

## Case information

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<b>Reference/Case ID</b>	201506557		
<b>Scheduled Monument</b>	Castle Tioram & Eilean Tirim		
<b>Index no</b>	M955	<b>Grid Ref</b>	NM661724 166100.0000 772400.0000
<b>Date of Application</b>	15 January 2016	<b>Application Received</b>	21 January 2016
<b>Summary of proposed works</b>	Formation of yett to courtyard entrance		

### 1. Summary recommendation

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This report recommends approval of an application for Scheduled Monument Consent for the formation a yett into the castle's courtyard entrance. The application is similar to one granted scheduled monument consent in 1998.

Documentation submitted in justification of the proposals is thin, but sufficient information has been provided to allow us to come a decision.

The proposals would result in minimal, highly-localised intervention and we consider that they would not compromise the monument's cultural significance to such a degree that it would be proportionate to object.

### 2. Background

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A detailed analysis of Castle Tioram's cultural significance was commissioned by Historic Scotland in 2006 and is available online:

<http://www.historic-scotland.gov.uk/tioram-stell-fullversion-part1and2.pdf>.

Amongst a myriad of other factors, the main contributions to the castle's cultural significance can be broadly summarised as: its associations with the Clan Ranald; its continuous occupation from at least the fourteenth century to the eighteenth century; its associations with and relevance to the Gaelic culture and history, particularly in Scotland; its state of preservation; the information preserved in its archaeological fabric, phasing, and architectural details; its romantic and aesthetic associations as a

ruin in the landscape; and through its ability to inform an understanding of castles, architecture and society in medieval and post-medieval Scotland.

The current owner has previously applied for Scheduled Monument Consent for restoration. These applications have been refused by Scottish Ministers after consideration at Public Local Inquiry. The current application is not directly related to these restoration proposals.

On 9 June 1998 The Highland Council issued the castle's owner with a Dangerous Buildings Notice, stating that loose stonework should be consolidated and that the site should be secured until the repairs had been completed to the Council's satisfaction. A series of emergency measures were undertaken to restrict access, including shuttering, boarding and padlocking of the entrance.

On 14 December 1998 Scheduled Monument Consent was granted for a yett. In line with current practice at the time there is no report of handling explaining the reasoning behind this granting of consent but it appears from the context of discussions at the time that Historic Scotland accepted the owner's reasoning that this would be a more resilient barrier to entry than the emergency solution, that the works were necessary to prevent access on health and safety grounds, and to assuage concerns regarding insurance. The owner's architect noted that there was little evidence for a historic yett, that the historic entrance was more likely to have had a door, but that a yett would allow a degree of visibility over the interior for visitors.

The work covered by that consent was never implemented. A series of temporary emergency barriers have remained in place, but these have been subject to a continuous level of vandalism and/or collapse. That consent subsequently lapsed in 2003, five years after its having been granted.

Some consolidation work was initially undertaken in the years immediately following the serving of the Dangerous Buildings Notice. However, correspondence from The Highland Council in 2004 and 2005 indicates that their concerns and the Dangerous Buildings Notice remained current at that time. No consolidation has taken place subsequently.

The current application was not preceded by any pre-application discussion. The application was accompanied by drawings for a yett which was the subject of initial discussion between the applicant's advisers and Historic Scotland in 1998 but which were replaced in the following Scheduled Monument Consent with updated proposals. The amendments made then were designed to address a number of issues identified during discussions, including, primarily, local ground levels that would have prevented the gate from opening; and the desire not to confuse historic fabric with modern interventions.

The applicant has subsequently amended this application substituting the design with that of the second, amended yett proposals – which received Scheduled Monument Consent in 1998.

The applicant has explained that he desires the yett to mitigate continued vandalism and offer a more manageable solution.

