless schools likely to be main focus of educational development. Aims of World Heritage Convention pay particular attention to engaging young people with heritage, young people are the key to continued respect for and protection of heritage. Compared with other Scottish WHS, AW has an advantage - Romans are part of Scottish primary curriculum, giving an early understanding of social anthropology and multi-culturalism: Romans not only an example of another society, but they also represent one which lived on the same soil as we do today. Study of Romans declines in secondary - fewer classics teachers, but AW and WHS fits with other parts of curriculum - citizenship, environmental and social responsibility (schools aren't training Roman scholars, they are trying to train effective members of society!). AW management partnership will have to be imaginative to keep pace with change in education system and keep AW relevant to it.
 - Museums are key conduits for educational work, as demonstrated in the educational study of AW carried out for HS in 2005. 3 museums (Callendar House, Kirkintilloch, and Hunterian, Glasgow)

visited as part of evaluation. Zsolt encountered education programmes at Callendar House and Kirkintilloch, display and virtual access plans at Hunterian. 2 museums - Callendar House and Hunterian have already significantly shifted their permanent display developments to raise the profile of Roman material in response to the bid for WHS - Zsolt saw the new Roman gallery at Callendar House, which incorporates a view of the Wall. Museums demonstrate partnership work: Falkirk/HS in education programmes and WHS steering group; Kirkintilloch/HS in education programmes; Hunterian/HS/RCAHMS in digital access. Museums work in partnership with each other - future joint application (Falkirk/Kirkintilloch/Hunterian) to Significance Scheme - more resources for improving public access to AW Roman collections and to AW itself. National Museums also part of Management Plan partnership

- Literature - range of literature - academic publication to material for children
- Virtual access - Hunterian/RCAHMS
- Intellectual levels - range of material produced should consider different levels of understanding - for WHS multi-lingual as standard on continent.
- OVERVIEW AND CO-ORDINATION
 - story of Antonine Wall told through several different media by several different agencies. Interpretation framework produced to provide a comprehensive picture of the work of various agencies and bodies involved in developing intellectual access, to encourage these agencies to recognise their respective contributions in the context of a common purpose, to encourage them also to ensure that the underpinning values of World Heritage status are conveyed. The universal value is key - the site is shared by all humanity.
 - Work of co-ordination should avoid attempts at standardisation - AW partnership should be alert to different methods of engaging with the monument and its meaning, particularly those with the potential to create new audiences and supporters.

COMMUNITY ENGAGEMENT

Definition of community engagement

'Community engagement' covers a third level of awareness of the monument. Whereas physical and intellectual access assume a pre-existing intention to find out about the Wall and its history, community engagement is aimed primarily at those communities living within the vicinity of the monument, who may not want to pursue any level of historical research, but who will nevertheless have some level of understanding of the purposes behind the preservation of historic structures, the meaning of World Heritage status, and the difference a World Heritage site may make to their community. This level of engagement may be thought of as 'oblique' access,

and represents the majority of public understanding. It tackles more directly issues around the contemporary relevance of the monument, and it is key to the future support and continuing respect for it. Ultimately, the protection of the Wall, which is the key action in achieving and maintaining World Heritage status, will be dependent on this level of engagement, as decisions on its future will be taken by communities through democratic processes.

Development of community engagement activity

For heritage organisations, which tend to deal with direct rather than oblique access, action to achieve this kind of engagement is still in the process of emerging. However, the introduction of holistic strategic community planning by local authorities allows their heritage organisations, museums for example, to understand their purpose and activities in terms of community-shaping rather than just service delivery. The management structures within local authorities, which group linked services under lead posts, also engender an understanding of common larger purposes amongst those services, and encourage innovative responses to new and different types of engagement. This approach can be imported to the management of the Wall as a whole.

The Antonine Wall and community engagement

A different flavour on a community's 'mindscape', self-perception, identity and development prospects is to be expected to result from World Heritage status. There are many positives to be derived from this, not least a sense of being part of a global community, but a balance needs to be struck through ensuring that expectations are realistic. Within the political arena, for example, there is a tendency for the discourse on World Heritage status to follow economic lines, with unreasonable, and probably unachievable, reliance being placed on the prospects of increased tourist trade. The wider community benefits of World Heritage status need to be defined and articulated as part of the developing management plan, think better communities rather than better return for investment.

Examples of Community engagement

- Community awareness can be built through the processes which bring people together to discuss their communities - community councils community forums (Falkirk), and other community development work which may take different forms in different areas. An overview of such activities along the Wall's communities should be carried out.
- Outreach work, for example by museums, integrated with community learning and development processes ties an understanding of the Wall with larger learning outcomes.
- More specific examples:
 - the Big Lottery Helix landscape project in Falkirk is heavily dependent on community input and has provided the opportunity for creative designs acknowledging the monument as part of the landscape;

- a project to involve high schools along the line of the Wall in understanding the value of historic monuments, the concept of World Heritage, and in turn to provide HS and its partners with a means of understanding young peoples' attitudes to heritage and WHS, and of identifying what might motivate young people to value and protect the monument (a potential partnership between Historic Scotland and Space Unlimited - Sue Mitchell moving on this)
 - Twinning of communities, schools or museums with others on the international Roman frontier World Heritage Site brings a sense of shared heritage, connection and common global values between far-flung communities. Falkirk and Odenwald, both containing sections of the Roman frontier, are already twinned.
 - Bridgeness - Zsolt met with Rob Willox, who represents a community group in Bo'ness interested in taking action to recognise the AW in the town through a new outdoor commemorative display.
 - Survival in other forms: place names - Roman Road, Antonine Primary School etc; Grahamsdyke Road in Bo'ness - built along the alignment of the Wall and so demonstrating how the monument literally continues to dictate how people live, the bakery Antonine's Pies in Kirkintilloch - this is as far removed from the academic study of the Wall as it is possible to be. Serious point is that these demonstrate the survival of the monument in daily life and environment - in the community psyche. The Wall exists not just as a pristine monument separated and packaged for the delight of cognoscenti and paying guests, it also has meaning right in the heart of living and changing communities. Through this it has value, it supplies something special to communities' sense of identity. The AW partnership should seek to work with this level of engagement, as it is crucial to the argument for protection.
- PUBLIC VALUE ASSESSMENT.
 - recent work in the cultural sector (eg Bolton) has been undertaken which studies the value placed in cultural services, not through levels of usage but through opinion and attitude. Recommended that such work takes place for AW.

MANAGEMENT PLAN

- Partnership and co-ordination key requirements of the Plan group's work.
- Balancing aspiration with realism - sequenced plan is required which prioritises delivery of achievable, and builds momentum to achieve the aspirational
- Management Plan Access sub-group has been built over summer of 2007. Aim has been to gain representation from partner bodies, but also to secure expertise from elements required for access to AW. We have secured input from:

- education, museums, planning, countryside access, BW, community development, tourism

VISION

Work of the group will be guided by the following vision:

- To move engagement with AW from a 'public' to a 'human' asset.
- Linking local to global

We're asked what difference will WHS make. It has been described as an honorific title, but already there are examples of differences in perception of AW, and how this encourages a different self-perception of the AW's communities. Zsolt encountered several of these, here are 3:

- Callendar House - where the introduction to the new Roman gallery encourages visitors to think of AW as something once designed to separate peoples, but now uniting peoples over several continents (the Roman frontiers) with a shared heritage.
- Bridgeness (see above) where a proposal to put 'Bo'ness on the map' is developing into a project which links the Bo'ness community with the larger frontiers project - ie expanding the map.
- Adrian Cox explained how his education work in Kirkintilloch attempts to encourage children to think of themselves on an international frontier.

Whether as protectors, educators, or educated, the difference will lie in understanding the monument and taking responsibility for it as part of a global community. The work of the AW partnership will be to make this message explicit rather than implicit.

At the start of the evaluation week Zsolt pointed out that this should happen whether the monument has WHS status or not - agree, and hopefully we have been able to demonstrate that we are ready to do that, but there is continuous pressure on all of us - especially in local authorities - to deal with the local, the immediately tangible, and the short-term and, WHS will provide the additional motivation and justification to look beyond the horizon.

FRONTIERS OF THE ROMAN EMPIRE, THE ANTONINE WALL REVIEW OF ACTIVITIES IN 2007

The Antonine Wall Management Plan listed 32 proposed actions. This paper details progress on these actions.

1. The boundary of the World Heritage Site and its buffer zone will be kept under review to ensure that its outstanding universal significance is adequately protected.

- Historic Scotland is undertaking a review of the scheduling of the Antonine Wall in order to ensure that it is properly protected.

2. The World Heritage Site will be taken into account in the preparation and implementation of all planning, regulatory and policy documents, whether by central or local government, which might affect it

- Local authorities are embedding the new policies for the protection of the Antonine Wall in their emerging Local Plans.
- The Public Enquiry into the line of the M80 Trunk Road found in favour of upgrading the existing road and thus Antonine Wall will not be damaged.
- Planning permission was refused for the construction of 4 houses on the line of the Antonine Wall at Croy in July 2007.
- A replacement primary school within the buffer zone at Golden Hill, Duntocher will improve the view out from the Antonine Wall

3. Supplementary Planning Guidance for the Antonine Wall will be prepared to support the uniform planning policies formulated for the Antonine Wall.

- A brief has been prepared and discussions held with the body which has agreed to undertake this task.

4. All site managers will continue to monitor their sites, consider potential risks and maintain appropriate plans to counter these.

- Historic Scotland has undertaken its annual audit of the sections in state care and prepared the programme of action for the next year.
- Historic Scotland's monument wardens have recently completed a full inspection of the scheduled sections of the Antonine Wall.

5. The conservation of the landscape of the proposed WHS and its Buffer Zones should be guided by an overall conservation framework which should be developed to assist in the management of change in the landscape to the benefit of the long-term conservation of the Antonine Wall and its setting: this could be undertaken within the current frameworks for managing change in the countryside including the Rural Stewardship Scheme administered by the Scottish Executive.

- Under the framework of the Antonine Wall Management Plan Working Group, a sub-committee to consider landscape issues has been formed.

- Discussions have been held with the manager of the Rural Stewardship Scheme with a view to improving the management of the Antonine Wall in the countryside.

6. The Antonine Wall Management Plan Working Group will ensure that the state of the Antonine Wall and its land use is adequately conserved and regularly monitored; this will entail the development of appropriate monitoring indicators.

- Discussions have been held with a view to determining the appropriate monitoring regime for the proposed World Heritage Site.
- Generic indicators for the UK World Heritage Sites have been developed.

7. Woodland and trees form an important part of the landscape of the Antonine Wall and guidance will be developed for the maintenance of this woodland and its enhancement in conjunction with the Forestry Commission.

- Historic Scotland have established regular liaison meetings with the Forestry Commission which owns part of the Antonine Wall. The management of woodland on the Wall at Bar Hill and Croy Hill is being improved with government funding.
- A joint approach on woodland grants is being developed.

8. The Antonine Wall Management Plan Working Group will consider whether the level of skills available in central and local government is adequate for the proper management of the Antonine Wall and whether further skills and training are required.

- Historic Scotland has prepared a document on the future governance of the proposed World Heritage Site: it is proposed to create two new co-ordinator posts.

9. A strategy will be developed to improve the tourist potential of the Antonine Wall in a sustainable manner and without compromising its integrity.

- This is being considered by the Management Plan committee on access.

10. Visitor facilities and the interpretation of the proposed WHS will be developed over the next five years at all levels to meet visitor expectations as a means of improving the enjoyment and understanding of visitors and local people and their appreciation of the universal significance of the proposed WHS and its setting within a strategic and sustained approach.

- A strategy for the scale and type of visitor facilities appropriate to the Antonine Wall and its potential market is under consideration.
- Falkirk Council opened a new gallery devoted to the Antonine Wall in the museum at Callendar House, which overlooks the monument.
- Three sections of the Antonine Wall at Bantaskin recently brought into state care have had the underlying scrub cleared and are being brought up to standard.
- An Antonine Wall Interpretation Centre is being established in the Hunterian Museum where a new gallery devoted to Roman Scotland will be opened in 2008.

11. Interpretation at individual sites will be enhanced. Appreciation of the linear nature of the monuments and its links to other sites, in particular the Forth and Clyde Canal, will be emphasised.

- Joint interpretation for the Forth and Clyde Canal and the Antonine Wall is being developed by Historic Scotland, British Waterways and the Forestry Commission.

12. Museum authorities with collections relating to the proposed WHS will consider opportunities for further co-operation and for improving access to their collections. The existing Antonine Wall museum archaeologists forum would provide an appropriate body to initiate action.

- A project to archive the museum collections and place the catalogue on line is in progress.
- The Hunterian Museum has been given funding by the Scottish Executive to enhance the presentation and interpretation of the Hunterian Museum's Roman Collections.
- The Hunterian Museum, together with Falkirk and Kirkintilloch Museums are preparing a further bid to improve the interpretation of their Roman collections.

13. Visitor awareness of conservation issues on the Antonine Wall will be raised, in particular in relation to the fragile nature of the monument.

- This is acknowledged in Access Issues paper June 2007, to be addressed by Management Plan Access Sub-Group.
- East Dunbartonshire and North Lanarkshire Councils are seeking funds under the LEADER programme to improve the conservation of and facilities for visitors to the Antonine Wall in the well-preserved central sector.

14. Facilities for remote access and interpretation of the Antonine Wall will be enhanced and developed, preferably building on the facilities provided by existing bodies such as RCAHMS, the Hunterian Museum and SCRAN.

- The Hunterian Museum is developing multimedia resources for use in the new Antonine Wall Centre and by remote visitors.
- The Hunterian Museum is developing a new web portal which will serve as the online entry point for those seeking information on the Antonine Wall and associated Roman sites in Scotland. This site will link to other Frontiers of the Roman Empire web sites "electronically connecting" the Frontiers of the Roman Empire.
- A new, short film on the Antonine Wall has been issued as part of the Frontiers of the Roman Empire DVD.

15. A route-way will be created along the Antonine Wall through an enhanced landscape for visitors with signposts, interpretative panels, directions to local museums, car parking, and information on tourism facilities for those who wish to come and explore the Wall without compromising the historical integrity of this potential WHS linking to other visitor attractions such as the Forth and Clyde Canal.

- An Access Group has been established under the aegis of the Management Plan. Historic Scotland and British Waterways are discussing joint promotion of the Wall and the Forth and Clyde Canal.

16. A visitor profile will be developed for each section of the Antonine Wall where public access is permitted in order to ensure the sustainable future of the monument.

- The Access Issues paper, June 2007, has proposed a feasibility study to include an economic assessment and visitor profile as a first step towards an access strategy.
- Central Scotland Forest Trust has recently installed a People Counter at Rough Castle to increase understanding of how the site is being used.

17. A disabled access strategy will be developed.

- Historic Scotland has created and is implementing a strategy for the sections in care.

18. The educational use of the Antonine Wall will be optimised through closer contacts between the protection and conservation bodies, museums, schools, universities and other educational bodies. In particular, steps will be taken to strengthen the use of the Antonine Wall in teaching in schools along its line, not just as an historical resource but as part of understanding citizenship in a modern world.

- The Historic Scotland educational initiative on the Antonine Wall has continued to be developed.
- Schools in Scotland are participating in a pilot venture to twin schools along the frontiers of the Roman Empire.
- Discussions have taken place with a view to the Hunterian Museum participating in the project twinning museums on Roman frontiers.
- Nine free guided tours of the Antonine Wall were provided in September as part of Scottish Archaeology Month 2007, attended by about 150 people.

