

Policy Background



Appendix No:

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Note: During the course of the inquiry and in their written submissions, parties referred to government advice in Scottish Planning Policy documents, National Planning Policy Guidelines, Planning Advice Notes and Circulars. The following extracts relate to evidence given to the inquiry or included in written submissions and taken into account in the preparation of this report. Where reference is made to a particular paragraph or sub-paragraph, only that part of the document is shown. Unfortunately, where the reference to a particular paragraph was not specified, and the reference is not known, it has been impossible, to include it below, or therefore to take it into account.

1. Scottish Planning Policy 1: The Planning System

THE PURPOSE OF THE PLANNING SYSTEM

4. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5. The purpose of the planning system is to guide change through an efficient and effective process that respects the rights of the individual while acting in the interest of the wider community. Effective planning involves partnership working, community involvement and dialogue and negotiation with developers to enable a high quality of development on the ground. Planning is a flexible tool which is well placed to co-ordinate a wide range of activities relating to development, regeneration and the environment, both within the public sector and working with the private and voluntary sectors. Involving local communities, business interests, amenity organisations and others is essential to help shape a sustainable Scotland.

DEVELOPMENT PLANS

25. The statutory development plan for an area currently consists of the structure plan and the local plan. The purpose of the development plan is to guide the future development of an area. Plans are not an end in themselves; they are a tool for promoting future development of the right quality in the right places. To be effective, plans must contain relevant and realistic policies which can be implemented. They should contain a positive and sustainable vision of an area's future based on a thorough understanding of how the area functions, the challenges it is expected to face and community requirements and priorities. Policies should cover key land use issues including housing, transport, employment, retailing, recreation, conservation and environmental protection. It is important that these are considered together to create a spatial development strategy for the area. Development plan policies should complement and reinforce each other to help secure sustainable development.

STRUCTURE PLANS

32. Under current arrangements, structure plans should provide a long-term vision, looking forward at least 10 years, as part of an overview of an area's development requirements, considering the functions and inter-relationship of places, expressing the settlement strategy for the area and identifying priorities for urban and rural regeneration. Policies should:
- identify the overall supply of land to meet the requirements for development;
 - reflect and identify priorities for the provision of infrastructure;
 - identify limitations on development;
 - support and encourage sustainable patterns of travel; and
 - promote the protection and enhancement of the built and natural environment.

LOCAL PLANS

37. A local plan sets out detailed policies and specific proposals for the development and use of land that should guide day-to-day planning decisions. They must identify effective opportunities for development and encourage investment in an area. The aim is to exert a positive influence over land use decisions. Local plans should contain policies relating to:
- the allocation of land relating to different development types eg. Housing, business and industry, retailing, transport, leisure and recreation, and mineral extraction;
 - the conservation of the built, natural and cultural heritage;
 - the improvement of the physical environment;
 - integrated transport issues; and
 - urban and rural regeneration.

Local plan policies must conform to the structure plan and be fully justified, demonstrating what is and is not acceptable in land use terms. They should describe the area to which they relate and be specific about issues in order to avoid an anonymous approach that could apply to any place. Plans should be clear about how policies will be implemented, whether through specific proposals, or by applying development control criteria, and should specify where local authority action is required to make land available or co-ordinate infrastructure provision.

38. Local plans should be responsive to local needs and promote change in the wider community interest. Policies must be relevant to the circumstances of an area, with enough flexibility to accommodate some of the changes that will inevitably emerge over the lifetime of the plan. It is particularly important that local plans identify areas where major change is anticipated and indicate what is required to ensure co-ordinated action, such as the preparation of a master plan. Plans should be kept up to date and reviewed on no more than a five-year cycle, testing for continued effectiveness and relevance, with policies either reaffirmed or replaced. Reviews should

be adopted formally by planning authorities. Review mechanisms should be established whereby information collected through on-going monitoring of economic, social and environmental indicators and the implementation of individual policies and proposals is used to highlight the need for revision.

