

## Case information

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Reference/Case ID		201506877	
Scheduled Monument	The Nine Stanes,Mulloch Wood, stone circle 650m NW of The Garroll		
Index no	M979	Grid Ref	NO723912 372300.0000 791200.0000
Date of Application	01 February 2016	Application Received	01 February 2016
Summary of proposed works	Felling of unstable and leaning trees		

## 1. Summary recommendation

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This report recommends that approval for the felling of unstable and leaning trees be granted with conditions.

## 2. Background

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The monument comprises a well preserved recumbent stone circle lying in a clearing surrounded by a conifer plantation. The circle is flattened to the S, where the recumbent is situated, and measures 17m by 14m. There are eight stones, plus the recumbent and its flankers. There is a very clearly visible ring cairn within the circle.

The scheduled area is 40m in diameter, and the existing conifer plantation extends into the outer margins of the scheduled area.

The surrounding conifers have suffered from windblow, and several fallen trees were recently cleared from within the scheduled area. This application looks to address those trees remaining within the scheduled area.

HES has undertaken pre-application discussions with the applicant regarding the approach to works, and this application accords with the outcome of these discussions.

### **3. Proposals**

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Consented works – felling of unstable and leaning trees

The proposals comprise:

- Clearfelling and extraction of sitka spruce.
- No machines will enter the scheduled area, and all timber will be stacked outwith the scheduled area.

### **4. Representations received**

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No third party representations were received.

### **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

Part 1 Section 2 - Control of works affecting an ancient monument.

Part 1 Section 2 (3) – authorises works where Scottish Ministers or Historic Environment Scotland Have granted consent (scheduled monument consent) for the execution of the works where the works are executed in accordance with the terms of the consent and of any conditions attached to the consent.

Part 1 Section 2 (4) – allows consent to be granted with conditions.

#### The Scottish Historic Environment Policy

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.

3.18. 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.

3.20. 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:

- f. that an appropriate level of record is made before, during and after any work and deposited in local and national archives, and, where appropriate, published;
- h. that any archaeological excavation or other intrusive investigation should be based upon a detailed research strategy, with adequate resources, using appropriately skilled and experienced archaeologists with a satisfactory record of the completion and publication of projects (see Note 3.10); and,
- 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 works involve the felling of unstable and leaning trees and their subsequent extraction.

The physical impact of these works on the preservation of the monument will be minimal; the operation to remove the trees has been designed so that all machinery sits outwith the scheduled area with the cut timber then being lifted outwith the scheduled area for processing. No restocking will take place within the scheduled area.

The existing growth of the trees within the scheduled area is likely to have already disturbed any buried archaeological deposits that might be present; removing the trees now will prevent further disturbance as the trees grow bigger, and will reduce the potential for further wholesale upheaval through windthrow.

It is therefore to the benefit of the long term preservation of the monument that the clearfelling is undertaken now, and I consider that the prescribed methodology will not have an impact on the monument.

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

None considered likely – the trees are part of a commercial conifer plantation.

## **d) Conclusion**

The proposed works will be of benefit to the long term preservation of the monument. They will result in the removal of trees that will likely have been causing damage to archaeological deposits, and the methodology for removal is such that the operation to remove the trees will not cause additional damage or result in additional intervention to archaeological deposits.

The works can therefore be considered as the minimum level of intervention that is consistent with conserving what is culturally significant in a monument, and thus compliant with SHEP 3.16.

The works are also being undertaken at the periphery of the scheduled area away from the upstanding remains of the recumbent stone circle, and as such the potential for impact on areas of the monument of greater cultural significance is low, thus making the application compliant with SHEP 3.18.

The works are considered responsible woodland management works, have been designed to have a low impact on the scheduled monument, and are well planned, and as such the application is compliant with SHEP 3.20.

It is not explicitly set out in the application that the scheduled monument will be suitably marked off prior to commencement of works, and also that trees will be felled away from the scheduled monument and lifted rather than dragged out, so this will need to be conditioned. This will enable the application to be compliant with SHEP 3.22.

Condition 1 is to ensure that upstanding and buried archaeological features and deposits are adequately protected during the course of works.

## **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 condition detailed below.**

## **7. Conditions**

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1. Prior to the commencement of felling works, the applicant shall mark out on site the boundaries of the scheduled monument in such a way that indicates the presence of the monument to those operating the harvester and forwarder. During operations, all trees shall be felled away from the scheduled area, and all cut timber shall be lifted rather than dragged outwith the scheduled area.

*Reason: to ensure that upstanding and buried archaeological features and deposits are adequately protected during the course of works.*

## **8. Approval**

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<b>Officer</b>	<b>Oliver Lewis</b>	<b>Date</b>	<b>21/03/2016</b>
<b>Approved by</b>	<b>George Findlater</b>	<b>Date</b>	<b>22/03/2016</b>

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

- Site map dated 28 Jan 2016