19. Links between the World Heritage Site and local communities will be strengthened to improve their appreciation of the Antonine Wall and to create positive partnerships.

- A most successful Glasgow Show was held on 28 July, with 900 copies of the Antonine Wall booklet being distributed and much positive feedback obtained.
- Lectures continue to be given to local societies along the line of the Antonine Wall and links fostered with Young Archaeologists Clubs.
- Historic Scotland are planning a project for 2008 to engage secondary schools along the line of the Antonine Wall to help understand how young people can be motivated to support, directly or indirectly, the protection of the monument.
- Falkirk Council's Heritage Lottery 'Helix' bid acknowledges the significance of the Antonine Wall and the value of WHS status in the proposed landscape development.
- A community action group, Friends of Kinneil, has been established partly in response to the potential creation of World Heritage Site.

20. The proposals to improve the presentation of the Antonine Wall through the signage and enhancement of the line of the Antonine Wall in urban areas will be extended not only to improve local knowledge but through that seek its better protection.

21. The greater use of the Antonine Wall for recreational activities by people of all ages and inclination will be explored. These could include the use of the Antonine Wall as a 'green gym' to improve health.

- These are covered in the Access Issues paper, June 2007

22. The Management Plan Working Group will review the Management Plan and oversee its implementation through the co-ordinated actions of the members of this group.

- The Management Plan Working Group has established sub-committees to take forward the actions listed in the Plan. These include a steering group, protection group, landscape group and access group.

23. In order to achieve the aims of the Management Plan, the existing partnerships will be reviewed and extended to encompass additional bodies in order to improve the protection, management, presentation and enjoyment of the Antonine Wall.

- This was undertaken before and after the first meeting of the Management Plan Working Group, with additional bodies being invited to send representatives.

24. The Management Plan Working Group will be expected to engage with local communities along the line of the Antonine Wall.

- Lectures have continued to be given to various societies along the line of the Wall.
- Young Archaeologists Clubs have held meetings devoted to learning more about the Antonine Wall.
- Talks have been offered to the community councils along the line of the Wall.

25. A first task of the Management Plan Working Party will be to prioritise the list of actions detailed in this Plan and assign resources, determining control and monitoring mechanisms.

- The individual sub-committees established by the Management Plan Working Group are considering priorities.

26. Historic Scotland and Falkirk Museum Service have already agreed to provide the secretariat for the new body [i.e. the Management Plan Working Group]. Historic Scotland and the five local authorities have agreed to finance the preparation of Supplementary Planning Guidance for the Wall. Both Historic Scotland and the RCAHMS have confirmed that they will maintain their enhanced level of financial support for the projects relating to the Antonine Wall

The Antonine Wall is specifically noted as a target site in the Historic Scotland Business Plan. Scottish Ministers recognise that successful nomination will mean that the Scottish executive, through Historic Scotland, will need to continue its commitment to making a dedicated investment in the Antonine Wall, as it has with other World Heritage Sites in Scotland, and that a designated coordinator post will be established. Historic Scotland recognises that such investment will need to embrace not only funding for work undertaken directly by itself, but also by local authorities and, as appropriate, private owners. Ministers will expect Historic Scotland to work closely with other partners to maximise the potential for complementary and shared investment in the Site.

- Historic Scotland has agreed to provide funding for the coordinator post(s).
- Historic Scotland has prepared a draft brief for the governance of the proposed World Heritage Site.

27. A framework for research on the Antonine Wall will be prepared. This will be taken forward in conjunction with all bodies undertaking research on the Antonine Wall in universities, museums, archaeological societies and commercial archaeological units.

- A seminar to consider the creation of a research strategy has been held at the University of Edinburgh.
- A seminar to review the geophysical survey programme and plan activities for 2007 has been held at the University of Glasgow.
- Several new geophysical surveys of the Antonine Wall have been commissioned.

28. Awareness and understanding of the archaeological, historical and other values of the Antonine Wall and of the significance of its potential value as a World Heritage Site will be improved. This can be undertaken through publications of all types, the media, museums, on site interpretation and so on.

- RCAHMS and Historic Scotland are preparing a broad sheet to include a map of the Antonine Wall and information for visitors.
- A new book interpreting the Antonine Wall is being prepared.
- Supportive Parliamentary Questions have been asked in the Scottish Parliament.
- A supportive motion was laid before the House of Commons in London.
- The UK All Party Parliamentary Committee on World Heritage Sites was briefed on the nomination in June 2007.

29. The Management Plan Working Group will ensure that the information provided about the Antonine Wall is accurate and to the highest standards.

- Several projects are in progress to improve information about the Antonine Wall, through additional recording by RCAHMS, and through geophysical survey.

30. Appropriate international links will be maintained and enhanced.

31. Appropriate actions will be taken to ensure that the Antonine Wall retains and enhances its position with the study of the Frontiers of the Roman Empire.

- Historic Scotland continues to lead the Culture 2000 Frontiers of the Roman Empire project.
- Lectures have been given at UNESCO-DE Annual Conference in Lübeck, a seminar in Frankfurt, and at the British Epigraphy Seminar.

32. A set of management principles for the use of the international community on the identification, recording, research, protection, conservation, management, presentation and understanding of the Roman frontier will be created.

- These are being prepared in time for publication in the final volume of the Culture 2000 Frontiers of the Roman Empire project to be launched in May 2008.

EDM 813

NOMINATION OF THE ANTONINE WALL FOR WORLD HERITAGE SITE STATUS

01.02.2007

Swinson, Jo

53 signatures

Bottomley, Peter	Breed, Colin	Burstow, Paul
Cable, Vincent	Campbell, Gregory	Caton, Martin
Clegg, Nick	Conway, Derek	Cook, Frank
Corbyn, Jeremy	Cryer, Ann	Davey, Edward
Davidson, Ian	Dismore, Andrew	Donaldson, Jeffrey
Ennis, Jeff	Featherstone, Lynne	<i>Foster, Don</i>
Hancock, Mike	Harris, Evan	Harvey, Nick
Hemming, John	Holmes, Paul	Horwood, Martin
Hoyle, Lindsay	Hughes, Simon	Hunter, Mark
Jenkins, Brian	Jones, Lynne	Keetch, Paul
Key, Robert	Kramer, Susan	Lamb, Norman
Lazarowicz, Mark	Lepper, David	McCrea, Dr William
McDonnell, Alasdair	McDonnell, John	<i>McFall, John</i>
Moss, Malcolm	Pelling, Andrew	Rennie, Willie
<i>Russell, Bob</i>	Simpson, David	<i>Swire, Hugo</i>
Teather, Sarah	Williams, Hywel	Williams, Stephen
Willis, Phil	<i>Wishart, Pete</i>	Wyatt, Derek
Younger-Ross, Richard		

That this House welcomes the nomination of the Antonine Wall for UNESCO World Heritage Site status; notes the historical significance of the Wall as denoting the true

north-western frontier of the Roman Empire; further notes that the Wall's distance slabs form one of the most important groups of preserved Roman military sculptures; further notes the importance both of preserving the Wall and educating the public about its historical significance; and supports the ongoing work in other countries to denote more extensively the borders of the Roman Empire as World Heritage sites.

As an Amendment to Swinson, Jo's proposed Motion (NOMINATION OF THE ANTONINE WALL FOR WORLD HERITAGE SITE STATUS):

EDM 813A1	
NOMINATION OF THE ANTONINE WALL FOR WORLD HERITAGE SITE STATUS	06.02.2007
Cousins, Jim	1 signatures

leave out from `status;' to `further' in line 3 and insert `notes that, although some consider the Wall to denote the north-western frontier of the Roman Empire, the area between Hadrian's Wall and the Antonine Wall, including almost all of the present constituency of Newcastle-upon-Tyne Central, never accepted permanent Roman Imperial military occupation; nevertheless,'.

Antonine Wall Management Plan Working Group

Longmore House 14 August 2007

DRAFT

Present: David Breeze (chair), Laura Bailie, Sue Mitchell, Donald Carmichael, Malcolm Cooper, George Findlater, Hannah Graham (minutes), Susan Williamson, (all of Historic Scotland), Ian Ludbrook and Peter Stott (Falkirk Council), Deirdre Craddock (City of Glasgow Council), Olivia Lassiere (British Waterways), Eila Macqueen (CSA), Lyndsay Noble (North Lanarkshire Council), Jim Devine (Hunterian Museum), Rebecca Jones (RCAHMS), Mark Rainer (SEERAD), Bill Hanson (Glasgow University), Jim Walker (Glasgow Archaeological Society), Elizabeth Glenis (Kilpatrick Council)

Apologies:

Minutes of previous meeting

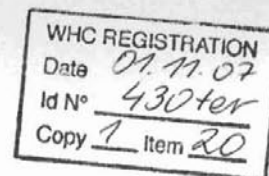
1. The minutes of the meeting held on 28 June were approved.

Reports of sub groups

2. Steering Group: The last meeting was on 7 August and was devoted to preparations for the evaluation visit.
3. Access Group: Peter Stott has produced a paper on the main points for developing an access vision. This membership consists of Peter Stott, Sue Mitchell, Jim Devine, Deirdre Craddock, Adrian Cox, Jim Aitkens (?) and Paul McCafferty (?) The group will start to tackle issues after evaluation visit.
4. Landscape Group: The sub-group has not been progressed yet and at the moment preparing for the Evaluator's visit takes precedence.
5. Protection Group: DB confirmed that these issues are being considered by the Steering Group.

The evaluation visit

6. David Breeze confirmed the evaluator as being Professor Zsolt Visy a Roman Archaeologist from Hungary who has been heavily involved in the development of the concept of the Frontiers of the Roman Empire World Heritage Site.
7. David Breeze informed the group that the evaluator's pack would include: a programme for each day; the relevant pages from the nomination document for each day; condition surveys; a site map; biographies of the key people he will meet; and an example of a monument warden report. A core brief (in which the Q and A have been incorporated) will be provided and also



Ministerial reception

15. This will take place at Edinburgh Castle on the evening of the second day. The reception will enable the Minister to meet the Evaluator and demonstrate the commitment of the Scottish Government to the nomination and protection of the wall. It will also provide the evaluator with the opportunity to meet those who have been involved in the nomination process and who will be involved in caring for the site. The Minister has requested that we are imaginative when it comes to the organisation of this event. Various suggestions were discussed including the presence of local re-enactment groups. Malcolm Cooper suggested that the entertainment should reflect the importance of the Antonine Wall over the years and the impact it has had on the local culture and community. This could be done through a series of readings from some of the antiquarians who have written about the Wall. There could be a Roman Soldier reading letter from home and a reading from a school child to demonstrate the impact that the Wall has had on them. The Scottish Poetry Library and Storytelling Centre will be able to supply readers. It was also suggested that the Carnyx could be used to announce the Minister and the readings.

Action:

- **Policy Group to develop the proposals for entertainment with the assistance of Sue Mitchell and Jim Devine.**
- **Group to send names of attendees for reception to David Breeze**
- **Group to send any specific points that they would like included in the Ministerial speech to Hannah Graham**

Date of next meeting

16. David Breeze confirmed that we will have until the end of October to place new information before UNESCO pertaining to the proposal to make the Antonine Wall a World Heritage Site. It was agreed to re-group once the evaluation visit is over. The next meeting is provisionally set for Tuesday 23 October from 14.00 – 16.00 at Longmore House.

Antonine Wall Management Plan Working Group Agenda
28 June 2007
Longmore House

Apologies

1. Apologies were received from: Ken Graham, Elizabeth Brown, Eila MacQueen, Malcolm Cooper, Donald Carmichael, Peter Bromley, Deirdre Craddock (represented by Gill Dick), Carol Swanson (represented by Dave Hodgson), David Clarke, Eberhard Sauer, Jim Mearns (represented by Jim Walker) Rebecca Jones and Mark Dorrian

Minutes of previous meeting

2. The minutes of the previous meeting were agreed.

Review of progress since last meeting

3. David Breeze informed the meeting of the withdrawal by the UK government of the Darwin at Downe nomination due to be considered at this years meeting of the World Heritage Committee. This followed an unfavourable report from ICOMOS on the nomination which found that it lacked integrity and authenticity and they were not convinced it had the Outstanding Universal Values. Following this decision the UK have offered to host a conference on how properties which relate to major scientific discoveries should be dealt with. The withdrawal will not affect the timing of the nomination of the Antonine Wall as this has already been submitted.

4. Preparation for the evaluator's visit has continued with David Breeze and George Findlater visiting the Wall with colleagues in Properties in Care to consider the presentation of the sites. Presentations on the nomination have also been given to the All Party Parliamentary Group on World Heritage at Westminster, at the German UNESCO Commission conference in Lübeck and locally. Further geophysical surveys of the Wall has also been commissioned.

5. Jim Devine informed the group that the Hunterian Museum is producing a CD-Rom on Roman Scotland which has been designed to be used in a number of ways including on websites and in kiosks. They are also producing MP4 player content.

The Evaluators Visit

6. David Breeze tabled a draft outline programme for the visit which had developed out of the Steering Group meetings. It will have to be decided who from the organisations involved the Evaluator will meet. There will be evening events where people will have a more informal opportunity to meet the Evaluator.

7. During the visit we essentially need to demonstrate to the Evaluator that the site meets the criteria of Outstanding Universal Value, Authenticity and integrity. We need to show that we have the management structures in place to protect and maintain these. In previous years this has been done through a series of very brief

12. It was suggested that the problems and weaknesses that the Evaluator might pick up on should be identified to ensure that they are fully addressed within the visit. Site visits and presentations should target the issues highlighted. Briefing will need to be provided to all those involved on these issues to ensure a consistent response.

Access sub-group

13. The Subgroup does not exist yet. Peter Stott has produced a paper on the main points for developing an access vision. This will be circulated after the meeting. All members should consider the paper and volunteers to be on the group should email Peter by the end of July.

Landscape sub-group

14. This sub-group has not progressed yet and at the moment preparing for the Evaluator's visit takes precedent.

Education issues

15. Sue Mitchell outlined the results of a consultation study which was undertaken in 2005. The response rate was disappointing but those who did respond highlighted lack of transportation, lack of interactive opportunities and the site not being very interesting as reasons for not visiting the Wall. Not many cited the lack of facilities as a reason for not visiting but this has been an issue in recent initiatives. It was suggested that this is something the Access group should look at and that an awareness raising programme may need to be undertaken to demonstrate other options such as starting a visit at the Falkirk Wheel where there are facilities.

Date of next meeting

16. It was agreed that a meeting should be set for 14 August ahead of the Evaluator's visit.

Antonine Wall Management Plan Working Group
Longmore House
29 March 2007

Present: David Breeze (chair), Laura Bailie (secretary), Peter Bromley, Donald Carmichael, Malcolm Cooper and George Findlater (all of Historic Scotland), Derek Alexander (NTS), Geoff Bailey, Ian Ludbrook and Peter Stott (Falkirk Council), Elizabeth Brown (East Dunbartonshire Council), David Clarke (NMS), Mark Dorrian (SEERAD), Ken Graham (West Dunbartonshire Council), Deirdre Craddock (City of Glasgow Council) Lawrence Keppie, Olivia Lassiere (British Waterways), Frazer MacNaughton (SNH), Eila Macqueen (CSA), Jim Mearns (Glasgow Archaeological Society), Lyndsay Noble (North Lanarkshire Council), Nicholas Shepherd (FC), Ewan Smith and Jim Devine (Hunterian Museum) and Carol Swanson (WOSAS),.