DECIDING A PLANNING APPLICATION

46. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The interpretation of this provision was clarified in a House of Lords decision in 1998 [*City of Edinburgh Council v the Secretary of State for Scotland 1998*]. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. Conversely, if the application does not accord with the plan, it should be refused unless there are material considerations indicating that it should be granted. Although priority must initially be given to the development plan in determining a planning application, there is a built-in flexibility depending on the facts and circumstances of each case.
47. The House of Lords' judgement set out the following approach to deciding a planning application:
- identify any provisions of the development plan which are relevant to the decision;
 - interpret them carefully, looking at the aims and objectives of the plan as well as [the] detailed wording of policies;
 - consider whether or not the proposal accords with the development plan;
 - identify and consider relevant material considerations, for and against the proposal; and
 - assess whether these considerations warrant a departure from the development plan.
- The weight to be attached to any relevant material consideration is for the judgement of the decision maker.

2. Scottish Planning Policy 3: Planning for Housing

EXTENSIONS TO EXISTING SETTLEMENTS

44. Where brown field and infill sites cannot meet the full range of housing requirements, it will be necessary to release green field land next to built-up areas. Meeting housing requirements through extensions to existing towns and villages has a number of advantages. Servicing costs can be reduced and new housing may benefit smaller communities by helping to sustain local schools, shops and services. But extensions should not be dependent solely or mainly upon car access. Sustainable transport options should be considered as an integral part of the development process and the aim should be to provide opportunities for non-car access before houses are occupied and patterns of travel established.
45. Extensions to settlements need careful planning. The landscape settings of existing town and villages must be respected and building types, designs and materials should also respect local architectural styles. Attention should be given not only to the visual impact within a village or town, but also to its appearance from the outside, for example from major roads, public transport routes or other vantage points. Care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate and consideration should be given to the cumulative impact of a succession of developments over time. In larger developments, the internal road layout should allow easy access by buses.
46. Development plans should specify how the character and setting of a settlement is to be protected, guide new development to suitable sites and in some cases provide for the phased release of land. Development briefs can also help in setting out development principles (paragraphs 9-11). Paragraphs 84-85 give guidance on infrastructure delivery.

HOUSING IN RURAL AREAS

49. Planning policies have traditionally sought to restrict the development of new houses in the countryside to maintain rural character and amenity and safeguard agricultural production. Where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of existing infrastructure and public services and helps to conserve natural heritage and rural amenity. However, while environmental protection remains important in

the context of sustainable development, the major changes taking place in farming and the rural economy mean that some aspects of policy on housing in the countryside need adjustment.

50. In some rural areas, particularly those categorised in National Planning Policy Guideline 15 as intermediate and remote, new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. In remote rural areas with substantial long-term depopulation, proactive planning measures to help increase the resident population could assist economic and social regeneration. A dispersed settlement pattern is already an established feature of the landscape and economy in crofting areas.
54. Research indicates that many parts of rural Scotland have experienced, and are likely to go on experiencing significant shortages in the supply of affordable housing. Not only are stocks of social rented, privately rented and cheaper owner-occupied houses relatively scarce, but also, particularly in social rented housing, turnover rates are low. Appropriate ways to support delivery of affordable housing may differ between rural and urban areas; guidance is given at paragraphs 74-83.
55. The aim should be to promote development that supports the rural economy and local services, promotes rural regeneration, embodies the principles of sustainable development, and enhances the rural environment. Development plans should show where new housing will be encouraged and set out criteria against which any new proposals not specifically provided for in the plan will be judged. Planning Advice Note 36: Siting and Design of New Housing in the Countryside encourages careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character across Scotland. The approach towards design and quality in residential environments set out in this Scottish Planning Policy [document] should be applied in the rural context.
56. Buildings in the countryside no longer required for their original purposes can offer opportunities for conversion to dwellings. Residential and business conversions are a way of retaining buildings which contribute to local character and can result in distinctive assets to the local environment. Even where planning authorities operate a policy resisting new housing outwith settlements, they should look sympathetically at proposals for the sensitive re-use, conversion or rehabilitation of buildings which can be accessed safely and readily serviced. Some limited new housing along with converted or rehabilitated buildings may be acceptable where it results in a cohesive grouping well related to its landscape setting. However, redevelopment should not automatically extend to the replacement of wholly derelict buildings or development of a different scale or character from that which existed previously.

