

# Scheduled Monument Consent: Report on Handling



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## Case information

Reference/Case ID		201602120	
Scheduled Monument	Cullicudden, church and burial ground (13346) and Kirkton, St Michael's Church (5419)		
Index no	M13346 M5419	Grid Ref	NH649650 264900.0000 765000.0000
Date of Application	19 July 2016	Application Received	20 July 2016
Summary of proposed works	The relocation of five graveslabs from one scheduled monument (Cullicudden, church and burial ground SM 13346) into another scheduled monument (St Michael's Church, Kirkton SM 5419).		

## 1. Summary recommendation

This report recommends approval for the relocation of five graveslabs from one scheduled monument (Cullicudden, church and burial ground SM 13346) into another scheduled monument (St Michael's Church, Kirkton SM 5419).

## 2. Background

### Cullicudden, Church and burial Ground, SM 13346

The monument comprises a late medieval church and burial ground. The church is visible as the gable end of an upstanding masonry structure, located within a roughly square graveyard. This contains a fine collection of carved grave-slabs and funerary monuments dating from at least the 14th to the 19th century, including the five graveslabs proposed for relocation to St Michael's Church, Kirkton (SM 5419).

The monument is of particular importance because of its long chronological range, with the carved stones demonstrating that the site was in use from at least the 14th century. The grave-slab bearing the pierced hand of Christ is a particularly rare survival.

The monument adds to our understanding of developments in memorial practice through periods of significant devotional change, including the Reformation, and concomitant developments in burial and memorial practices, stone carving styles and symbolism.

### **St Michael's Church or Kirkmichael (5419)**

St Michael's Church or Kirkmichael comprises the remains of a medieval parish church with later additions. Only the chancel and parts of the nave survive from the earlier structure. Although much altered by later work, the monument retains features consistent with a church of late Medieval origin, and is therefore of architectural value as an ecclesiastical building.

The graveyard that surrounds the church contains important gravestones: the Kirkmichael Cross, a late medieval or earlier cross graveslab, the McCulloch Slab, an ornate 18<sup>th</sup> century graveslab and the 'Tree' Cross - a late medieval period or earlier graveslab. These gravestones add to the wider cultural significance of the monument.

The 'Gun Munro Mausoleum' is in the eastern nave of the church. This was rebuilt and re-roofed in the 19th century, and used as a mausoleum for the Munros of Poyntzfield. The roof of the Gun Munro Mausoleum has now collapsed and the buildings depends on extensive timber propping for its structural integrity. The Kirkmichael (Black Isle) Heritage Centre Project is currently in the process of stabilising the church buildings and mausoleums, and creating an interpretive historical, genealogical and archaeological display within them.

### **Background to current proposal**

The applicant engaged in pre-application engagement with Historic Environment Scotland (HES) regarding the Kirkmichael (Black Isle) Heritage Centre Project which aims to stabilise St Michael's Church, Kirkton (SM 5419 Case ID: 201600640). This included numerous meetings, advice on the draft conservation statement, the conservation of the carved stone memorials and the general principles of relocating carved stones from their original context. The Trust also sought advice from John Borland, HES's Measured Survey Manager and carved stone specialist.

Followed this, SMC was granted on 28 June 2016 for the stabilisation of the church buildings and mausoleums at St Michael's Church, Kirkton (SM 5419), and the creation of an interpretive historical, genealogical and archaeological display within the restored buildings. This included the relocation of the two carved stones (the Kirkmichael Cross and the McCulloch Slab) into the Gun Munro mausoleum within the restored building.

An SMC application for a further graveslab (the 'Tree Cross' which is located within Kirkmichael) to be moved to the restored Gun Munro Mausoleum is currently being considered in parallel by HES (Case ID 201602118).

The proposal has been informed by a conservation statement and the Trust also sought advice from John Borland, HES's Measured Survey Manager and carved stone specialist. Further, the proposal is strongly supported by both the Highland Council who is the landowner at Cullicudden, and by the local community.

Although there has been much discussion about Kirkmichael (Black Isle) Heritage Centre Project, pre-application engagement regarding the relocation of the

Cullicudden five graveslabs has been limited. Prior to the submission of this SMC, we advised that moving carved stones from their original context needs to be justified against the Carved Stones: Scottish Executive Policy and Guidance (2005).

### **3. Proposals**

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The works comprise the relocation of five additional gravestones (A to G) from Cullicudden church and burial ground into the Gun Munro Mausoleum at St Michael's Church, Kirkton. These stones are currently located within the graveyard and have been identified as being at serious risk of further deterioration in their current location from exposure to the elements, and from damp soils.