1. Introduction

David Breeze opened the meeting and thanked everyone for attending. Apologies were received from Bill Hanson (Glasgow University), Alistair Gemmell (West Dunbartonshire Council), Simon Gilmour (Society of Antiquaries of Scotland), Rebecca Jones (RCAHMS), Katrina Marshall (SNH), Eberhard Sauer (Edinburgh University), Graham Shankland (East Dunbartonshire Council), Richard Tipping (Stirling University) and VisitScotland

The history of the UK involvement with World Heritage Sites was outlined and the background to the creation of the Frontiers of the Roman Empire World Heritage Site was explained. In 1987 Hadrian's Wall was inscribed as a World Heritage Site. More recently the German government expressed the intention to nominate their Roman frontier, the German Limes. In 2001 a group met to discuss the possibility of other Roman Frontier Sites seeking nomination. Following discussion with the World Heritage Committee it was decided that a multinational Site potentially involving countries across Europe, North Africa and the Middle East would be established and in 2005 the German Limes were inscribed as part of the Frontiers of the Roman Empire World Heritage Site. Hungary, Austria, Slovakia and Croatia have all stated their intention to nominate their frontiers as part of this Site. The intention to nominate the Antonine Wall as part of this Site was announced in 2003.

The nomination documents for the Antonine Wall were submitted to UNESCO in January this year and the first hurdle has been passed with UNESCO confirming that the necessary paperwork for the nomination has been submitted and is correct. The next stage will involve a field visit from an evaluator appointed by the International Council on Monuments and Sites (ICOMOS). We have until 31 January 2008 to submit further supporting information. ICOMOS can seek further information from us following the evaluation report and we will have until 31 March 2008 to respond. Following this they will submit a report to the World Heritage Committee and we will have until the committee meets in July 2008 to contest any factual inaccuracies within that report. We expect the field evaluation to take place in the summer but are hoping this will be towards the end of August or in September to allow things to settle down after the elections.

be on providing a good visitor experience for all visitors. Peter Stott had offered to chair a group looking at intellectual access and agreed to chair a joint group on access. The importance of community engagement was highlighted and it was pointed out that the group needed to address issues of access for the local community as well as visitors. It was pointed out that the Antonine Wall impacts on people's daily lives and could help in addressing other issues affecting communities. These communities should be given the opportunity to feed their views and needs into the discussion as the initiatives which succeed tend to be local or involve a large amount of community involvement. Community engagement should underpin the work of all the sub-groups.

It was suggested that a few simple reports on the areas highlighted already could be commissioned to draw out the key issues for consideration. This work did not need to be very detailed or expensive and could be done quite quickly. It was decided that the people at the meeting could start this process. Peter Stott agreed to draw up a list of the key issues on access. This would then be circulated to all the organisations involved, allowing them to consider representation on the group. A copy of the Hadrian's Wall Management Plan would also be circulated to all organisations involved in the group. The membership of the sub-groups would be determined once the survey of current activities and the list of key access issues had been drawn up. It was noted that the sub-groups could themselves involve a very large number of people and that they should be restricted to 3 or 4 members who would then report back to the main Working Group.

There was some discussion on membership of the landscape sub-group but no chair was nominated. It was suggested that the landscape issues needed to be fully integrated into the protection element of the Site and therefore the group looking at protection should consider landscape issues. It was also suggested that a group already in existence such as the Central Scotland Forest Trust could be asked to work on these issues.

3. Membership of the Group

VisitScotland was identified as a key player currently missing. There were a number of other groups with an interest which were not represented but it was suggested that those present could use their existing networks to keep others informed. The production of a report or newsletter was also suggested as a means of keeping those not on the Working Group informed.

4. Resources

HS recognises that everyone including itself has limited resources. HS will provide secretarial support to this group and its sub-groups. It was proposed that the group meet quarterly in the run up to the decision on inscription. The need for a push in the run up to the evaluation visit was acknowledged.

5. Date of Next meeting

The next meeting will be on 28th June at 11am at Historic Scotland. This will allow the subgroups time to meet and feedback and the papers discussed today to be

Scotland's Historic Environment



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Foreword

Scotland is a country known world-wide for its history and its landscape. Our ‘historic environment’ to a great extent defines our nation. It is the physical embodiment of the efforts of countless generations of people who have lived and worked here. Generations of farmers, foresters, labourers and landowners have worked with, and sometimes against, nature to create a rich and diverse countryside. Villages, towns and then cities have been built, beautified and expanded by their inhabitants. Great families, institutions and businesses have erected major structures in the landscape – castles, abbeys, palaces, factories, warehouses – and the Crown and government have raised public buildings, defences and a great range of works of civil engineering. All these things, from the pattern of fields or crofts to Edinburgh Castle, from Skara Brae to the cityscape of Glasgow, from a mining village to a palace, from the Union Canal to Fort George, are our common inheritance – an inheritance of immeasurable social, cultural, educational and economic value.



I believe it is important that we set out clearly and in one place our policies for the conservation, management and use of this richly textured historic environment. It is for that reason that we have committed to producing a new series of Scottish Historic Environment Policies (SHEPs). SHEP 1 is the keystone in that new series. I hope that extensive public consultation has helped us produce a robust and useful document, and that it will receive a wide welcome in the historic environment community and throughout Scotland.

A handwritten signature in black ink, which reads "Patricia Ferguson".

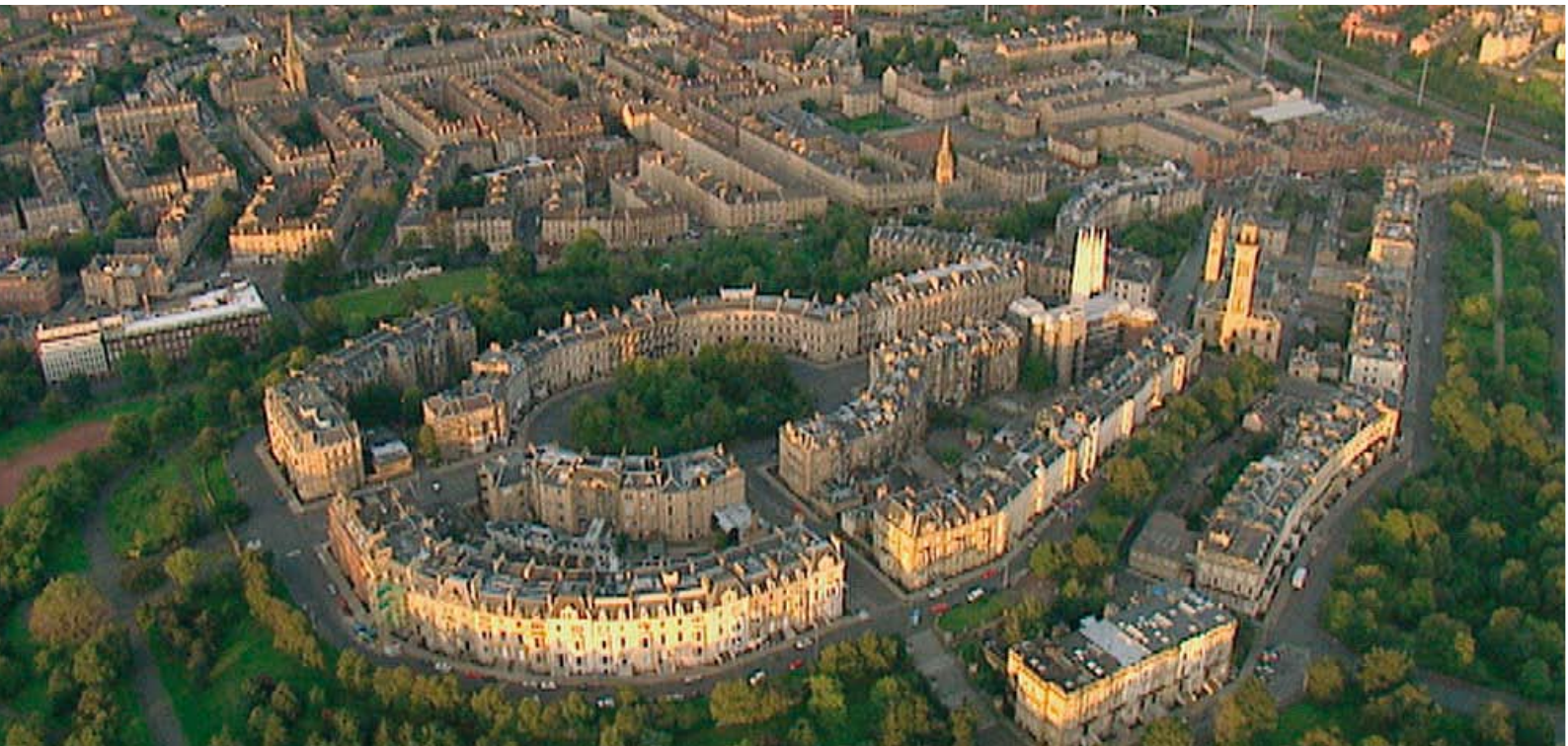
Patricia Ferguson MSP

Minister for Tourism, Culture and Sport



1. Purpose

- 1.1 The Scottish Historic Environment Policy (SHEP) series sets out Scottish Ministers' strategic policies for the historic environment and provides greater policy direction for Historic Scotland (see Note 1).
- 1.2 SHEP 1 provides a framework for the day-to-day work of organisations that have a role and interest in managing the historic environment. These include the Scottish Executive, local authorities and the range of bodies that is accountable to Scottish Ministers, including Historic Scotland. SHEP 1 and the subsequent more detailed documents in the series have the same authority as and sit alongside the Scottish Planning Policy series and other relevant Ministerial policy documents. They are relevant documents in the statutory planning, Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes.
- 1.3 SHEP 1 sets out a vision for the future; it also brings together a great deal of existing policy in a single publication.
- 1.4 The publication of SHEP 1 formally supersedes the policy elements of:
 - a. the *Stirling Charter* (see Note 2);
 - b. *Passed to the Future* (see Note 3); this will, however, remain a valuable resource in implementing a sustainable approach to the historic environment.
- 1.5 This SHEP and the other SHEPs will be reviewed and updated when Scottish Ministers consider it necessary.



2. The historic environment

- 2.1 Scotland's distinctive character has been shaped by some 10,000 years of human activity. Past generations have left their mark in the form of monuments, buildings and sites, in our towns and cities and in the countryside around us, even in the patterns of our streets and fields. This rich historic tapestry is our **historic environment**. The historic environment is part of our everyday lives. It helps give us a sense of place, well-being and cultural identity. It enhances regional and local distinctiveness. It forges connections between people and the places where they live and visit. It helps make Scotland a great place to live and work. It is important that everyone in Scotland takes care of this inheritance now, so that future generations will also be able to enjoy it.
- 2.2 The historic character of our environment is important to our quality of life and sense of identity. Many of its elements are precious, some are not well understood; if it is lost or damaged, it cannot be replaced. The historic environment requires careful and active management to ensure its survival.

The Historic Environment

The historic environment goes beyond the definition of 'the built heritage' in the Stirling Charter and extends to the present day. Our whole environment, whether rural or urban, on land or under water, has a historic dimension that contributes to its quality and character. It has been shaped by human and natural processes over thousands of years. This is most obvious in our built heritage: ancient monuments; archaeological sites and landscapes; historic buildings; townscapes; parks; gardens and designed landscapes; and our marine heritage, for example in the form of historic shipwrecks or underwater landscapes once dry land.

We can see it in the patterns in our landscape – the layout of fields and roads, and the remains of a wide range of past human activities.

Importantly, it also includes our buildings erected before 1919 (see Note 4). Although the majority of older buildings are not listed, most provide flexible and often spacious domestic and office accommodation. A huge investment of money, energy and materials went into these buildings – it would be poor stewardship of this inheritance to neglect it.

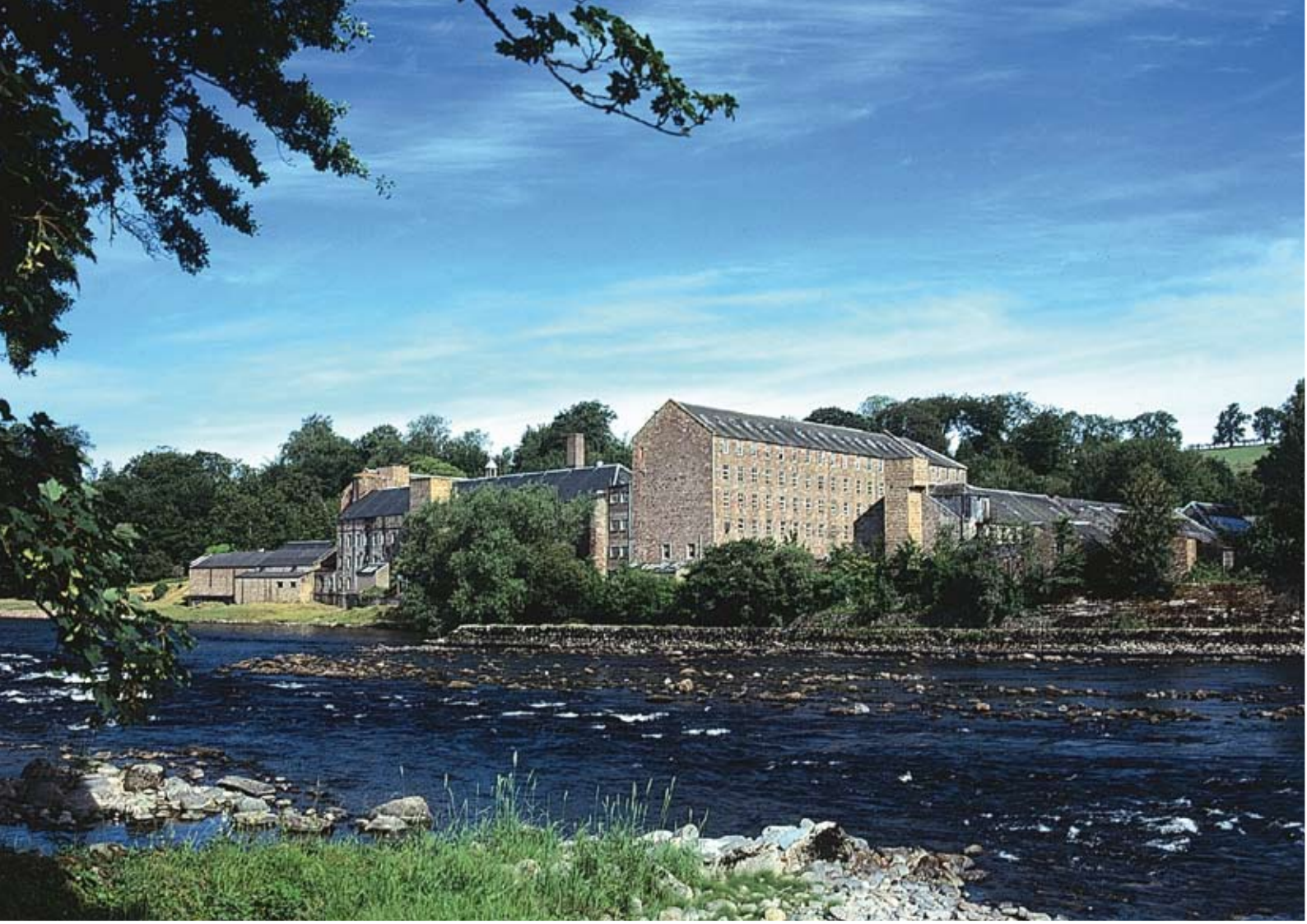
The context or setting in which specific historic features sit and the patterns of past use are part of our historic environment. The historical, artistic, literary, linguistic, and scenic associations of places and landscapes are some of the less tangible elements of the historic environment. These elements make a fundamental contribution to our sense of place and cultural identity.