### **3. Proposals**

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- Installation of yett
- Localised masonry consolidation

The yett would be hung on stainless steel fixings and hinges inserted by hand into masonry joints, no cutting of masonry is being proposed. Some of the fixings would be into nineteenth/ twentieth century consolidation, rather than more historic masonry. The physical impacts would therefore be minimal.

The works would require a degree of raking out of loose and failing historic mortar and its replacement with a lime mortar mix. This is presumably to provide a stronger bed for the yett fixings and would be limited to the areas immediately surrounding the fixings. However, this is not specified and the extent of consolidation is not clear.

The 1998 application was submitted by an architect on behalf of the owner. The current application does not appear to have a similar level of oversight. A number of items in the proposals state the need for discussion with and the agreement of the architect. Without an architect it is not clear how it is being proposed these decisions and queries will be resolved.

### **4. Representations received**

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Three representations were received, respectively they stated

- 1) 1) that policy for public access has changed since the original application of 1998; 2) that public access to the monument has been available for many, if not hundreds, of years; 3) that there is little evidence for vandalism or that the monument is unsafe, and; 4) that, therefore, a substantial justification is required if public access is to be removed.
- 2) 1) that removal of access would significantly impact upon the castle's cultural significance; 2) that health and safety risks for visitors are low; 3) their recent survey indicates only the occasional fall of small stones, and; 4) that consolidation of the castle would be a more appropriate method of addressing any risks.
- 3) 1) that reducing public access would diminish the castle's cultural significance, particularly by reducing the public's ability to understand and appreciate it; 2) that this would also reduce the castle's position as a local visitor attraction; 3) that a recent survey has indicated there has been no deterioration of the castle's condition (a short report is included); 4) that, as far as he is aware, there are no reports of any health and safety related incidents

at the island, and; 5) that, consequently, the need for removing public access is not justified.

## **5. Report**

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### **a) Policy considerations**

The application should be viewed with the following legislative and policy considerations in mind:

Ancient Monuments and Archaeological Areas Act 1979

3.14. Scottish Ministers include a monument in the Schedule to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in the state it has come down to us. Scheduled monuments have an intrinsic value as monuments, not related to any concept of active use. It is the value of the monument to the nation's heritage, in terms set out in the section on Scheduling in Chapter 2 of SHEP, that is the primary consideration in determining applications for scheduled monument consent.

3.16. Works on scheduled monuments should therefore normally be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument.

3.17. As each monument will require treatment specific to its individual nature, characteristics, significance and needs, any proposed change to it must be fully and explicitly justified.

3.18. Scheduled monument consent applications must be considered in terms of the cultural significance of the monument and the impact that the proposals would have upon this cultural significance. The more important particular features of the monument are to its cultural significance, the greater will be the case against interventions which modify these features.

3.19. Extensive intervention will only be allowed where it is clearly necessary to secure the longer-term preservation of the monument, or where it will clearly generate public benefits of national importance which outweigh the impact on the national cultural significance of the monument. Such public benefits could come from, for example, interventions which make public access to scheduled monuments easier, or assist public understanding, or will produce economic benefits once the works are completed.

3.20. Where change is proposed, it should be carefully considered, based on good authority, sensitively designed, properly planned and executed, and where appropriate in the context of an individual monument, reversible.

3.22. Where consent for the range of works set out in paragraph 3.4 is granted, conditions are normally applied to ensure the works are undertaken in an appropriate manner. Common requirements are:

- d. that the management and execution of alteration, including remedial work, is sympathetic to the historic character;
- e. that appropriate skills and techniques, materials and construction techniques are specified where appropriate;
- g. that it is possible, on close inspection, to differentiate new work from old particularly on masonry structures;
- i. that the design, planning and execution of works on scheduled monuments are undertaken by people with appropriate professional and craft qualifications, skills and experience.

## **b) Assessment**

The insertion of stainless steel fixings into existing masonry joints, with no cutting out or drilling, would result only in a minimal impact upon the monument's historic fabric. The use of stainless steel should also help prevent metal decay, and obviate 'jacking' damage to the surrounding stonework.