The proposals include the following:

- prior to removal, the stones will be fully recorded *in situ* and an archaeologist will assess the ground in which they are located
- the graveslabs will be lifted using specialist gravestone moving equipment, and moved into the restored Gun Munro Mausoleum for display
- slabs of the same dimension bearing a plaque or engraving stating where the originals may be seen will be installed within the vacant areas left by the removal of the graveslabs

### **4. Representations received**

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Included with the application are letters of support from the Community Council and Highland Council.

### **5. Report**

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#### **a) Policy considerations**

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

Ancient Monument and Archaeological Areas Act (1979)

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

Historic Environment Scotland Policy Statement (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.

3.15 Monuments are subject to decay and the threat of destruction, from natural and human causes. Conservation work is normally needed to prolong the life of a monument, but there is a risk that this can be so invasive that it irreversibly modifies the monument's character and affects the special interest or features that made the monument important in the first place.

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.

## Carved Stones: Scottish Executive Policy and Guidance (2005)

4.3.4 There is a presumption in favour of the retention of the physical association of a carved stone with its locality, where this is feasible. The importance of the precise present location to the overall significance of the carved stone and its site therefore requires careful assessment before any decisions are made about moving it.

4.3.5 Where it is in the best conservation interest to know carved stones that they are removed, it is normally preferable that they are located as close as possible to where they are being removed from, provided that their curatorial needs can be satisfied (e.g. in an appropriate existing local structure or registered museum).

4.3.6 If considering moving a carved stone particularly if moving to a new structure, consideration needs to be given to:

- future public access to the structure and its contents, and how these can be displayed
- long-term responsibility for conservation of the carved stone, including regular monitoring and access to specialist conservation skills
- long-term stability and maintenance responsibilities of the structure housing the carved stone
- how the carved stone can be safely relocated, both with reference to the carved stone itself and the health and safety of those persons involved in the project

4.3.9 Stones should be fully recorded in advance of their removal or enclosure in order to recover information relating to construction, erection, functions (including secondary uses) and broader landscape and historical context. Full archaeological provision should be made for any disturbance of the ground associated with the relocation of a carved stone.

4.3.19 Carved stones that are to be moved can be replaced with an appropriate replica (which should be clearly labelled as such) or marker.

### **b) Assessment**

The proposal comprises the removal of five graveslabs from one scheduled monument (Cullicudden, church and burial ground SM 13346), into another scheduled monument (St Michael's Church, Kirkton SM 5419). The graveslabs would be located in the restored Gun Munro mausoleum and represent a significant benefit for their long-term preservation. However, their proposed relocation would have an impact on the cultural significance of Cullicudden church and burial ground.

The graveslabs form an important element of the scheduling of Cullicudden, adding to the cultural significance of the monument. There are a number of the stones within the kirkyard considered to be 'at risk'. The proposal focuses on those considered at most risk of further deterioration. The stones which would be retained include Cullicudden Stone B and F, and the graveslab bearing the pierced hand of

Christ which is a particularly rare survival and is specifically referred to in the scheduling document.

The applicant has undertaken an options appraisal for protecting and preserving the stones. These include:

- (a) burying the stones *in situ*
- (b) erecting wooden or plastic covers over the stones
- (c) treatment of the surface of the stones
- (d) creation of resin casts of the originals
- (e) full size replicas of each stone.

Ideally, the stones would be conserved *in situ* and retained in their current location. However, conservation *in situ* is problematic. The retention of the stones in their current location within the graveyard places them at serious risk of further deterioration from exposure to the elements and damp soils. This situation is clearly demonstrated by the comparison of the photos of the stones taken in 1994 with those taken in 2016. Photos of other stones within the kirkyard highlight a number of broken and abraded stones.

Burying the stones *in situ* would retain the stones in their current location and would be the minimum necessary. While this would help to prevent further weathering and damage over the short-term, this option does not provide for a long-term solution as the stones will be subject to further decay over time which could not be adequately monitored. In addition, the general public would not be able to view them.

On site protection for the stones by way of wooden or plastic covers would offer additional protection, but is not currently being pursued by the applicant. There are no options on site for the removal of the stones to an indoor location, which would have the best long term preservation outcome for them.

Removal of the stones to a nearby church with a suitable indoor location is proposed. Kirkton church is located approximately 3.8km away, and provides an opportunity to re-site the stones at greatest risk of decay, within the context of an interpretative centre displaying other local stones. The restored buildings at St Michael's Church, Kirkton will provide a purpose-built structure for conserving the stones. The relocation of the stones within a controlled environment would enable them to be better protected and managed over the long term.

The impact of removal of the stones from Cullicudden will be mitigated by the installation of replacement slabs at their current location, containing information on the stones and their new location.

Enhanced interpretation at Kirkton will give added public benefit, and is supported by both the Community Council and Highland Council.

Although the stones have already been recorded by RCAHMS, the methodology supplied with the application includes provision for further recording prior to removal.