- 2.3 The sense of place and the strong cultural identity we get from the historic environment plays a large part in the maintenance and regeneration of communities and in promoting a positive image of Scotland across the world. Scotland is also custodian of a number of World Heritage Sites, which have ‘outstanding universal value’ (see Note 5).
- 2.4 Interest in and efforts to conserve aspects of the historic environment were first given legal form in the UK in 1882. Now a web of international treaties and conventions underpins European and national law and regulation to ensure that Scotland’s historic environment is protected, and that change in the historic environment is undertaken on the basis of sound evidence. Ministers are committed to ensuring that Scotland delivers on its international obligations and that we are seen as an international exemplar of how a small country can care for its historic environment.
- 2.5 Everything changes, matures and decays. Natural processes, such as climate change and erosion, and human interventions through land management, urban and rural development, transport and pollution, constantly erode or change our historic environment. The sustainable management of the historic environment is an integral part of the wider management of resources.
- 2.6 The historic environment has been adapted over time to meet changing needs. Our view of what is important develops and changes. New buildings, sites and environments are created, and over time, become historic. The challenge for sustainable management of the historic environment and how it contributes to the vitality of modern life, is to identify its key characteristics and to establish the boundaries within which change can continue so that it **enhances** rather than diminishes historic character.
- 2.7 The remains of the past can act as a powerful catalyst and a stimulus to high-quality new design and development, leading to successful regeneration and community-building.
- 2.8 We believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. It reinforces the identity of communities, and can add value provided that value is recognised at the outset and it becomes an integral part of any development or regeneration project.
- 2.9 **The protection of the historic environment is not about preventing change.** Ministers believe that change in this dynamic environment should be **managed intelligently and with understanding**, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities.



2.10 The historic environment faces many challenges:

- a. poor understanding of the positive role it can play in the maintenance, development and regeneration of communities, their culture and their economy;
- b. short-term visions for the development of places;
- c. changing land-management practices and restructuring in the farming industry;
- d. lack of knowledge and understanding of how older buildings were constructed and perform and their maintenance needs;
- e. loss of sites to coastal and plough erosion;
- f. inappropriate change that reduces the cultural significance, or detracts from the appearance or quality of conservation areas;
- g. the needs of renewable energy generation;
- h. achieving a good carbon footprint for older buildings while maintaining their cultural significance;
- i. the lack of traditional skills, suitably-qualified craftsmen and locally-available materials for the maintenance and repair of the historic environment.



3. Scottish Ministers' vision and key principles

- 3.1 We can see Scotland's history through its historic environment, which reflects the strength and diversity of different regions, and the contribution of many cultures and peoples. Scottish Ministers want everyone who lives in Scotland to have the opportunity to understand and connect with the historic environment that is all around them. Scottish Ministers have made large areas of Scotland's historic landscapes freely accessible through new rights of access to land and inland waters. There is a real and growing interest in the historic environment and the crucial part it plays in Scotland's cultural identity: people value the historic environment for the sense of place it gives them. Scottish Ministers have recognised that Scotland's people have cultural entitlements. One is that the people of Scotland are entitled to expect the historic environment to be protected, cared for and used sustainably so that it can be passed on to benefit future generations.
- 3.2 Scottish Ministers have published their policies on sustainable development in Scotland in *Choosing our Future: Scotland's Sustainable Development Strategy*. The goal, across the UK, is 'to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations'. Part of that approach is the sustainable management of the historic environment (see Note 6). Scottish Ministers will take account of the wider sustainability agenda in all their decisions on matters relating to the historic environment. In particular, they will look to Historic Scotland to practise sustainable management of the properties in their care, to promote green tourism, and to advise other bodies on the sustainable management of the historic environment. Sustainable management practices recognise that the protection and management of the historic environment is best carried out in balance with the surrounding environment, not in isolation from it.
- 3.3 Scottish Ministers want to:
- a. realise the full potential of the historic environment as a resource – cultural, educational, economic and social – across every part of Scotland and for all the people;
 - b. make the best use of the historic environment to achieve their wider aims of social and economic regeneration;

- c. identify the many aspects of our historic environment and protect and manage them in a sustainable way to secure their long-term survival and preserve their embodied energy;
- d. understand fully all aspects of the historic environment, and their condition and inter-relationships;
- e. broaden access to the historic environment and break down intellectual, physical and economic barriers;
- f. ensure that effective systems underpinned by appropriate legislation and information are in place to conserve and manage the historic environment.

Key Outcomes

Scottish Ministers are determined to achieve three key outcomes for Scotland's historic environment by putting in place a strategic policy framework for the historic environment, investing in its delivery and working in partnership with others.

Key Outcome 1: the historic environment is cared for, protected and enhanced for the benefit of our own and future generations.

Key Outcome 2: there is increased public appreciation and enjoyment of the historic environment amongst all the people of Scotland and visitors to our country.

Key Outcome 3: the historic environment's importance as a key asset in Scotland's economic, social and cultural success is recognised and skilfully harnessed.

Ministers believe that this bold vision is achievable. The historic environment can make a valuable contribution to Scottish Ministers' wider agenda to create an aspiring, confident country with sustainable economic growth, confident communities, a vibrant and dynamic cultural life, and offering unparalleled tourism opportunities.

Progress towards these outcomes will be measured by Scotland's Historic Environment Audit and by other targeted research.



The Stirling Charter principles

- 3.4 Building on the Stirling Charter (see Note 7) the policy of Scottish Ministers is that:
- a. actions taken in respect of Scotland’s historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations;
 - b. there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it;
 - c. Scotland’s historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value;
 - d. all of the people of Scotland should be able to enjoy, appreciate, learn from and understand Scotland’s historic environment, and be assisted in that through access, research, knowledge, information and education and pro-active conservation investment, without compromise to cultural significance.
- 3.5 The conservation of any part of Scotland’s historic environment should:
- a. be based upon sound knowledge and understanding of the particular site, building, monument or landscape, and of its wider context;
 - b. be founded on full awareness and consideration of its cultural significance and all phases of its development;
 - c. be carried out in accordance with a conservation plan, which brings together all of the information and research necessary to guide the proposed action;
 - d. ensure that what is to be conserved is properly recorded before and, if necessary, during and after work;
 - e. make provision for recording where continued preservation is no longer possible or where loss is taking place through change or ongoing decay, and ensure that all records are retained in readily accessible archives;
 - f. incur only the minimum degree of intervention considered appropriate by the relevant authority for the type of site, building, monument or landscape;

- g. use appropriate technical knowledge, materials, skills and methods of working;
- h. have regard to retaining, or where appropriate enhancing, the setting of the site, monument, building or landscape;
- i. ensure that, where change is proposed, it is appropriate, carefully considered, authoritatively based, properly planned and executed, and (if appropriate) reversible;
- j. include effective arrangements for monitoring the condition and safety of the historic asset and for delivery of routine maintenance and good housekeeping;
- k. take account of the rich biodiversity of many historic sites, buildings and landscapes.

3.6 The relevant bodies with responsibilities for any aspect of the historic environment should ensure, as appropriate, that:

- a. the regimes affording protection to the historic environment are fit for purpose;
- b. effective use is made of the statutory provision available to protect the historic environment;
- c. the historic environment is afforded due respect in all their activities;
- d. the highest standards are set for, and applied to, the broad range of conservation practices;
- e. appropriate and effective systems are established for monitoring and recording the condition of the historic environment;



f. suitable knowledge, skills, materials and technologies are available to enable conservation and management to be carried out in ways that safeguard the intrinsic archaeological, architectural, historical, physical and cultural significance of the heritage;

g. support, advice, encouragement, and clear and comprehensive guidance, are readily available to all whose activities have an impact upon the repair, maintenance, management, protection and conservation of the historic environment;

h. training and education to enhance the quality of conservation practice and actions are widely available;

i. they work in partnership where there are shared interests.

Cross-cutting policies

3.7 Scottish Ministers' policies for the historic environment are closely related to other important cross-cutting policy areas:

a. access to historic sites and the wider historic environment supports education, lifelong learning, internal and external tourism, and provides opportunities for exercise that promotes healthy bodies and minds;

b. the care, repair and maintenance of the historic environment provides employment in town and country, provides a major contribution to the turnover of the Scottish construction industry and supports the survival and expansion of traditional skills;

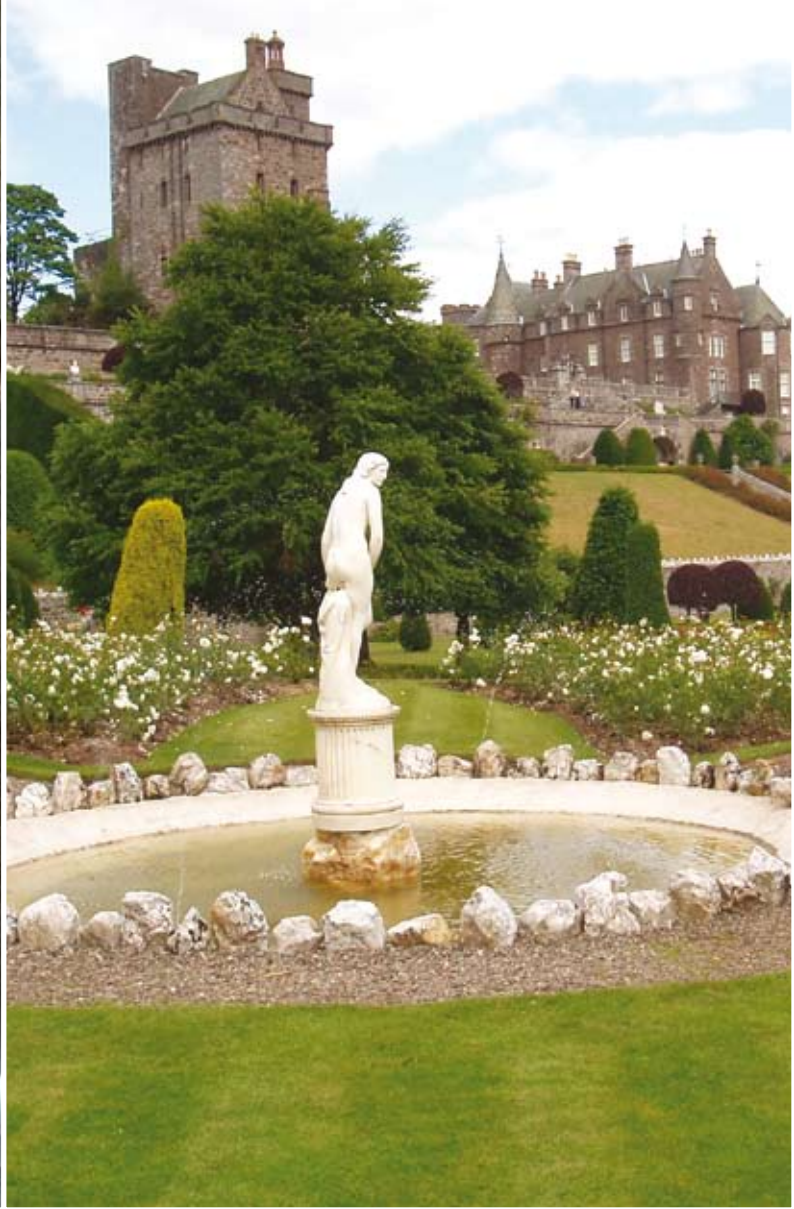
c. attractive and richly textured townscapes and rural landscapes promote Scotland as a good place to live and work;

d. the maintenance and regeneration of the historic environment helps support strong, safer communities;

e. the care, repair and maintenance of the historic environment has a significant part to play in wider sustainability policies;

f. so much of our environment is 'historic' that there are major links to policy on architecture, land management, planning and building standards;

g. there are close links between the historic environment and wider land-use and nature conservation policies that sustain a healthy landscape, diverse ecosystems and vigorous rural communities.



4. Partners in the vision

- 4.1 Scottish Ministers' vision for the historic environment can only be achieved by working in partnership with others in the historic environment community and beyond it. Some partnerships are statutory; most are voluntary. Much of this partnership working will be led on Scottish Ministers' behalf by Historic Scotland, which is an executive agency of the Scottish Executive and directly accountable to Scottish Ministers.
- 4.2 Scottish Ministers look to Historic Scotland to work in an open, inclusive and transparent way, to engage with stakeholders and to work in partnership in taking forward the visions and ambitions set out in this paper. In particular, Scottish Ministers look to Historic Scotland to work with:
- a. local authorities, which are key agents in protecting the historic environment and in harnessing the potential of the historic environment to contribute to Scotland's economic and social success. Scottish Ministers expect local authorities to play a full role in achieving their objectives for the historic environment;
 - b. the Royal Commission on the Ancient and Historical Monuments of Scotland;
 - c. Scottish Natural Heritage (SNH), with which Historic Scotland has a concordat. SNH has a significant role in the conservation of Scotland's landscapes, all of which have a historic element;
 - d. commercial, charitable and private owners and tenants of historic environment assets, who have a crucial role to play in conserving the fabric of the historic environment and, where appropriate, allowing and promoting public access and enjoyment;
 - e. the voluntary sector, which makes a recognised and valued contribution: engaging local communities and individuals; undertaking important initiatives such as the Buildings at Risk Register and coastal archaeology surveys; acting as representative bodies for special interest groups; taking active roles in conserving individual sites or whole townscapes;
 - f. Scottish and UK government departments, executive agencies, non-departmental bodies and other bodies with direct responsibilities for parts of the historic environment, whether managing individual assets or areas of

landscape or with key policy responsibilities, and whose policies impact on the historic environment. There are more details about the responsibilities placed upon the government sector in paragraphs 6.13 and 6.14 below.

Important bodies here include:

- Scottish Executive Departments;
- NHS (Scotland);
- Scottish Courts Service;
- Scottish Prison Service;
- Forestry Commission Scotland;
- Communities Scotland;
- Transport Scotland;
- Ministry of Defence, Defence Estates Agency;
- the Northern Lighthouse Board;

g. the Historic Environment Advisory Council for Scotland, which provides strategic advice to Scottish Ministers;

h. the National Park Authorities, which have a statutory aim to conserve and enhance the cultural heritage;



Historic Scotland

Historic Scotland is an agency of the Scottish Executive and is directly responsible to Scottish Ministers for safeguarding the nation's historic environment, and promoting its understanding and enjoyment.

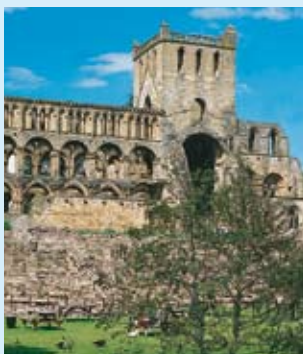
All functions performed by the agency are carried out on behalf of Scottish Ministers. It is headed by a Chief Executive who is responsible, within the terms of the Framework Document (see Note 8), to Scottish Ministers, for its management, performance and future development.