3. Scottish Planning Policy 7: Planning and Flooding

INTRODUCTION

2. Planning authorities must take the probability of flooding from all sources and the risks involved into account during the preparation of development plans and in determining planning applications. Prospective developers also have key responsibilities, including: taking flood risk into account before committing themselves to a site or project; undertaking flood risk assessments and drainage assessments where required; and implementing agreed measures to deal with flood risk.
37. The Risk Framework is based on the annual probability of flooding. In applying the Risk Framework developers and planning authorities should also take into account as appropriate:
 - the characteristics of the site;
 - the use and design of the proposed development;
 - the size of the area likely to flood;
 - depth of water, likely flow rate and path, rate of rise and duration;
 - existing flood prevention measures - extent, standard and maintenance regime;
 - an allowance for freeboard; cumulative effects of development, especially the loss of flood storage capacity;
 - cross boundary effects and the need for consultation with adjacent authorities;
 - effects of a flood on access, including by emergency services;
 - effects of a flood on proposed open spaces including gardens; and
 - the extent to which the development, its materials and construction is designed to be water resistant.

The calculated probability of a flood occurring should be regarded as a best estimate and not a precise forecast. Developers and planning authorities should therefore err on the side of caution in taking decisions when flood risk is an issue.

THE RISK FRAMEWORK - The Planning Response to Flood Risk (Coastal, Tidal and Watercourse)
This framework has to be read in the context of the whole SPP.

1. Little or no risk area

Annual probability of watercourse, tidal or coastal flooding: less than 0.1% (1:1000), i.e. less frequently than the so-called 1:1000 year flood

Appropriate Planning Response - No constraints due to watercourse, tidal or coastal flooding.

2. Low to medium risk area

Annual probability of watercourse, tidal or coastal flooding: in the range 0.1% - 0.5% (1:1000 - 1:200)

Appropriate Planning Response - It will not usually be necessary to consider flood risk unless local conditions indicate otherwise. Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%) or where the nature of the development or local circumstances indicate heightened risk. Water resistant materials and construction may be required depending on the flood risk assessment. Subject to operational requirements, including response times, these areas are generally not suitable for essential civil infrastructure, such as hospitals, fire stations, emergency depots etc. Where such infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.

3. Medium to high risk area (see the 2 sub areas below)

Annual probability of watercourse, tidal or coastal flooding: greater than 0.5% (1:200)

Generally not suitable for essential civil infrastructure, such as hospitals, fire stations, emergency depots etc. schools, ground based electrical and telecommunications equipment. The policy for development on functional flood plains applies. Land raising may be acceptable.

3(a) Within areas already built-up - Appropriate Planning Response

These areas may be suitable for residential, institutional, commercial and industrial development provided flood prevention measures to the appropriate standard already exist, are under construction or are planned as part of a long term development strategy in a structure plan context. In allocating sites preference should be given to those areas already defended to that standard. Water resistant materials and construction as appropriate.

3(b) Undeveloped and sparsely developed areas - Appropriate Planning Response

These areas are generally not suitable for additional development, including residential, institutional, commercial and industrial development. Exceptions may arise if a location is essential for operational reasons, e.g. for navigation and water-based recreation uses, agriculture, transport or some utilities infrastructure, *and* an alternative lower risk location is not achievable. Such infrastructure should be designed and constructed to remain operational during floods. These areas may also be suitable for some recreation, sport, amenity and nature conservation uses (provided adequate evacuation procedures are in place). Job-related accommodation (e.g. caretakers and operational staff) may be acceptable. New caravan and camping sites should generally not be located in these areas. Exceptionally, if built development is permitted, flood prevention and alleviation measures are likely to be required and the loss of storage capacity minimised. Water resistant materials and construction as appropriate. Land should not be developed if it will be needed or have significant potential for coastal managed realignment or wetland creation as part of an overall flood defence.

