

**Case:** 201103675, Historic Scotland  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Ms C complained on behalf of her brother-in-law (Mr A) about Historic Scotland's rescheduling process for a town wall and bastion. Ms C said Historic Scotland failed to provide Mr A with clear information on the rescheduling process. This caused him confusion and uncertainty and resulted in him not submitting relevant information to them. Ms C said that Historic Scotland's letters to Mr A failed to convey the importance of the issue; failed to state that Mr A's property was affected by the process; and failed to suggest that Mr A should consider seeking legal advice.

During our investigation we considered the relevant legislation and noted that there was no legal requirement for Historic Scotland to consult with owners prior to rescheduling an existing monument. Any consultation that they chose to carry out was entirely voluntary. Historic Scotland's procedures required them to notify the owner or occupier of their intention to propose a site for rescheduling and providing full details of the proposal.

We did not uphold Ms C's complaints. We found that Historic Scotland wrote to Mr A three times about the rescheduling review. We considered that their letters made it clear that this was a matter that was important and might affect him. They also sent him maps showing his property and asked them to contact them if he was not the owner. We found that there was no requirement for them to advise owners to consider seeking legal advice. In addition, in each letter Historic Scotland invited Mr A to contact them if he had any questions, which he did not take the opportunity to do. If he had been in any way uncertain about the implications of the letters then we considered it would have been reasonable for him to have contacted Historic Scotland.