Historic Scotland safeguards the nation's historic environment by scheduling monuments of national importance and by listing historic buildings of special architectural or historic interest. Scheduled monuments, listed buildings and buildings in conservation areas are protected by legislation. The appropriate consents from Scottish Ministers (for scheduled monuments) or planning authorities (for listed buildings and conservation areas) are normally required before any alteration or development can take place. The agency also conserves properties in the care of Scottish Ministers and provides financial assistance to other owners towards the costs of conserving and repairing outstanding monuments and buildings.

Historic Scotland leads in researching issues relating to building conservation and in developing and promoting craft skills. The agency carries out specialised conservation work and is active in raising the standard of conservation practice among owners, educationalists, trainers and trade and professional groups. Historic Scotland undertakes an advisory role to promote the wider understanding and conservation of the historic environment.

The agency funds research into the long-term management of monuments and archaeological sites and, where necessary, intervenes to ensure the recording of archaeological information which would otherwise be lost to erosion or development.

Historic Scotland has more than 340 properties in its care and welcomes almost three million visitors each year to over 70 attractions where admission is charged. The agency has a commitment to encourage knowledge about Scotland's historic environment and provides guidebooks and other publications, and educational material relating to the school curricular guidelines.



- i. the wider cultural heritage sector, including national and local museums, galleries, theatres, libraries and archives, because the historic environment plays a major role in Scottish culture, as is recognised in the work of the Cultural Commission;
- j. educational and training institutions, which have an important role to play in research, formal and informal education and training of people of all ages;
- k. the wider public sector, working with organisations with important and varied roles to play such as: Architecture+Design Scotland; the Heritage Lottery Fund; the Lighthouse Centre; Scottish Enterprise; Highlands and Islands Enterprise; and the Enterprise Network;
- l. bodies working in other areas, such as social issues like citizenship, young people's needs and the needs of ethnic minorities, where the historic environment can have a beneficial impact;
- m. the building industry;
- n. professional bodies active in maintaining standards, skills and regulation in the historic environment sector.

Local Authorities

The 32 local authorities have a major contribution to make through their role as planning authorities, as co-ordinators of the community planning process, as owners of historic buildings, ancient monuments and parks, and as education and cultural authorities, operating museums, galleries, libraries and archives.

Local authorities, at their own hand or through shared services or associated heritage trusts, undertake a wide range of duties in relation to the historic environment. These can include (see Note 9):

- a. determining Listed Building Consent applications (in partnership with Historic Scotland);
- b. determining Conservation Area Consent applications (in partnership with Historic Scotland);
- c. maintaining a Sites and Monuments Record or Historic Environment Record;
- d. providing advice to applicants for environmental management funds supplied through the Scottish Executive to land managers;
- e. undertaking work to identify and protect important archaeological sites that might be affected by forest and woodland planting and management proposals on both public and privately-owned land.



- 4.3 The sustainable management of the historic environment has an impact on the broader environment, as well as economic and social implications. Working in partnership not only enables us to take on board competing priorities and weigh up conflicting concerns, it also opens up positive opportunities to enhance our environment. To this end, Historic Scotland has entered into, or is in discussion about, formal agreements with partner organisations to clarify their respective roles and how they will engage. Concordats are in place or planned with:
- a. Scottish Natural Heritage;
 - b. the National Trust for Scotland;
 - c. the Royal Commission on the Ancient and Historical Monuments of Scotland;
 - d. Forestry Commission Scotland;
 - e. the Scottish Executive Development Department Planning Division.



The Royal Commission on the Ancient and Historical Monuments of Scotland

RCAHMS is a key partner of Historic Scotland whose work in survey and record-keeping underpins a significant proportion of Historic Scotland's work of designation and aids the work of many organisations, businesses and individuals.

RCAHMS is a non-departmental public body sponsored by the Architecture Policy Unit, part of the Tourism, Culture and Sport Group of the Scottish Executive Education Department.

RCAHMS's range of work includes research, recording, interpreting and collecting information about buildings, structures and places in the landscape and in the seas around Scotland in order to inform and understand the diverse character of Scotland's historic environment by:

- surveying and recording archaeological sites, buildings and maritime sites;
- compiling, maintaining and curating the national collection and public record of the archaeological and historical environment;
- maintaining and disseminating guidance on national standards in relation to these activities;
- promoting an understanding of the archaeological and architectural heritage of Scotland by all appropriate means.

RCAHMS works in partnership with other national bodies, local authorities, public and voluntary sector organisations in pursuit of these objectives and to make its information and collections accessible to the widest possible audience.

RCAHMS engages with wider cross-cutting policies to increase public awareness, enjoyment and understanding by providing a high-quality heritage information service to the public (primarily through online services) which also helps to raise the international profile of Scotland's rich cultural diversity. By working with local communities, RCAHMS promotes an understanding of the historic environment, which can assist and inspire urban and rural development and community regeneration. Furthermore, RCAHMS offers a wide range of resources for formal and informal education for all ages including lifelong learners.



- 4.4 There is Statement of Intent between Historic Scotland and the National Museums of Scotland. A Sector Skills Agreement is also in place with Construction Skills and the National Heritage Training Group. Minutes of Agreement are also in place with the Scottish Lime Centre Trust, the Scottish Stone Liaison Group, and Grampian Fire and Rescue Services on behalf of the Scottish Fire and Rescue Services.
- 4.5 Scottish Ministers will encourage the creation of further concordats and other arrangements, where these add value, and expect to see existing ones kept up-to-date, and operating systems reviewed to ensure that their terms are adhered to.
- 4.6 Individuals, business and organisations working together to a common purpose can ensure that a shared vision for the historic environment is delivered as a reality.
- 4.7 All responsible public organisations, non-governmental organisations or large businesses whose activities have a significant effect on the way the historic environment is conserved or managed should have in place robust strategic and operational policies to set out their engagement with the historic environment and the bodies which take the lead in caring for it.
- 4.8 Scottish Ministers will ensure that the historic environment is, where appropriate, taken account of from the earliest stage of developing Scottish Executive policy and that of other public bodies.





5. Identification, definition and designation

- 5.1 Scotland, like all countries in the developed world, has in place legislation and systems to identify and record its historic environment, and legislation and regulation to protect important monuments, buildings, landscapes and areas and to control what happens to them. Scottish Ministers are committed to protecting Scotland's historic environment and to ensuring that effective legal and administrative systems are in place and maintained, to identify, record, conserve and enhance it in the national interest for present and future generations.
- 5.2 It is vital that we understand the many different forms the historic environment can take and the historical and cultural significance of all its different elements. This will allow us to develop clear criteria for protecting Scotland's historic environment. The most significant historic assets are protected through national systems of designation; others are protected or managed through other mechanisms such as the planning system or the system of government payments to farmers.
- 5.3 Identifying and designating heritage assets is a continuous process as each generation assesses and re-evaluates the inheritance it wishes to pass on to succeeding generations. That process also takes account of improvements in our understanding of the historic environment, brought about by continuing academic research and by developments in technology, such as geographic information systems and new techniques for recording and investigation. Scottish Ministers are committed to continuing this process and will look to Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and other key bodies to play complementary roles and to share knowledge and expertise.
- 5.4 The desire to protect and the identification of what to protect must flow from values that are shared across Scotland. Scottish Ministers are committed to ensuring, in part through the SHEP series, that the principles and processes behind identification and designation are open and well-understood; that appropriate review mechanisms are in place and that owners and occupiers of assets proposed for designation have the opportunity to be consulted.



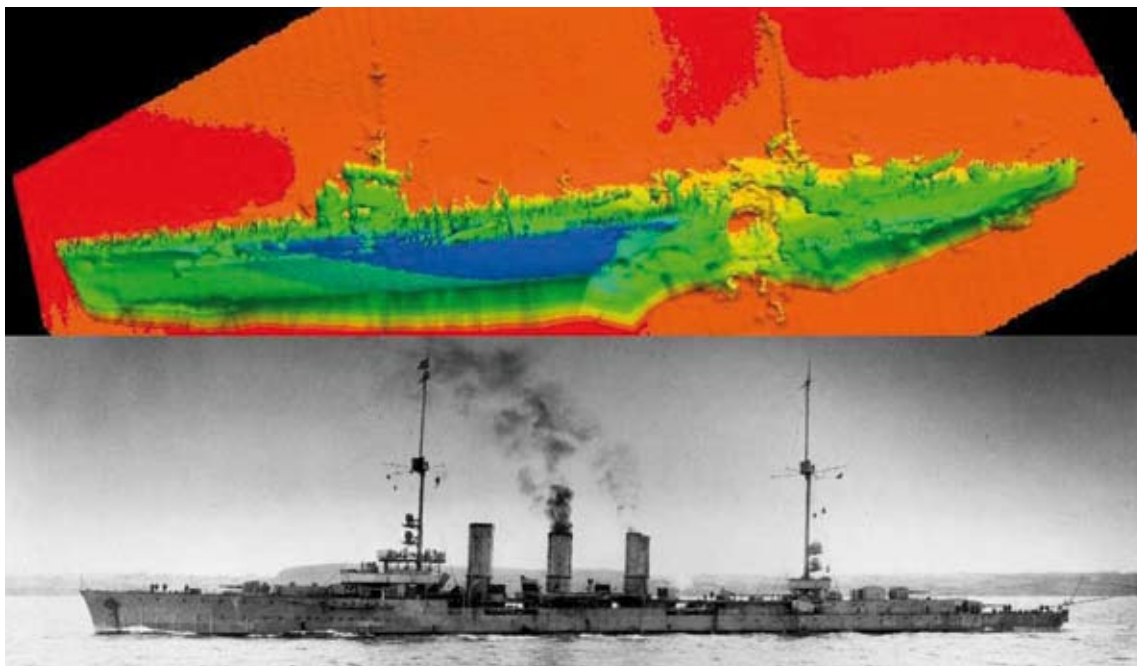
6. Protection and management of the historic environment

- 6.1 Scottish Ministers are committed to protecting and managing Scotland's rich and diverse historic environment in a way that ensures that it can benefit current and future generations. Scottish Ministers have put in place, and will continue to support, a range of actions to achieve this.
- 6.2 Scottish Ministers want to recognise the value of the wider historic environment: so that people have attractive, varied and interesting places to live; so that the wider history of Scotland continues to be reflected in its landscapes and townscapes; so people can feel connected to where they, and perhaps their ancestors, lived.
- 6.3 Understanding the development of our environment through time helps inform decision-making about its management. It offers a longer-term perspective on important topics such as the nature and impact of past climate change and past management of the land, soil degradation, loss of woodland, building decay processes and the results of past economic and industrial development. Good stewardship of the historic environment can make a contribution towards addressing wider issues like energy conservation (maintaining and using existing resources and embodied energy) and re-use of buildings and building materials (including recycling). The use of local resources, traditional materials and skills can help reduce the impact of transportation.
- 6.4 Scottish Ministers want to emphasise the contribution made to a sustainable Scotland by the repair, maintenance, preservation and reuse of our older buildings, particularly the half million traditionally-constructed domestic buildings built before 1919. It is their policy that the waste caused by unnecessary demolition and replacement, with consequent loss of embodied energy, the need for landfill and the sourcing and transport of new materials, should be avoided wherever possible. Ministers will develop policy aimed at minimising the carbon footprint of older buildings on the basis of sound research that takes account of the characteristics and materials of traditional construction and respects the value of the diverse historic character of these buildings, and the contribution they make to the identity and quality of townscapes and rural landscapes.

- 6.5 The principles of good stewardship are set out immediately below. The philosophy underlying good stewardship is that it is essential to manage the historic environment carefully for both present and future generations. This clearly resonates with the concept of sustainability and the wise use of resources.
- 6.6 Maintaining quality is a key aim of good stewardship and involves the following considerations:
- a. proper repair and maintenance of the historic environment is generally the most sustainable course of action;
 - b. management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;
 - c. to retain historic character and future performance of older buildings it will be important to use appropriate and compatible materials and construction techniques;
 - d. it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials;
 - e. provisions for access should be appropriate to the character of the historic environment and should be adequately monitored.
- 6.7 It is recognised that some conflict can arise between the sustainable management of the historic environment and actions that are considered sustainable in other respects. It is also possible that the impact of proposed actions on the historic environment will be uncertain. In these cases the risk of potentially damaging actions should be minimised by following these key principles:
- a. ensure that existing and intended management or use is appropriate and based on best available knowledge;
 - b. ensure that any proposed change of use is necessary;
 - c. use appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
 - d. avoid change wherever its effects cannot be adequately assessed;
 - e. where change is to proceed, adopt strategies to mitigate its impact and keep any interventions to a minimum;

f. ensure that management or alteration, including remedial work, is sympathetic to historic character, using compatible materials and construction techniques.

- 6.8 The protection and sustainable management of the historic environment also depends on understanding the techniques used in the original construction and on the availability of the appropriate indigenous traditional building skills and materials. Scottish Ministers are committed to establishing a proper understanding and awareness of what is needed.
- 6.9 There is a range of mechanisms in place to protect and manage the historic environment. For example, once an important monument, building or shipwreck has been identified and appropriately designated, specific consents may need to be sought or special consideration be given within the planning system. Where Scottish Ministers have a direct role to play in these processes they are committed to having clear policies that ensure consistency, transparency and fairness. They look to Historic Scotland to provide clear and consistent advice and to promote good practice in considering and managing change to the historic environment.
- 6.10 Scottish Ministers expect Historic Scotland and planning authorities to work together to try to improve mutual understanding, to find ways of increasing efficiency in administrative processes, and to remove impediments to the fuller use of the powers available both to designate and protect historic assets.





- 6.11 Scottish Ministers also look to the planning authorities to undertake their responsibilities for the historic environment in a pro-active and committed way. They should develop appropriate policy frameworks and procedures, and use all local mechanisms available to them for designation, management and control. They should also ensure that they have access to sufficient information and suitably qualified and experienced staff to meet their needs.
- 6.12 Scottish Ministers have direct responsibility for the management of over 340 monuments in their care and recognise that they hold these monuments in trust for future generations. Ministers are committed to conserving the monuments in a way that exemplifies the principles of sustainable management, and to making them accessible to the public.

Responsibilities of government departments

- 6.13 It is long-established policy that all government departments should discharge properly their duty of care for heritage assets they own or lease. This means that, for example, the Ministry of Defence has robust policies and procedures in place for the management of historic buildings and archaeological sites and landscapes on its bases and training areas.
- 6.14 Scottish Ministers expect all departments and agencies of the Scottish Executive, all UK government departments and agencies operating in Scotland, and all non-departmental public bodies to adopt and adhere to current protocols and guidance for the care of the historic environment by government (see Note 10).

CASE STUDY: MINISTRY OF DEFENCE (MOD) DEFENCE ESTATES

The MOD has a significant estate across Scotland which includes historic landscapes, buildings and archaeological sites. The estate includes large rural areas for training such as Kirkcudbright and Barry Buddon, and interests in many urban areas such as Dregghorn and Glencorse Barracks. Parts of the MOD estate lie within the St Kilda and Edinburgh World Heritage Sites. While the heritage interest on the MOD estate ranges from prehistoric rock art to medieval castles, there is also an important 19th- and 20th-century military heritage such as First World War practice trenches at Barry Buddon, and historic aviation buildings at Arbroath and Leuchars.

MOD recognizes the importance of this rich heritage for Scotland and the UK, and actively supports and implements initiatives such as the DCMS *Protocol for the Care of the Government Historic Estate* (endorsed by Historic Scotland) and the DCMS guidance for government departments on *The Disposal of Historic Buildings*.