Interpretation of the Risk Framework:

(a) The annual probabilities relate to the land at the time an application is submitted or a land allocation is made.

(b) In the longer term the calculated probabilities of flooding may be affected by climate change, improved data/methods and land uses elsewhere in the catchment.

(c) As paragraph 33 explains this framework necessarily simplifies the situation.

IMPLEMENTATION

Local Planning

42. The potential for sites to flood must be considered during the preparation and review of every local plan. Few if any local plan areas will be completely free from the threat of flooding. Flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low lying coastal land should be assumed to be at risk. The consideration should take into account any areas identified in the structure plan, the Scottish Environment Protection Agency's indicative flood risk maps, records of previous floods, other sources and advice from consultees. Flood risk assessments undertaken by developers or agents may also be available, though planning authorities may wish to validate them. Flood Liaison and Advice Groups should be used to help identify and source (*sic*) the available information. These sources of information should usually be sufficient for local planning but a specific piece of work may occasionally be needed.
43. Each local plan should:
- for watercourse and coastal flooding set out policies and select development sites on the basis of the risk framework providing full justification if different probabilities are chosen;
 - consult adjacent authorities where different probabilities raise cross boundary issues;
 - indicate the circumstances where a freeboard allowance should apply;
 - identify sites or areas constrained by flood risk from other sources
 - safeguard the flood storage capacity of functional flood plains;
 - set out policy for Sustainable Urban Drainage Systems;
 - indicate the circumstances when a drainage assessment will be required on grounds of flood risk;
 - if appropriate, describe where the promotion of managed coastal realignment or restoration of functionality to the flood plain could contribute to more sustainable flood management and natural heritage objectives; and
 - indicate the circumstances when water resistant materials and forms of construction will be appropriate.

4. National Planning Policy Guideline 14: Natural Heritage

Introduction

1. This National Planning Policy Guideline (NPPG) gives guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. In this context, Scotland's natural heritage includes its plants and animals, its landforms and geology, and its natural beauty and amenity. Natural heritage embraces the combination and interrelationship of landform, habitat, wildlife and landscape and their capacity to provide enjoyment and inspiration. It therefore encompasses both physical attributes and aesthetic values and, given the long interaction between human communities and the land in Scotland, has important cultural and economic dimensions.

Landscape Protection and Enhancement

11. Scotland is fortunate in having a rich diversity of landscapes. Many areas, for example in the Highlands and Islands, possess mountain and coastal landscapes which are valued nationally and internationally for their quality, extensiveness and wild land character. Other landscapes, such as the rolling Border hills, the open plains of Moray, Buchan and Berwickshire, the rich farmlands of Angus, Kincardineshire and East Lothian, and the exposed moorlands of Caithness, contribute powerfully to regional identity and quality of life. Upland ranges such as the Kilpatricks, Pentlands and Sidlaws provide the landscape settings for our towns and cities

and, at a more local level, the interplay of features such as hills, watercourses, lochs, woodlands and shorelines makes an important contribution to environmental quality and a sense of place.