The yett would be a visible feature, but would be in keeping with the historic character of the monument whilst remaining easily readable as a modern intervention.

Although general open access to the interior by the public was available prior to 1998 and this may have contributed to the wider character of the monument as a ruin in the landscape, it is not a significant part of the monument's overall cultural significance. Access is currently prevented due to health and safety concerns. The *Ancient Monuments and Archaeological Areas Act 1979* makes no provision for owners to provide public access to scheduled monuments or to make them safe. Wider public access issues are therefore outwith the remit of the Scheduled Monuments Consents process. This is consequently not a material concern for Historic Environment Scotland to consider (although other bodies may consider this as part of other consenting and legislative regimes).

As the impact on the monument's fabric and cultural significance is likely to be relatively minimal, policy tests incorporating balancing impacts against health and safety concerns is not a material consideration in this case. However, it should be noted that recent falls of core material and small stones have been noted by Historic Scotland staff on previous visits.

The proposal drawings do not outline the full extent of masonry consolidation proposed. This is likely to be minimal and concentrated around the yett fixings. This should be confirmed prior to works beginning on site. The proposal's written specification also makes reference to details being agreed by the project architect. However, as this application is being made by the owner it is unclear who will be specifying these details or coordinating and supervising the project.

**c) Other material considerations, including impact of the works on Protected Species and Places**

Historic Environment Scotland's GIS shows no European Protected Species in this area, so no impacts are predicted.

**d) Conclusion**

The submitted proposals for a yett constitute a minimal impact on the monument's fabric or cultural significance. The works would therefore not conflict with SHEP para 3.16. As the impact will be relatively minimal there is no significant conflict with SHEP paras 3.17 and 3.19 which, respectively, require justification to be provided or a high level of public benefit to be delivered.

However, the proposals have been submitted by the owner without reference to an architect or conservation professional. In order to comply with SHEP paras 3.20 and 3.22, which require that proposals be adequately monitored and conducted by suitably skilled professionals, several conditions have been added below.

The proposal is also unclear about the extent of masonry consolidation being proposed. Consequently, a related condition has been recommended.

**6. Recommended decision**

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Subject to compliance with the schedule of conditions, the works proposed are considered acceptable in meeting the terms of national policy for scheduled monuments, and also accounting for other material considerations.

I recommend consent is **granted subject to the conditions detailed below.**

**7. Conditions**

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1. No works shall commence on site until the extent of masonry consolidation (raking, tamping and pointing) has been agreed in writing by Historic Environment Scotland.

*Reason: to ensure any works to the monument are minimised and to ensure an accurate record of changes to the monument is maintained.*

2. No works shall commence on site until: 1) the conservation professional who is to oversee the project, or 2) the skilled professionals who are to undertake the works, have been agreed in writing by Historic Environment Scotland.

*Reason: to ensure that the works are undertaken by a suitably qualified or skilled professional.*

3. No works shall commence on site until all technical specifications, on the proposal drawings, have been agreed in writing by Historic Environment Scotland.

*Reason: to ensure that the works are appropriate and any impacts on the monument are minimised.*

4. Three weeks prior to the commencement of works on site Historic Environment Scotland shall be provided with a written timetable of works. Any changes to that timetable shall be notified to Historic Environment Scotland beforehand.

*Reason: to enable a representative of Historic Environment Scotland to visit the site and monitor the works in progress.*

## **8. Approval**

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<b>Officer</b>	<b>John Raven</b>	<b>Date</b>	<b>15/03/2016</b>
<b>Approved by</b>	<b>Aonghus MacKechnie</b>	<b>Date</b>	<b>16/03/2016</b>

### **Annex A – list of supporting documents**

Proposed Yett: Plans and Elevations and Construction Details (Ref: Tioram SMC 1998 1 5439\_02\_A and 03), submitted by email on 17 February 2016.