Active consideration and management of the historic environment is being integrated into all aspects of the MOD's estate business. This includes long-term estate planning, day-to-day maintenance, development and disposal projects. MOD has established systems of condition surveys for its historic buildings (every four years) and scheduled monuments (every five years). Recommendations arising from these surveys inform forward maintenance regimes and many MOD establishments now have Integrated Land/Rural Management Plans in which historic environment issues are balanced with other stakeholders' concerns. In addition to these long-term plans MOD has a rigorous internal procedure of environmental and sustainability assessment appraisals for all estate projects and minor works. These appraisals aim to flag up any historic environment issues which can be actively considered, incorporated or mitigated against.

MOD maintains its own database of historic sites but relies on regular dialogue with partners such as Historic Scotland to ensure records are kept up to date. Understanding of MOD's historic estate has benefited from ongoing support and partnership with the RCAHMS to enhance the national database, with comprehensive baseline and condition surveys of its Kirkcudbright and Pentlands Hills Ranges. MOD has also worked in partnership with the National Trust for Scotland, Comhairle Nan Eilean Siar (Western Isles Council) and others in the management of St Kilda World Heritage Site.





7. Investment in the historic environment

- 7.1 Scottish Ministers recognise that investment in the fabric and management of Scotland's historic environment is needed to meet the objectives they have set for its care, protection and enhancement, and for increasing public appreciation and enjoyment. Investment will also ensure that the historic environment is maintained as an irreplaceable asset that makes a major contribution to Scotland's economic, social and cultural well-being. Ministers are committed to promoting high-quality standards of repair, maintenance, and conservation and the sympathetic re-use of heritage assets where this is appropriate.
- 7.2 Most of Scotland's historic environment assets are owned by individuals, businesses, charities or public bodies. It is their responsibility to maintain and care for their properties. Scottish Ministers will make every effort to encourage good stewardship and proper standards of regular maintenance and repair, and to help owners make informed choices about changes to their properties. Historic Scotland will provide information and advice to enable owners to make informed decisions about the well-being of their property and will support and encourage other bodies outside government in providing such information. Owners can also look to the Scottish Executive Environment and Rural Affairs Department and the Royal Commission on the Ancient and Historic Monuments of Scotland to provide information.
- 7.3 Scottish Ministers recognise that there can sometimes be additional costs associated with repairing and conserving historic buildings, sites and monuments that may on occasion require public support. For example, support may be justified where the private benefit is low or where the effort to rescue or adapt a building may be beyond ordinary market forces. Scottish Ministers are therefore committed to providing appropriate investment through grant schemes operated on their behalf by Historic Scotland and by other public bodies. Through this, Ministers aim to:
- a. meet the repair and conservation needs of the most important elements of the historic environment;
 - b. deliver benefits to communities by helping to regenerate and promote the active use and ongoing care, repair and maintenance of the historic environment, broadening access to it, promoting sustainable economic and rural development and reinforcing local identity and sense of place;

c. champion quality and develop skills and knowledge by promoting high standards of repair and maintenance, training in traditional craft skills, the continued access to and use of indigenous building materials and the educational value of the historic environment;

d. build capacity for local heritage management by enabling voluntary heritage organisations, network bodies and local authorities to deliver successful outcomes for the historic environment.

7.4 Scottish Ministers are committed to investing in the conservation of monuments and properties that are in their own care or are their responsibility as part of the Government Estate, which includes buildings, wild and farmed land, forests, bridges and harbours. They are committed to ensuring that their investment meets the conservation needs of these monuments and buildings and sets the benchmark of good practice with the appropriate knowledge, skills and materials.







8 Accessibility and understanding

- 8.1 The historic environment is all around us. Specific places, buildings and sites are generally widely accessible and provide immense opportunities for enjoyment. These range from the pleasures of the views of the World Heritage Site afforded from the battlements of Edinburgh Castle, to a visit to Kilmartin Glen, with its evocative remains of Scotland's prehistoric peoples. Throughout Scotland places of historic or architectural interest, in cities, towns, villages and the countryside, are readily accessible, very often on our doorstep. Scottish Ministers are committed to assisting the owners of such places across Scotland to promote and enable access to them.
- 8.2 Scottish Ministers believe that there needs to be greater awareness, knowledge and understanding of the historic environment. This needs to address lay, vocational, technical, professional, scientific and academic needs. Better understanding should inform interpretation, enabling people to understand the development of the historic environment and the significance of key monuments in Scottish history. A fuller evidence base will inform policy making and investment decisions.

Scotland's Historic Environment Audit

- 8.3 Scottish Ministers, on the advice of the Historic Environment Advisory Council for Scotland, have established an ongoing, comprehensive audit of Scotland's historic environment (see Note 11). Historic Scotland is leading the audit process, which will build on existing information about the historic environment, and will gather new data to identify trends and issues relevant to its well-being. The audit will examine the impact and benefits of the resources used to manage and protect the historic environment. The audit has great potential to improve our understanding of how the nation's heritage is perceived and valued by people and communities and how it can best be promoted as an economic and social asset. A dedicated website has been created as part of the audit and regular reports will be published. A stakeholder advisory group has been set up to share knowledge within the historic environment community. Scottish Ministers expect Scotland's Historic Environment Audit to play an important role in building the evidence base for policy-making.
- 8.4 Scottish Ministers want the Executive and its agencies to participate in the audit and would encourage all other members of the sector, particularly local government, to take part, in particular through the provision of data.

Scotland's Historic Environment Audit

The value and potential of Scotland's historic environment has not been properly measured or explored. As well as its vast economic value, it also represents an imprint of past generations, one that forges connections between people and the places they live in and visit.

Scotland's Historic Environment Audit is an ongoing project which provides a regular assessment of our historic environment – including statistics on our heritage assets (such as historic buildings, ancient monuments and buildings at risk) and how they are changing over time.

Building on the wealth of existing information about Scotland's historic environment, the audit will also help to identify issues relevant to the health of the historic environment and the impact of the resources used to manage and protect it.

Over time the audit will contain new research and analysis, carried out by a range of heritage organisations, to illustrate particular themes, such as the condition of our historic environment, how it is changing over time, and the threats it is facing.

Technical, professional and academic knowledge

- 8.5 The historic environment cannot be managed or cared for without a basic understanding of its nature and how it is changing. Scottish Ministers are committed to increasing and sharing knowledge more widely about the historic environment. They will undertake and promote research:
- a. on individual sites, buildings and landscapes through survey of various kinds, excavation and documentary research;
 - b. into older buildings to inform policies and strategies for maintenance and the supply of skills and materials;
 - c. into the economic value and impact of the historic environment, including its vital role in Scotland's tourist industry.
- 8.6 To support this, Ministers expect Historic Scotland to continue to extend and update their series of publications, both for expert and for more general audiences, and to continue to work in partnership with other bodies to develop accessible sources of information, knowledge and training about the historic environment. Examples of where this has already been successful include PASTMAP, the Historic Landuse Assessment Project, Technical Advice Notes and Practitioners Guides.

PASTMAP

PASTMAP is a web-based information resource on the historic environment providing a range of information, free of charge, unparalleled elsewhere in Europe. The website represents a major joint initiative between Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland, Scottish Natural Heritage and local government. The PASTMAP website (www.pastmap.org.uk) was launched in 2004 and has been a great and undoubted success.



Against a dynamic map base, users can display the locations and, where appropriate, the extent, of:

- all the sites, buildings and places recorded in the national database maintained by the Royal Commission on the Ancient and Historical Monuments of Scotland;
- all of Scotland's 47,000 Listed Buildings;
- Scotland's c. 8,000 Scheduled Ancient Monuments;
- Gardens and Designed Landscapes;
- (over a growing part of Scotland) sites, buildings, places and findspots recorded by local government archaeology services.

The map-based query provides a route into a wide range of other information about sites and buildings. PASTMAP makes historic environment information more widely accessible to individuals within and outside Scotland who are interested in Scotland's past; and to professionals such as solicitors, estate agents, developers, surveyors, architects and engineers, who need to know where protected sites and buildings are, to alert them to take the appropriate advice. The site is under continual review and development.

Access and educational initiatives

- 8.7 The historic environment is a great learning resource. Scottish Ministers have already recognised the value of the historic environment in formal education: Historic Scotland is at the forefront in promoting understanding of the historic environment to school-age children, welcoming some 65,000 pupils each year as they take part in free educational visits to properties in the care of Scottish Ministers, and in promoting the historic environment as a resource to support the Scottish schools' curriculum for pupils aged 3 to 18. Scottish Ministers look to Historic Scotland and other relevant bodies to support and encourage initiatives to develop the historic environment as a resource for further education and lifelong learning initiatives.

- 8.8 Scottish Ministers are committed to promoting access and enjoyment of the historic environment. They will continue to support a broad range of initiatives and projects such as:
- a. working with local authorities to promote access to and understanding of the historic environment, to facilitate the integration of the historic environment with wider social justice, lifelong learning and capacity-building initiatives;
 - b. supporting Historic Scotland's aim of promoting intellectual and physical access for the nearly three million visitors a year to its properties in care by carefully balancing the requirements of the various Equality duties with the sensitivities and practical constraints of these culturally significant sites;

Access and Enjoyment

Doors Open Days and Scottish Archaeology Month form Scotland's contribution to the Council of Europe initiative, European Heritage Days, and are run throughout September. EHD aims to facilitate the understanding and enjoyment of the local architectural and archaeological environment and encourages awareness of Scotland's rich historic environment within the shared context of the wider European historic environment.

Doors Open Days are run locally and co-ordinated by the Scottish Civic Trust. The project, funded by Historic Scotland, has been providing a variety of events including access to private buildings of architectural interest and opportunities to see traditional crafts in their original setting, since 1990. From the two original pilot schemes in Glasgow and Ayr, it has grown to include 802 properties throughout Scotland visited by around 200,000 people in 2006.

Linked to Doors Open Days, the Scottish Civic Trust also runs the PhotoArch competition for primary school children. Children are invited to submit photographs of the historic environment through their schools and the two winning entries are submitted to the International Photographic Experience run by the Catalan Authorities and supported by the Council of Europe.

Scottish Archaeology Month is run by the Council for Scottish Archaeology and includes hands-on events and tours for people of all ages. The events are staged by a variety of groups from the archaeological community including local archaeology groups, national organisations, local museums, countryside rangers and the Young Archaeologists Clubs. In 2006 over 24,000 people took part in 185 separate events.



c. promoting access to information on the historic environment through the work of the Royal Commission on the Ancient and Historical Monuments of Scotland, and through developing and extending the PASTMAP website;

d. supporting the National Trust for Scotland in caring for some of Scotland's most important historic buildings and landscapes and working with the Historic Houses Association in Scotland and other network bodies to promote the positive stewardship of the historic environment that is in private ownership;

e. working with The Lighthouse, Glasgow, Scotland's Centre for Architecture, Design and the City, to explore the productive relationship between the historic and contemporary in architecture and environment;

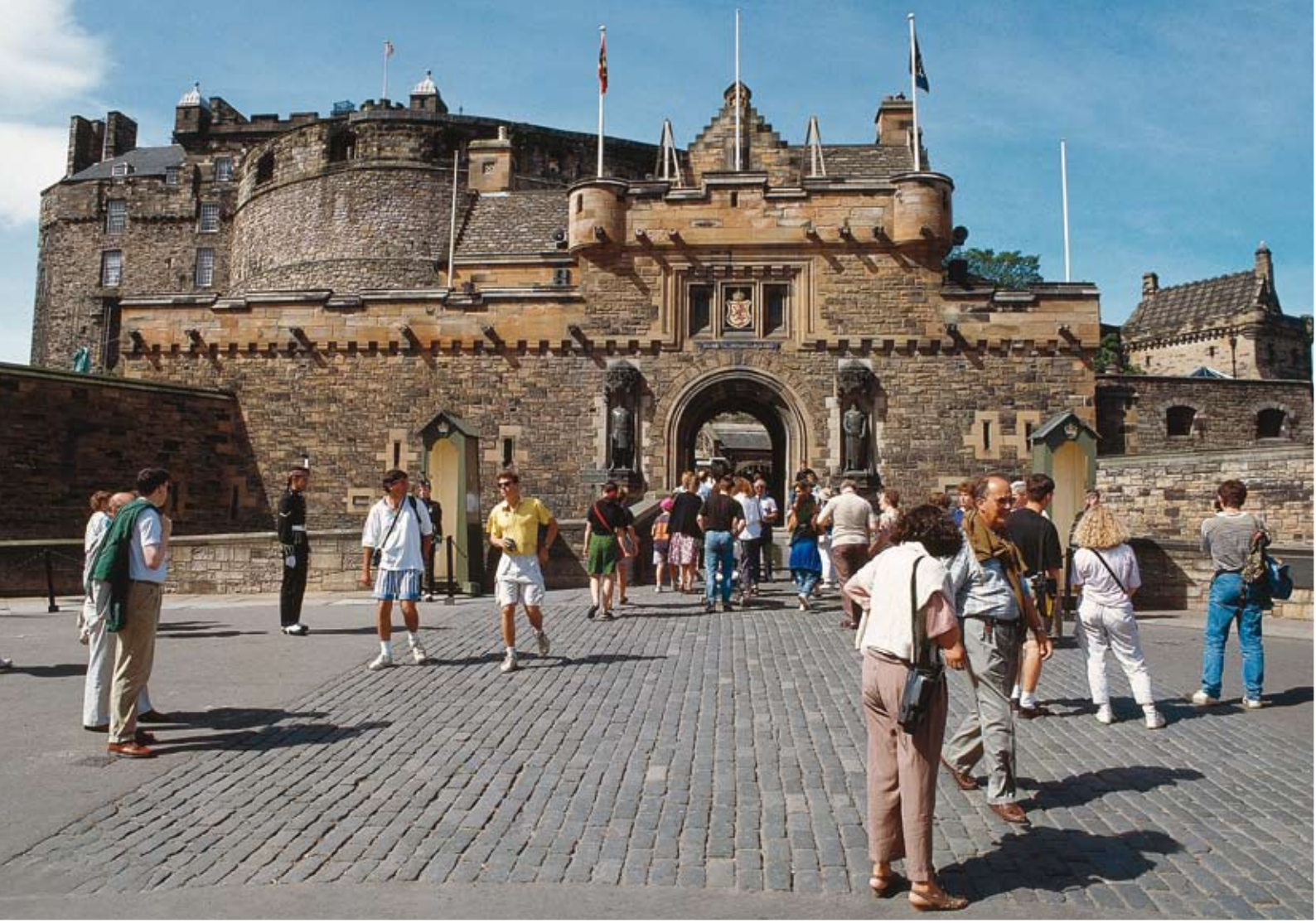
f. supporting the voluntary heritage sector, such as the Scottish Civic Trust and the Council for Scottish Archaeology, which in turn supports local people in caring for and becoming involved in their historic environment.

- 8.9 Scottish Ministers will also seek out new ways of promoting and enabling access and understanding, for example by exploring opportunities for greater community involvement and the development of cultural tourism routes.



Interpretation

- 8.10 Scottish Ministers want to increase awareness and understanding of the historic environment and of Scotland's history. They recognise the value of a wider understanding of the significance of the historic environment, of connecting people to tangible evidence of their past, and its role in developing a confident national identity. Ministers have asked Historic Scotland to continue to develop new and innovative ways of presenting and interpreting the historic environment for a diverse range of visitors. Scottish Ministers expect Historic Scotland to continue to develop good practice in interpretation in partnership with other interpretation providers in Scotland, supporting excellence in the heritage tourism portfolio.