12. Our landscapes are also important in cultural terms. They carry the imprint of human activity over many generations and continue to evolve in response to changes in land use and management. It is often the relationship between buildings, cultural features and the natural environment which gives an area its particular identity and character. In 1987 the Countryside Commission for Scotland and the Historic Buildings and Monuments Directorate of the Scottish Development Department jointly commissioned the preparation of an Inventory of Gardens and Designed Landscapes in Scotland. The gardens and designed landscapes included in the Inventory are of importance in terms of their scenic quality and historic interest and often contain valuable wildlife habitats and other features of natural heritage interest. The National Planning Policy Guideline on Archaeology and Planning (NPPG 5) sets out Government policy on how archaeological remains should be handled under the planning system. A NPPG on the Historic Environment will be published in 1999.
13. The Government's commitment to the protection and enhancement of the landscapes of Scotland is reflected in a wide range of policies and initiatives. For example, its support for National Parks in part reflects a commitment to safeguarding landscapes of international importance. Green Belt and "countryside around towns" policies play an important role in protecting the landscape settings of our cities and towns. In collaboration with local authorities, SNH, the Forestry Commission and others, the Central Scotland Countryside Trust is promoting the Central Scotland Forest which will, over time, substantially improve the landscape between Edinburgh and Glasgow. Other important landscape improvement schemes are underway in the countryside around many of our towns and cities. While much has been done in recent years to restore landscapes damaged by past industrial activities, planning policies have an important role to play in encouraging the further enhancement of landscapes close to where people live and work.
14. In collaboration with local authorities, SNH has completed Landscape Character Assessments for the whole of Scotland. These assessments can provide valuable local guidance on the capacity of the landscape to accommodate new development and some planning authorities have already begun to make use of them in policy development and development control casework.
15. The varied landscapes of Scotland are an essential and much valued component of our natural heritage and the Government's objectives in relation to their protection and enhancement should be reflected in development plans and planning decisions. The scale, siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside. Further advice on these matters is contained in the Planning Advice Notes on the Siting and Design of New Housing in the Countryside and Fitting New Housing Development into the Landscape (PANs 36 and 44).
16. The most sensitive landscapes may have little or no capacity to accept new development. Some of Scotland's remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits. Such areas are very sensitive to any form of development or intrusive human activity and planning authorities should take great care to safeguard their wild land character. This care should extend to the assessment of proposals for development outwith these areas which might adversely affect their wild land character.

Protection of Species and Habitats

17. A wide range of wild animals and plants are protected under the Wildlife and Countryside Act 1981. The deliberate killing, injury or taking of protected species, or damage, destruction or obstruction of places used by such species for shelter or protection is an offence under the Act unless the action is the incidental result of a lawful action and could not reasonably be avoided. The Act makes specific provision for planning authorities to make orders prohibiting the removal or disturbance of areas of limestone pavement which Scottish Natural Heritage has notified to be of special natural heritage interest. The European Community Habitats and Birds Directives provide additional protection for species and habitats and planning authorities should also be aware of the requirement under the Protection of Badgers Act 1992 to obtain a licence from SNH where development would result in interference with a badger sett.

Trees and Woodlands

50. Trees and woodlands are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and quality, and hedgerows and shelterbelts are important features of the landscape in

some parts of the country. Significant areas of Scotland have suffered environmental degradation as a result of progressive deforestation and past industrial activity and the expansion of woodland cover can make an important contribution to their rehabilitation. Planting with native species and the encouragement of natural regeneration can often offer the greatest benefits in terms of the natural heritage.

51. Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands have the greatest value for nature conservation. In relation to commercial woodlands, authorities should make realistic allowance for rotation cycles and the requirements of management.

Regional and Local Designations

Areas of Great Landscape Value may be designated by planning authorities for the purpose of safeguarding locally important areas of outstanding scenic character or quality from inappropriate development. Some authorities have also identified areas of regional scenic significance. Scottish Development Department Circular 2/1962 provides advice on the definition of Areas of Great Landscape Value in development plans and the framing of policies for the control of development within them. Its content and purpose are currently being reviewed by Scottish Natural Heritage as part of its review of National Scenic Areas and landscape protection generally.

Local authorities may also designate **Local Nature Reserves** under the National Parks and Access to the Countryside Act 1949, as amended by the Local Government and Planning (Scotland) Act 1982. A Local Nature Reserve is usually declared because of the high natural heritage interest of the site and its particular value for education and informal enjoyment of nature by the public.

Wildlife Sites: Planning authorities and the voluntary nature conservation organisations have carried out considerable survey work with the object of identifying sites of local importance for wildlife and securing appropriate conservation management. Such sites, under a variety of titles, are now quite widely identified and accorded a measure of protection in development plans.