It also includes provision for an archaeologist present on site during relocation to provide adequate monitoring, as well as the potential impact on the churchyard from moving them. Specialist graveslab moving equipment will be provided by Highland Council in order to safely transport the stone and minimise any possible damage.

Slabs of the same dimensions bearing a plaque or engraving stating where the originals may be seen would be installed within the vacant spaces left.

There are a number of issues which require further information and can most appropriately be dealt with via the use of suspensive conditions. Namely:

- what provision would be made for the recovery of any archaeological remains, including human remains;
- the exact details of the new slabs to be installed in the vacant space left by the originals; and
- how the stones will be displayed/presented/mounted in their new location.

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

None.

**d) Conclusion**

The application should be viewed as works as set out in both Part 1 Section 2 of the AMAA Act 1979 and paragraph 3.4 of the Policy Statement.

Having assessed the potential impact on the fabric of the monument and its cultural significance, it is concluded that the proposed works would prevent the graveslabs from further deterioration. Given this, the works accord with Section 3.14 of the Historic Environment Scotland Policy Statement.

The proposed works would have an impact on the cultural significance of the Cullicuden Church. However, this is considered to be minimal, and mitigated to a degree by the installation of information slabs. This negative impact is far outweighed by the positive benefit of ensuring the future preservation of these important graveslabs.

The application also meets Section 3.20 because it has been informed by conservation and archaeological reports. Thereby, it has demonstrated that the works have been carefully considered, based on good authority, sensitively designed and properly planned.

Although the proposal would see the stones removed from their original context, the applicant has demonstrated compliance with the Sections 4.3.4, 4.35 and 4.39 of the Carved Stones Policy. They would be relocated from their original context but would still be within the same parish – thereby, enabling the local community to continue their relationship with the stones - but also making them available to the wider public. In addition, their curatorial needs would be satisfied and the stones would be fully recorded in advance and with full archaeological provision.

In conclusion, the removal of five graveslabs from Cullicudden to St Michael's Church is not the minimum necessary and would have an impact on the cultural significance of Cullicudden. However, the benefit to the long-term survival of the gravestones outweighs the impact of their removal. Hence, the proposal is concluded to be broadly consistent with relevant policy.

However, the proposal is not considered the minimum necessary consistent with conserving the cultural significance of the monument. Hence there is a requirement to notify Scottish Ministers as per The Scheduled Monument Consent (Notification of Applications) Direction 2015.

## 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 therefore recommend consent is **granted**, subject to the conditions detailed below.

## 7. Conditions

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1. No works shall commence on site until Historic Environment Scotland has approved in writing a Written Scheme of Investigation (WSI) for archaeological mitigation and the professional archaeologist/archaeological company who will implement the works specified in the WSI.

*Reason: to help minimise the potential impacts of ground breaking works upon sub-surface archaeological deposits and human remains, and to ensure an appropriate level of recording.*

2. Two weeks before the installation of the replacement slabs, the applicant will provide further details of its form and design to Historic Environment Scotland for approval. No works on the replacement slabs will be carried out until Historic Environment Scotland have given their written approval.

*Reason: to enable Historic Environment Scotland to view and approve suitable replacement slabs.*

3. Two weeks before the installation in their new location, the applicant will provide further details of the presentation of the stones to Historic Environment Scotland for approval. No works will be carried out until Historic Environment Scotland have given their written approval.

*Reason: to enable Historic Environment Scotland to have the opportunity to view and approve a suitable presentation and display for the stones.*

4. Two weeks before any works begin on site, the applicant shall inform Historic Environment Scotland and the local authority archaeologist in writing of the timetable of works. Any changes to that timetable shall also be notified, in writing, to both bodies.

*Reason: to enable a representative of Historic Environment Scotland to have the opportunity to inspect the work for which consent is granted, and to inform the local authority archaeological service of the proposed works.*

5. Should any unexpected archaeological deposits, which were not anticipated in the project design, be discovered during excavation, the applicant shall not disturb them without consultation with and prior written agreement from Historic Environment Scotland.

*Reason: to ensure that any impacts upon archaeological deposits are minimised and appropriate mitigation taken if required.*

## **8. Approval**

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<b>Officer</b>	<b>Nicola Hall</b>	<b>Date</b>	<b>13/09/2016</b>
<b>Approved by</b>	<b>Ann MacSween</b>	<b>Date</b>	<b>13/09/2016</b>

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

- Location plan Cullicudden
- Location of 5 gravestones on 1:500 plan
- Location of 5 gravestones on A.P.
- Location Plan Kirkmichael
- Location of 1 gravestone Kirkmichael
- Location of 1 gravestone Kirkmichael on A.P.
- Conservation Statement and Method Statement
- Supplementary Information