9. Releasing the full potential

- 9.1 Scottish Ministers recognise that the historic environment is one of Scotland's greatest assets – economic, cultural and social. It provides the setting for Scotland as an attractive place to invest, visit, work and live. It is a generator of wealth in both urban and rural areas, capable of attracting millions of visitors to Scotland each year.
- 9.2 Scottish Ministers wish to stress the importance they place on the intrinsic value of the historic environment, as part of the embodiment of the nation's identity, and on the value of the historic environment for Scotland's social and cultural success.
- 9.3 Economic, social and cultural values come together in the important role the historic environment has in building, maintaining and regenerating communities.
- 9.4 Scottish Ministers see the historic environment as a vibrant and crucial asset in three key areas of economic activity.

Tourism

- 9.5 Tourism is one of the world's biggest and most resilient business sectors. It is also one of Scotland's largest industries and Ministers have set challenging targets for growth over the next 10 years. Historic Scotland is a key player in the Scottish tourism industry, both as a provider of heritage visitor attractions and as an employer in rural and urban settings throughout the country. Research shows quite clearly that visitors to Scotland, particularly those from overseas, want to visit castles and other heritage attractions, and the important role played by tourist visits by Scots within Scotland must not be forgotten. Scottish Ministers expect Historic Scotland to work in partnership with the private and public sectors to maximise opportunities in the promotion of Scotland – both within and beyond the border – as a tourist destination. Ministers expect Historic Scotland, as the operator of some of Scotland's most popular visitor attractions, to continue to invest in improving what is offered to the visitor.

Building, supporting and regenerating communities

- 9.6 The historic environment has a key role to play in regeneration. Scottish Ministers want to build on past success and to see more regeneration projects that have a clear understanding of the cultural value of the historic environment, how it has developed over time, and how it can be used creatively to meet contemporary needs. Historic Scotland's Historic Environment Regeneration Fund will be able to contribute to this process as will the City Heritage Trusts that are now established in five of Scotland's cities and supported by Scottish Ministers through Historic Scotland.

Regeneration: Beith

The repair of the buildings at the Cross in Beith in North Ayrshire was a critical project in the regeneration of the town centre. These quite modest properties are a focal point in the outstanding conservation area which is at the heart of the town. They were semi-derelict and at risk when Historic Scotland was first approached about grant in 1997. North Ayrshire Council was then awarded a grant from the Heritage Lottery Fund under the Fund's Townscape Heritage Initiative. This funding, along with grants from the Council and Scottish Enterprise Ayrshire, enabled a viable and sustainable programme of repairs to be undertaken.

The buildings have been brought back into use as low-rent housing with shops at ground-floor level; acting as a catalyst for the economic and social regeneration of the area by demonstrating to other owners what can be achieved by good conservation practice. Ongoing encouragement to owners to carry out small scale repairs is being provided by the setting up of a Town Scheme funded jointly by the Council and Historic Scotland.

The quality of the completed work at the Cross is a prime example of the benefit to communities of regenerating the historic environment to retain the character of a town, as opposed to clearance and new build.



Construction industry

- 9.7 Scottish Ministers are committed to the support of the construction industry in its role in maintaining the historic environment. The care and maintenance of the historic environment is an important factor in the economic security of Scotland's construction industry. More than half of the industry's annual £6.5 billion turnover comes from the repair and maintenance of existing building stock and £1.2 billion is spent on pre-1919 buildings. Scottish Ministers have invested £68 million in historic building repair grants since 1999, leveraging in a further £240 million from private, commercial and other public sources. This investment and expenditure supports employment across Scotland and has been important in retaining at least a base in the traditional skills required to repair and maintain the historic environment. Scottish Ministers believe that this investment is well-targeted and look to Historic Scotland to play a key role in helping to educate, train and inform owners, the professions, business and industry how they can best invest in the maintenance, repair and enhancement of their property.

Skills and materials

- 9.8 The sustainable management of the historic environment has an impact on the broader environment, as well as economic and social implications. For example, the use of locally-produced traditional building materials and skilled craftsmen, which are essential for maintaining the quality and diversity of the historic environment, brings benefits to the local economy. At the same time, repairing and using traditionally-constructed buildings using appropriate materials and labour from local sources reduces carbon emissions, the costs of transport and its harmful impact on the environment.
- 9.9 Scottish Ministers share the widespread concern about the maintenance and repair of older buildings:
- a. traditional building construction and performance is not as well-understood as it should be, and the inappropriate use of modern materials and techniques have frequently been shown to be damaging, counter-productive or a waste of money;
 - b. traditional skills necessary for ensuring appropriate repair and maintenance – masonry, carpentry, roofing – are in decline, meaning that many repairs are carried out by tradesmen who do not have the necessary understanding of traditional construction techniques, or the required knowledge and experience;



c. materials necessary for appropriate repairs – such as slate and building stone – may be available locally but may be inaccessible. Inappropriate alternatives often have to be transported, unsustainably, from great distances.

Ministers will look to Historic Scotland to take the lead in addressing these issues, working in partnership with others in other parts of the Scottish Executive and the wider public, industry, commercial, professional and voluntary sectors.

- 9.10 The management of the historic environment requires the use of natural resources, through, for example, conservation actions, such as access to and supplies of the materials used in the repair of structures; and through visitor activities, particularly the means of transport used. It is important that we try to understand and minimise the impact of such actions.
- 9.11 Scottish Ministers will work with partners – particularly local authorities and professional and industry lead-bodies – to address these issues, and will ensure that the Scottish Executive takes a ‘joined-up’ approach to dealing with the problems and developing solutions.
- 9.12 There are other skills that Scotland must cultivate: the ‘people’ and organisational skills to promote Scotland’s historic visitor attractions; the land management skills necessary to maintain the historic environment; the professional skills needed to investigate, understand and protect the historic environment.

Notes

- Note 1. A draft of this document was subject to public consultation between March and June 2006. Significant changes have been made to take account of the views of respondents.
- Note 2. The text of the *Stirling Charter* can be found on Historic Scotland's website at: www.historic-scotland.gov.uk/stirlingcharter.pdf
- Note 3. The text of *Passed to the Future* can be found on Historic Scotland's website at: www.historic-scotland.gov.uk/pasttofuture.pdf
- Note 4. Until 1919 most houses were built by skilled craftsmen using traditional indigenous building materials.
- Note 5. Information on World Heritage Sites can be found at: whc.unesco.org/en/175/
- Note 6. This was set out in more detail in *Passed to the Future*.
- Note 7. The *Stirling Charter* was published by Historic Scotland in 2000 as a contribution to the Council of Europe's 'A Common Heritage' campaign. It set out broad principles for the conservation of what was then termed 'the built heritage' in Scotland. Although it encompassed much of what would now be considered as the 'historic environment' its emphasis was on the management of individual assets, whether sites, buildings or 'landscapes'. While the basic principles remain sound, and are set out in revised form in this document, the Charter is formally superseded by the publication of SHEP 1. Some principles will also reappear in updated form in other SHEPs.
- Note 8. The 2004 *Framework Document* can be accessed on Historic Scotland's website: www.historic-scotland.gov.uk/framework_document_2004.pdf
- Note 9. Not all local authority or other analogous archaeology services provide all of the services listed here.
- Note 10. The current (2003) *Protocol for the Care of the Government Historic Estate* is accessible on Historic Scotland's website at: www.historic-scotland.gov.uk/bcrprotocol.pdf. More detailed guidance is given in *The Care of Historic Buildings and Ancient Monuments by Government Departments in Scotland* accessible at: www.historic-scotland.gov.uk/careofancientmonuments.pdf. Both documents will be reviewed and, where necessary, revised.
- Note 11. Scotland's Historic Environment Audit website is at: www.heritageaudit.org.uk.

Illustrations

Front cover	Dirleton Castle
Page 2	Tantallon Castle The Blackhouse, Arnol Historic Scotland ranger service Fyvie Castle © <i>The National Trust for Scotland</i>
Page 4	Urquhart Castle
Page 5	Patricia Ferguson MSP, Minister for Tourism, Culture and Sport
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Scheduling: protecting Scotland's nationally important monuments

‘...part of SCOTLAND’S IDENTITY ... valuable both for their
own sake and as A RESOURCE for research, education,
REGENERATION, leisure and tourism...’

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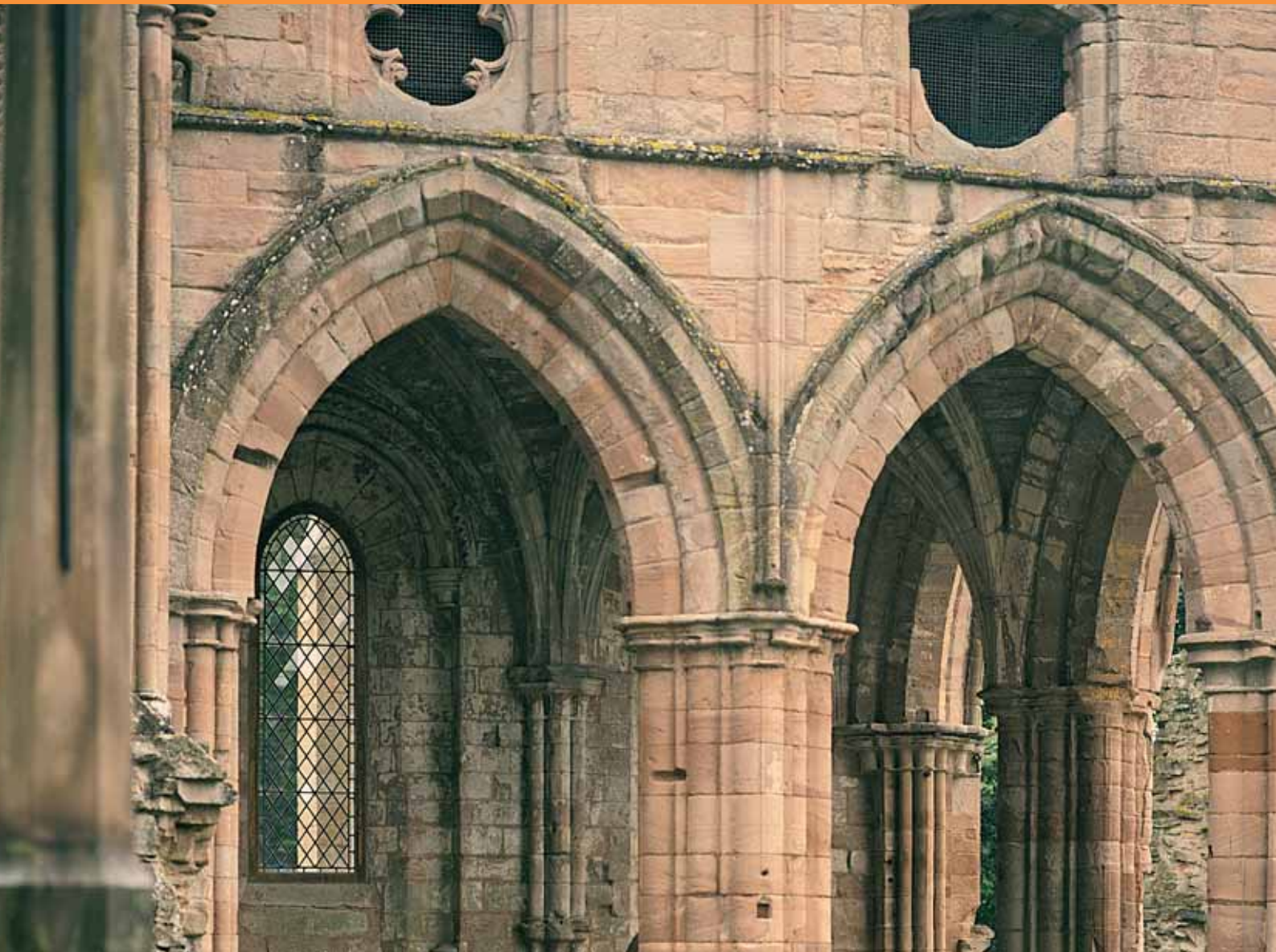
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Scotland's scheduled monuments are an important resource for tourism.



Foreword

An interest in the past, and the protection of the remains of past generations are marks of a civilised and confident society.

Every generation defines what it considers important enough to protect. Scotland's 8000 nationally important sites and monuments range from the middens of the first settlers over 9000 years ago to Cold War sites of the late 1940s, which were erected 60 years after the first Ancient Monuments Act became law.

However, it is only since the implementation of the Ancient Monuments and Archaeological Areas Act 1979 that we have had formal criteria for the selection of sites and monuments of national importance.

Scheduling a monument means that there are considerable restrictions as to what an owner or occupier can do to their site. It is vital that this is done with care and in a way that is open and accountable. In 2003–4 Historic Scotland conducted a major review of all aspects of the process of scheduling and in 2004 carried out a public consultation on its

proposals for change; the results of the consultation were published at the end of 2004.

This document sets out Scottish Ministers' policy on scheduling, taking account of the results of Historic Scotland's review and the public consultation. Scheduling will in future follow a carefully planned strategic programme, according to clear criteria for selection. It will take account of the importance of all of Scotland's past, with carefully targeted and measured progress towards an achievable end, and with greater local involvement.

We have set in place a system for protecting Scotland's heritage that the people of Scotland can understand and trust.

Patricia Ferguson MSP

Minister for Tourism, Culture and Sport

1. Introduction



Introduction

1.1 This paper sets out Scottish Ministers' policy for the identification and designation of nationally important ancient monuments. This process plays an important part in the conservation of evidence for Scotland's past.

1.2 Ancient monuments offer a tangible, physical link with the past. They are a finite and non-renewable resource containing unique information and have the potential to contribute to increasing our knowledge of our past. Such remains are part of Scotland's identity and are valuable both for their own sake and as a resource for research, education, regeneration, leisure and tourism. The remains are often very fragile and vulnerable to damage or destruction and care must be taken to ensure that they are not needlessly damaged or destroyed.

No part of our landscape has escaped the effects of human activity.

2. The legal context

2.1 The United Kingdom government is party to the European Convention on the Protection of the Archaeological Heritage (the ‘Valetta Convention’), which places an obligation on States, under Article 2, to institute a legal system for the protection of the archaeological heritage, on land and under water.

2.2 The United Kingdom has had legislation in place to protect ancient monuments since 1882. Currently, nationally important monuments in Scotland are protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (see Note 1) The Act places a duty on the Scottish Ministers to compile, maintain and publish a Schedule (a list) of monuments. Once included in the Schedule, monuments have legal protection. Up-to-date information on monuments contained in the Schedule is available from Historic Scotland or through visiting www.pastmap.org.uk.

2.3 ‘Monuments’ are defined in the 1979 Act as (see Note 2):

- a.** any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
- b.** any site comprising the remains of any such building, structure or work or of any cave or excavation; and
- c.** any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument as defined within paragraph (a) above.
- d.** Any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.

The definition of ‘remains’ includes any trace or sign of the previous existence of the thing in question (see Note 3).

2.4 To be scheduled, a monument must meet the Act's definition. A structure in use as a dwelling house cannot be scheduled as an ancient monument nor can buildings in ecclesiastical use, portable objects or wrecks protected under the Protection of Wrecks Act 1973.

2.5 The process of scheduling under the terms of the 1979 Act is entirely separate from the process of listing under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 4).

Scotland's scheduled monuments are an important resource for education.



2.6 The process of scheduling, 'descheduling' (removing a monument from the Schedule) and scheduled monument consent (the control of works affecting scheduled monuments) is undertaken on behalf of Scottish Ministers by Historic Scotland.