Regionally Important Geological / Geomorphological Sites are being identified by conservation organisations with the involvement in some cases of local authorities. Such sites can be valuable educationally and supplement sites notified as geological Sites of Special Scientific Interest.

61. AGLVs and LNRs have established and potentially valuable roles in protecting important local natural heritage interests and the UK Biodiversity Action Plan recognises the part played by non-statutory nature conservation designations in safeguarding biodiversity. However, planning authorities should avoid the unnecessary proliferation of local designations. Where they are considered necessary, authorities should take account of the economic interests and aspirations of local communities, and should ensure that designation does not impose unreasonable restrictions on the ability of people to work or develop their land. AGLVs are being examined by SNH as one of the aspects of the review of National Scenic Areas. SNH will provide advice to planning authorities on proposals for local landscape designations in order to ensure greater consistency in their use. Proposals for LNRs should be endorsed by SNH. Planning authorities should seek the advice of SNH on sites which they propose to designate as local wildlife sites.
62. The titles of local designations should, where possible, conform to the recognised nomenclature set out in the box above, and the purpose of each designation should be clearly defined. Unless there are good grounds for believing that providing details of a particular location could result in damage to its natural heritage interest, sites proposed for local designation should be identified in the context of the plan-making process in order to ensure that they are subject to an appropriate level of consultation. The boundaries of sites should normally be clearly defined on local plan proposals maps and justification should be provided for their selection. A clear distinction should be made between local and national designations in the framing of development plan policies. The level of protection accorded to local designations will be a matter for the planning authority.

Local Plans

71. Planning authorities should ensure that the protection and enhancement of the natural heritage is adequately provided for in local plan policies, placing particular emphasis on the strength of protection afforded to international and national designations. More specifically, within the strategic framework established by the structure plan, local plans should:

- include policies for the protection and, where appropriate, enhancement of all internationally and nationally designated areas and sites (including potential SPAs and SACs);
- identify all international, national, regional and local natural heritage designations on the Proposals Map (including potential SPAs and SACs), distinguishing clearly between international or national sites and sites of more local importance;
- include policies for any areas identified as being of regional or local importance for the natural heritage and safeguard any landscape features of major importance for nature conservation or amenity;
- include policies for the conservation and/or enhancement of landscape character, including, where appropriate, wild land character;
- make appropriate provision for Local Nature Reserves and the protection and enhancement of open space of natural heritage value;
- indicate the criteria against which a development affecting a natural heritage designation will be assessed;
- identify opportunities to extend native woodland cover and to maintain and enhance wetlands;
- provide for the conservation of biodiversity and the protection and enhancement of the natural heritage outwith designated areas; and
- identify appropriate opportunities to improve public access for the purposes of enjoying and learning about the natural heritage.

Glossary of Terms

Wild Land: Uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal.

5. National Planning Policy Guideline 19: Radio Telecommunications

Action Required

LOCAL PLANS AND SUPPLEMENTARY GUIDANCE

58. Local plans should:-

- specify development control criteria for radio telecommunications development, including siting and design matters, consistent with this [guideline];
- outline the types of locations, eg industrial or commercial areas, more suitable for sizeable pieces of equipment such as the larger ground based masts;
- identify the designated areas specified in the [Town and Country Planning (General Permitted Development)(Scotland) Order 1992], where there are no permitted development rights for radio telecommunications development, and set out policies to control the standard of development in these areas; and
- identify other areas, for example the isolated coast or green belt, where special care should be exercised.

(Footnote: the designated areas specified in the General Permitted Development Order as referred to are National Scenic Area, National Park, Natural Heritage Area, Conservation Area, Historic Garden or Designed Landscape (as identified in Historic Scotland's Inventory of Historic Gardens and Designated Landscapes), Site of Special Scientific Interest, or European Site (Special Areas of Conservation and Special Protection Areas) (for a full definition see Town and Country Planning (General Permitted Development)(Scotland) Order 1992 Article 2(1)(c)(ii)) or on a Category A listed building or a scheduled monument or within the setting of such a building or monument.)