

Case information

Reference/Case ID	201600294		
Scheduled Monument	Ellon Castle and garden		
Index no	M7333	Grid Ref	NJ960307 396000.0000 830700.0000
Date of Application	20 April 2016	Application Received	21 April 2016
Summary of proposed works	Permission to site 2 shipping containers within walled garden for temporary (less than 5 years) secure storage for garden machinery and equipment.		

1. Summary recommendation

This report recommends consent be **granted with conditions**.

2. Background

The monument comprises the remains of old Ellon Castle and the designed garden landscape in which it is set. Ellon Castle was formerly the seat of the Kennedies of Kermuck. It now forms a principal feature in the formal garden laid out for Baillie James Gordon in the early 18th century. The (old) castle stands on a broad terrace overlooking a formal garden laid out in 1715 and still retaining aged yews, apparently remnants of the original planting. The cultural significance of the monument is as the surviving remains of a 16th-century castle, incorporating 18th-century additions, which was subsequently made the centerpiece of an 18-century garden.

The works (the clearing of an area and the installation of two shipping containers) form part of a programme of garden conservation and restoration. SMC has already been granted for the installation of a temporary welfare unit, tree felling and the installation of a raised bed. This application is a continuation of these works. An associated programme of masonry consolidation is also being progressed to address issues with the garden walls and the remains of the castle.

There were pre-application discussions with HES. This application accords with the contents of these discussions.

3. Proposals

Consented Works - Clear an area 8m x 6m within the walled garden and site 2 shipping containers on this area.

The consented works comprise –

- To clear (level) an area 8m x 6m to create a level base to site 2 shipping containers close to the current welfare unit near the entrance gate from the Deer Park on the south wall of garden.
- To site 2 shipping containers within walled garden for temporary (less than 5 years) secure storage for garden machinery and equipment

4. Representations received

No representations were received.

5. Report

a) Policy considerations

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

The Ancient Monuments and Archaeological Areas Act 1979: Part 1

Historic Environment Scotland Policy Statement, June 2016

3.4.

Scheduled monument consent is required for any works that would demolish, destroy, damage, remove, repair, alter or add to the monument or to carry out any flooding or tipping on the monument (see Note 3.2). A consent under section 42 of the 1979 Act is also required to use a metal detector within a scheduled monument (see Note 3.3). It is a criminal offence to carry out any of these works without consent.

3.14.

A monument is included 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 this policy statement, 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. (Annex 1 sets out guidance as to how cultural significance and national importance should be determined.)

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:

- a. the use of appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
- b. the avoidance of irreversible change particularly wherever its effects cannot be adequately assessed;
- c. that where change is necessary, strategies should be adopted to mitigate its impact and limit intervention;
- 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;
- 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;
- g. that it is possible, on close inspection, to differentiate new work from old particularly on masonry structures;
- 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 consist of clearing rubbish and levelling an area of 8m x 6m next to the existing welfare unit. This levelling will include the removal of topsoil and the placing of 12 150ml concrete blocks on the subsoil.

The works relate to an area of the garden that was historically used for planting, the topsoil would have been routinely turned over and is unlikely to contain archaeological deposits. The removal of rubbish and the levelling of the topsoil would therefore have limited impact on the monument and is unlikely to damage archaeological remains which relate to the cultural significance of the site.

Once this level base has been created 2 shipping containers will be positioned on the area to store the tools required for site maintenance works. The method statement states that the 2 shipping containers can be installed safely without detriment to historic fabric, to achieve this units will be craned over the boundary wall. The physical impact of the installation of the 2 shipping containers will be minimal in relation to the site as a whole.

The works will support the restoration and enhancement of the garden, and therefore benefit the monument's cultural significance. The temporary nature of the 2 shipping containers means that they will not have a long term detrimental impact on the cultural significance of the monument.

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

None considered likely – see PP&S assessment.

d) Conclusion

The works set out in the application represent an alteration and addition to the monument and should be viewed as works as set out in both Part 1 Section 2 of the AMAA Act 1979 and section 3.4 of the Policy Statement.

The application, requiring intrusive excavation works, which forms part of a wider community engagement and schools learning project, is more than the minimum necessary to conserve what is culturally significant in this scheduled monument.

The proposed works will be of benefit to the long term preservation of the monument and will permit more permanent repair in the future. I consider that the works comply with the Policy Statement, para 3.16, in that they can be considered the minimum level of intervention that is consistent with conserving what is culturally significant in

the monument and that they comply with the Policy Statement, para 3.20, in that they are reversible.

From the information provided with this application, and based on pre-application discussions with the applicant, further conditions as outlined in the Policy Statement, para 3.22, to ensure the works are undertaken in an appropriate manner are required.

6. Recommended decision

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

1. On completion of the works on site the applicant shall inform Historic Environment Scotland in writing. The shipping containers shall be removed from site within two months of the works being completed on site and within 5 years from the date on which this consent is granted.

Reason: to ensure that the shipping containers do not become a permanent addition to the monument.

8. Approval

Officer	James Bruhn	Date	25/05/2016
Approved by	John Raven	Date	06/06/2016

Annex A – list of supporting documents

- ECG Plan
- IMG_0040 image
- IMG_0042 image
- Email from applicant sent on Tue 03/05/2016 12:25: Re: SMC for Ellon Castle Garden (which includes Notes to accompany photo's and a brief methods statement).
- Email from applicant sent Friday 27/05/2016 06:12: SMC for Ellon Castle Garden