2.7 The sole legal criterion in the 1979 Act for inclusion in the Schedule is that a monument is of 'national importance'. (see Note 5). After consultation, Scottish Ministers have determined what constitutes national importance and how it should be determined. The Criteria and Guidance they have developed are set out in the Annex on pages 12 -15. (see Note 6).

2.8 Once a monument is scheduled, it becomes an offence to carry out, without the prior written consent of the Scottish Ministers (scheduled monument consent), any works which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument (see Note 7).

2.9 The scheduling process and the need for scheduled monument consent run in parallel with the statutory planning process, where planning consent is also necessary for any planned work. The protection of ancient monuments is a material consideration in the determination of planning applications.

3. Scottish Ministers' policy on scheduling

3.1 The following principles will underpin the scheduling process:

- a.** the past of all parts of Scotland is worthy of study and should be considered for conservation;
- b.** no part of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of national importance than another;
- c.** scheduling will be based on an appreciation of the regional character of Scotland's past, as reflected in its ancient monuments, and on the basis of an up-to-date set of criteria and guidance;
- d.** scheduling will be applied to monuments across Scotland in a consistent way;
- e.** monuments that do not meet the criteria for national importance will be removed from the Schedule (descheduled);
- f.** owners and occupiers of land on which monuments lie, and the local authorities in which they are situated, will be consulted on proposals to add a monument to the Schedule, other than in exceptional circumstances;
- g.** scheduling will be an ongoing process that recognises that every generation will have its own view of what comprises its heritage;
- h.** decisions on scheduling and descheduling will be made on the basis of the best information available;
- i.** information on scheduled monuments and on the processes involved in scheduling will be made widely and easily available (see Note 8);
- j.** all decisions relating to scheduling will be explained in clear language;
- k.** scheduling is applied to secure the legal protection of monuments in the national interest. It is the intrinsic value of the monument to the nation's heritage that is the primary consideration in deciding whether or not a site shall be scheduled and in determining applications for scheduled monument consent.

4. Implementation

4.1 Historic Scotland plays the lead role on behalf of Scottish Ministers in implementing this policy on scheduling. In carrying out this work Historic Scotland will:

- a.** publish its operational policies on scheduling on its web site;
- b.** set out in its Corporate Plan the level of resources that it will commit to the programme of scheduling monuments;
- c.** add monuments to the Schedule through a strategic, normally area-based

programme run on a 30-year cycle. The agency's corporate plan will set out the areas to be tackled over the plan period and set targets;

- d.** reconsider all existing schedulings, as part of the area-based programme, and check, and where necessary correct, all existing scheduling documentation;
- e.** develop means, such as the successful PASTMAP site, of making information as widely available as possible, both to specialist users and to the general public; and
- f.** keep the strategic and operational policies on scheduled ancient monuments under review.

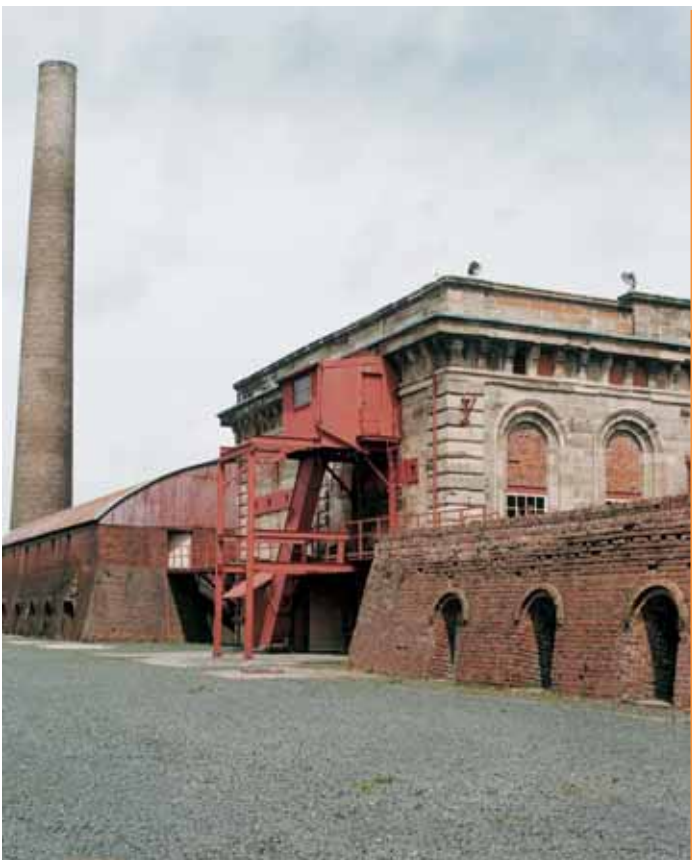
4.2 A further Scottish Historic Environment Policy paper on the scheduled monument consent process will be published.

Scotland's history is one of different regions. The recumbent stone circles of the North-East are found nowhere else.



5. Contacts

5.1 Further information on scheduling can be found on Historic Scotland's website www.historic-scotland.gov.uk. Copies of the booklet *Scotland's Scheduled Monuments* can be obtained from Historic Scotland at the address below.



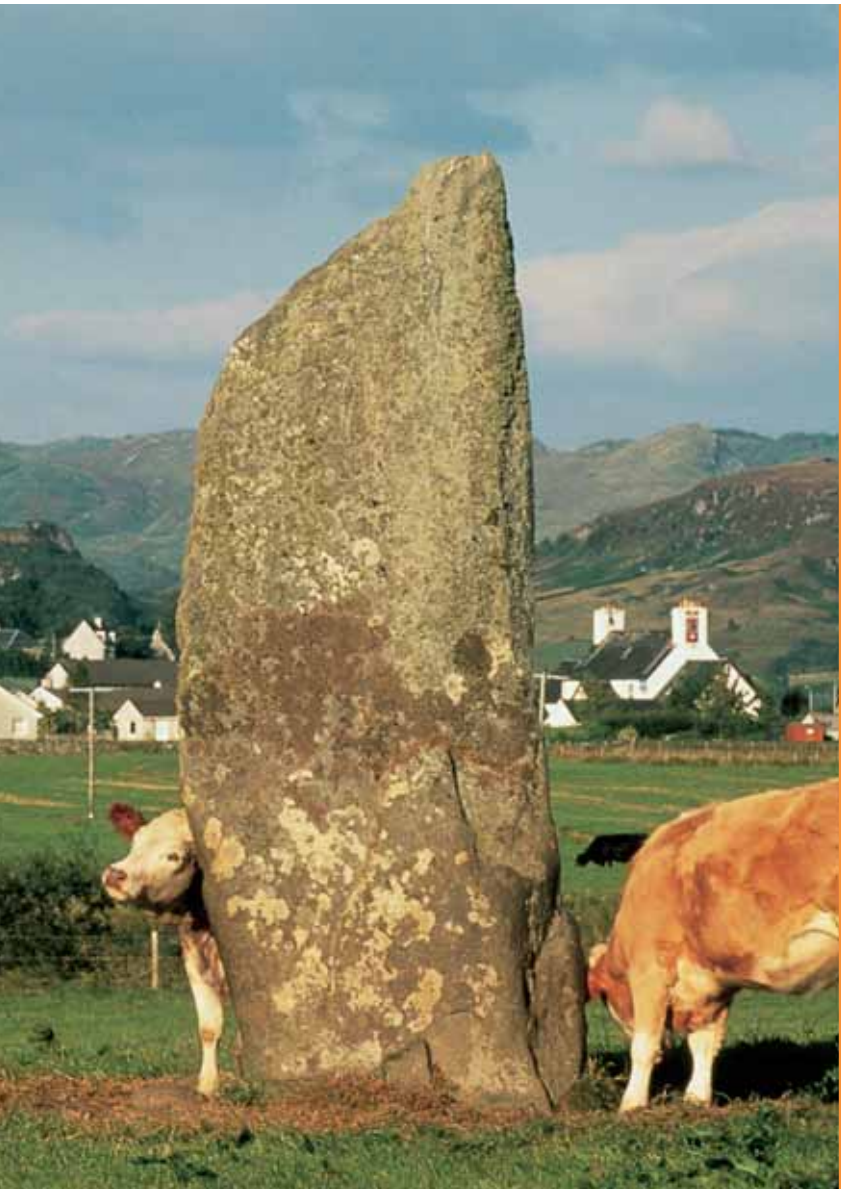
5.2 Specific queries on this paper or on the operation of Historic Scotland's scheduling programme should be directed to:

**The Head of Scheduling
Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH**

(ancientmonuments@scotland.gov.uk).

Scheduling provides protection for the remains of aspects of Scotland's more recent past.

6. Notes



Note 1. Part II of the 1979 Act, relating to archaeological areas, was not brought into effect in Scotland, and has fallen into disuse in England. The 1979 Act does not apply in Northern Ireland.

Note 2. Section 61(7) of the 1979 Act.

Note 3. Section 61(13) of the 1979 Act.

Note 4. Planning Advice Note 42, paras 44.3; 49 As a selective ('nationally important') sample of the nation's archaeology, the Schedule differs from the more comprehensive list of buildings of 'special architectural or historic interest' compiled under the terms of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, both in the subject matter and in the procedures which arise from inclusion. While Historic Scotland

The protection and management of Scotland's scheduled monuments are carried out in partnership with individual owners in such a way as to minimise the effect on business.

undertakes casework on scheduled monuments, the first point of contact for listed building consent is the local authority.

Note 5. Section 1(3) of the 1979 Act.

Note 6. The new criteria and guidance were prepared during 2003–4 and subjected to public consultation:

Scottish Executive Consultation CON302
www.scotland.gov.uk/consultations/culture/natimport.pdf.

The report on the consultation is available at:
www.scotland.gov.uk/library5/culture/ncagfdni.pdf.

The criteria in force between 1983 and 2005 are published in the Scottish Executive's *Planning Advice Note 42 Archaeology, the Planning Process and Scheduled Monument Consent Procedures* (PAN 42). These are superseded by the publication here of the 2006 criteria and guidance. PAN 42 is available at:
www.scotland.gov.uk/library5/planning/pan42.pdf

Note 7. Section 2 of the 1979 Act.

Note 8. Information on the location and extent of scheduled monuments is provided on the internet at www.PASTMAP.org.uk, a website maintained by Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. The site also provides information on listed buildings, historic gardens and designed landscapes, and other undesignated sites.

Annex

Criteria for and Guidance on the Determination of ‘National Importance’ under the terms of the Ancient Monuments and Archaeological Areas Act 1979

Preamble

1. The Ancient Monuments and Archaeological Areas Act 1979 provides for the scheduling of ancient monuments, the sole criterion being that they are of national importance. A definition and operational guidance on how to determine whether or not a monument is of national importance was approved by the (former) Ancient Monuments Board for Scotland in 1983. The criteria and guidance offered here are an updated version that has taken account of the development of treaty, charter and practice in the UK and abroad and has been informed by the consultation exercise carried out in 2004. While based on the 1983 text, it also reflects the principles of Scotland’s *Stirling Charter* (2000), which has been informed by, and builds on, the body of international conservation charters already in being. One of the most influential of these is the *Burra*

Charter (current edn 1999), which introduced the now widely accepted concept of ‘cultural significance’. While taking into account national and international developments, this revised guidance has been prepared with the welfare of Scotland’s archaeological and built heritage in mind. The primary aim of this document is to provide guidance in determining whether monuments are unequivocally of national importance.

Role of Historic Scotland

2. The process of scheduling is undertaken on behalf of Scottish Ministers by Historic Scotland. Historic Scotland is an executive agency directly accountable to Scottish Ministers with the remit of protecting Scotland’s historic environment. The selection of monuments and the scheduling process is undertaken by professional staff within Historic Scotland applying the policies, criteria and guidance set by Scottish Ministers.

Cultural Significance

3. The first step in considering whether a monument is of national importance is to identify and understand its cultural significance. The concept of ‘cultural significance’ will apply widely and to different degrees to all of Scotland’s historic environment, and should not be confused with the establishment of ‘national importance’, which is a separate process. For a monument or a class of monuments to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional (factors

Many of Scotland’s scheduled monuments are striking features in our landscape, like this ‘consumption dyke’ near Aberdeen. Without them the landscape would be less varied and interesting.



listed in the 1979 Act); aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the monument itself, its fabric, setting, use, associations, meanings, records, related monuments and related objects.

4. For most of Britain’s and Scotland’s past, there are no ‘national’ prehistories or histories, as reflected in the built heritage. Instead, there is an aggregation of related prehistories and histories of different regions, which may have wider national or international links. It is through these linked regional histories and prehistories that the history of Scotland and the UK can be understood.

5. Cultural significance of any monument, whether of national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

Intrinsic – those inherent in the monument;

Contextual – those relating to the monument’s place in the landscape or in the body of existing knowledge; and

Associative – more subjective assessments of the associations of the monument, including with current or past aesthetic preferences.

Intrinsic characteristics

a. the condition in which the monument has survived. ‘Condition’ includes the

potential survival of archaeological evidence above and below ground, and goes beyond the survival of marked field characteristics;

- b.** the archaeological, scientific, technological or other interest or research potential of the monument or any part of it;
- c.** the apparent developmental sequence of the monument. Monuments that show a sequence of development can provide insights of importance, as can places occupied for a short time;
- d.** the original or subsequent functions of the monument and its parts.

Contextual characteristics

- e.** The present rarity or representativeness of all or any part of the monument, assessed against knowledge of the archaeology of Scotland and of the region in which the monument occurs;
- f.** the relationship of the monument to other monuments of the same or related classes or period, or to features or monuments in the vicinity. This is particularly important where individual monuments, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g.** the relationship of the monument and its parts with its wider landscape and setting.

Associative characteristics

- h.** The historical, cultural and social influences that have affected the form and fabric of the monument, and vice versa;
- i.** the aesthetic attributes of the monument;
- j.** its significance in the national consciousness or to people who use or have used the monument, or descendants of such people; and
- j.** the associations the monument has with historical, traditional or artistic characters or events.

6. Understanding of cultural significance may change as a result of the continuing history of the monument, or in the light of new information, or changing ideas and values.

National Importance

7. The primary purpose of scheduling under the 1979 Act is the preservation of, and control of works on, monuments, the survival of which is in the national interest. The provisions of the 1979 Act are consistent with the principles of minimal intervention to ensure that the characteristics that make a monument of national importance are preserved as far as possible in the state in which it has come down to us, and is passed on to future generations in as unchanged a state as is practicable, in accord with the principles of sustainable development. In general, those principles will only be set aside in circumstances where wider considerations are deemed, on balance, to be of greater importance to the national interest, rather than to any sectoral or local interest; in individual cases such considerations may include the needs of research into Scotland's past.

8. It should be noted that no period of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of 'national importance' than another.

9. The purpose and implications of scheduling are issues that require to be taken into consideration when assessing monuments for scheduling. Scheduling may not be the only, or the most appropriate, mechanism to secure the future of all sites, even those that may otherwise meet the criteria.

10. The particular significance needed to define the monument as of 'national' importance may be established in terms of one or more of the following:

- a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
- b. its retention of the structural, decorative or field characteristics of its kind to a marked degree;
- c. its contribution, or the contribution of its class, to today's landscape and/or the historic landscape;
- d. the quality and extent of any documentation or association that adds to the understanding of the monument or its context;
- e. the diminution of the potential of a particular class or classes of monument to contribute to an understanding of the past, should the monument be lost or damaged; and
- f. its place in the national consciousness is a factor that may be considered in support of other factors.