

# Scheduled Monument Consent: Report on Handling



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## Case information

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|---------------------------|---------------------------------------------------------------------------------------------|----------------------|-------------------------------------|
| Reference/Case ID         | 201601863                                                                                   |                      |                                     |
| Scheduled Monument        | Balnagask motte, Baxter Place, Aberdeen                                                     |                      |                                     |
| Index no                  | M10403                                                                                      | Grid Ref             | NJ957051 395700.0000<br>805100.0000 |
| Date of Application       | 07 July 2016                                                                                | Application Received | 07 July 2016                        |
| Summary of proposed works | Reduce the height of the retaining wall and removal of modern backfill behind existing wall |                      |                                     |

## 1. Summary recommendation

This report recommends that approval for the removal of modern backfill and the reduction of the retaining wall be granted **with conditions**.

## 2. Background

The monument comprises the remains of a probable motte which was likely adapted from a natural knoll. It stands on high ground in Torry, and later formed a garden feature of the nearby Balnagask House (now demolished) with trees and a curving path being introduced. Its N, NE, and to a lesser degree E sides have been cut back by a few metres and a retaining wall installed when Baxter Place was built. The monument has a number of mature trees on it, and is largely grassed over.

The retaining wall is not scheduled, but the ground it retains is. The wall is bowing and rotating in several places on the N and NE boundaries of the monument, and there is a concern that it could collapse onto the adjacent pavement. The applicant has securely fenced off and propped the wall, but a long term solution is required so that the pavement can be reopened and the temporary works removed.

HS/HES has undertaken pre-application discussions with the applicant regarding the approach to resolving the unstable retaining boundary wall over the past couple of years, and a SMC has previously been granted for a ground pinning solution which is now considered unsuitable (following further investigations). SMC has previously been granted for trial pits to establish where archaeological deposits lie in relation to the retaining wall. The excavations indicate that there is a significant modern fill

behind the retaining wall and the ground level of the motte is below this. HES visited the monument in 2016 and met with the applicant to discuss works, and this application accords with the outcome of those discussions.

The intention of these works is a reduction in the height of the ground behind the wall, thus allowing the wall to be reduced in height as well (which mitigates the impact of the bowing and rotation).

### **3. Proposals**

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Consented works - Reduce the height of the retaining wall and removal of modern backfill behind existing wall.

The proposals comprise:

- Removal of modern backfill behind existing retaining wall.
- The erection of a timber fence behind the wall and within the scheduled area, to act as a boundary between the motte and the street.
- The Lowering of the retaining wall, so that it is level with this new ground surface. The retaining wall is not scheduled so this does not need consent.
- The construction of a support in front of the existing wall to stabilise it, this is out with the scheduled area and does not need consent.

### **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.

Historic Environment Scotland Policy Statement June 2016 (the policy statement)

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, which 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;
- c. that where change is necessary, strategies should be adopted to mitigate its impact and limit intervention;
- 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 excavation and removal of all of the modern fill behind the retaining boundary wall and the erection of a timber fence on the N and NE side of the monument.

There will be a minor physical impact on the monument through the removal of the modern fill behind the retaining wall and the erection of the timber fence. The test excavations showed that a significant proportion of ground behind the retaining wall is backfilled re-deposited material. The probable impact of these works on the cultural significance of the monument is low, as deposits of cultural significance are likely to have already have been disturbed when the retaining wall was built. Works in this area are therefore likely to have less impact than elsewhere within the scheduled area. The works are necessary to reduce the likely hood of the retaining walls collapse, which could lead to the slumping of a significant portion of the monument.

The retaining wall is not part of the scheduled monument, therefore the lowering of the retaining wall and construction of the support wall out with the scheduled area do on require consent.

The application lacks an archaeological written scheme of works detailing how the applicant will confirm that the removal of soil will be monitored, it will therefore be necessary to condition a written scheme of works to make sure that the works are monitored properly. Provided that this suspensive condition is adhered to, the works is sufficient to meet industry standards.

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

No impact on Protected Species and Places considered likely – see PP&S assessment.

## **d) Conclusion**

These works represent additions and alterations to the monument under Part 1.2.2.b. of the Act and as such scheduled monument consent is required.

The proposed works will be of benefit to the long term preservation of the monument as they will stabilise the retaining boundary wall. 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 3.16 of the policy statement.

The works are also being done to elements of the monument in such a way that their impact on the cultural significance of the monument is minimal, and as such the application is compliant with 3.18 of the policy statement.

The works are part of an ongoing scheme for stabilising the retaining boundary wall, and the scheme has been developed out of an options appraisal. As such, the works are designed in such a way as to be of minimal impact, are well planned with identified funding, and as such the application is compliant with 3.20 of the policy statement.

The works require monitoring by an archaeological contractor. No written scheme of investigation has been provided as part of the application, so this will need to be conditioned. This will enable the application to be compliant with 3.22 of the policy statement. The condition is to ensure that a WSI is agreed prior to works commencing, and that therefore the archaeological monitoring and any necessary works are undertaken and reported to a satisfactory standard.

## 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. Work shall not start on site until the applicant has commissioned a programme of archaeological monitoring in accordance with a written scheme of investigations approved by Historic Environment Scotland. This scheme shall be fully implemented during the course of the removal of modern backfill and the erection of the timber fencing.

*Reason: to ensure that archaeological information relating to the affected areas of the monument is recovered and recorded to a satisfactory standard.*

## 8. Approval

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| Officer     | James Bruhn      | Date | 29/08/2016 |
| Approved by | George Findlater | Date | 30/08/2016 |

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

- CA286 Balnagask motte trial pit report
- H1135 Balnagask Motte-1135 01 rev A site location
- MMD-312790-BA83-C-DR-00-XX-0100 O Plan View and Down Taking Areas
- MMD-312790-BA83-C-DR-00-XX-0101 O Section Detail
- MMD-312790-BA83-C-DR-00-XX-0102 O Details of Proposed Wall Extent of S