



Case information

Reference/Case ID	201602317		
Scheduled Monument	Earl's Palace, Kirkwall		
Index no	M90194	Grid Ref	HY449107 344900.0000 1010700.0000
Date of Application	28 July 2016	Application Received	01 August 2016
Summary of proposed works	The temporary taking down of the existing pillar of the boundary wall in NE section of monument in order to widen access to the site by 1.2m, and the rebuilding of the pillar after the works have been completed.		

1. Summary recommendation

This report recommends approval for the temporary taking down of the existing pillar of the boundary wall in NE section of monument to widen access to site by 1.2m, and to rebuild the pillar after the works have been completed. The proposed works are to facilitate access to the bowling green for which the applicant already has an SMC in place.

2. Background

The Earl's Palace was built by Patrick Stewart, Earl of Orkney, between 1601 and 1607. Earl Patrick had been granted the former bishop's palace, or Palace of the Yards, in Kirkwall, together with the bishopric lands, by James VI in May 1600. The Earl's Palace represents the new residence that he built for himself, and comprises a number of elements including a first-floor hall with outer, inner and various other guest chambers, set above a service basement including a kitchen. New work was inserted into the south-eastern corner of the former bishop's palace and includes a masonry-lined well incorporated into its lower structure. Excavations on the east side of the palace have also revealed the existence of a late medieval ditch running parallel to its east wall.

There is little information relating to the history or significance of the section of boundary wall concerned, and the date of the wall and gate piers is unknown. While some sections of the boundary wall may date back to the time of the construction of the Earl's Palace complex (early 1600s), it is more likely that this section is more recent in date, though it probably runs along line of a historic boundary. There were ornamental gardens to the E of the palace range in the 1600s and later, which would likely have been enclosed with boundary walls.

The bowling green surface is due to be replaced and an SMC is in place for its refurbishment. The applicant engaged in pre-application discussions regarding access to the bowling green, and it became apparent that the only option available was to use this entrance. As the entrance is not wide enough to enable plant through it, the only available option was to consider the dountaking of this section of the wall, providing it was temporary and carefully considered.

As well as being scheduled, the monument is a Property in the Care of Scottish Ministers and is operated as a visitor attraction. Conservation Directorate are aware of the proposed works and are content for them to proceed.

3. Proposals

The consented works comprise are temporary and are to the scheduled boundary wall. This is in order to facilitate access to the bowling green. They comprise the following elements:

- the temporary dountaking of the pillar and gate in the NE section of the monument
- access to the bowling green in order to carry out its refurbishment
- the rebuilding of the pillar and gate in the NE section of monument

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:

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.

b) Assessment

The proposed works are temporary and would not have a significant impact on the historic fabric and cultural significance of the monument.

The scheduling for the monument includes the boundary walls. Although the boundary walls date back to the 1600's, it is likely that this section of the wall is more recent in date, and the gate appears to be modern.

The proposal would involve the dunting and rebuilding of the pillar which located in the NE section of the monument. However, this would be a temporary measure and limited to the minimum necessary intervention in order to facilitate access to the bowling green.

The application does not however include specific proposals in relation to recording, dunting and reconstruction. This is important in ensuring that the original character and form of the wall and gate piers are preserved and that the overall setting of the palace is maintained. It is also important that the reconstruction of the wall and gate piers involves the use of sympathetic and approved techniques (i.e. using a suitable lime mortar). Neither does the application address the potential impact on the monument from accessing the bowling green.

Both these issues can be dealt with through conditions.

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 Historic Environment Scotland Policy Statement.

Having assessed the potential impact on the fabric of the monument and its cultural significance, it is concluded that the works accord with Section 3.14 of the Historic Environment Scotland Policy Statement.

Given that the proposed works would have minimal impact on the cultural significance of the monument, they are consistent with paragraphs 3.16 and 3.18 of the Historic Environment Scotland Policy Statement.

Provided the items which need to be controlled through conditions (outlined above) are addressed, the works can be considered to be the minimum necessary to preserve the monument's long term preservation.

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

7. Conditions

1. 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.

2. Two weeks before any works begin on site, the applicant shall provide a method statement to Historic Environment Scotland, for their approval, for the proposed dunting, recording and reinstatement of the wall and gate piers, and details of the stone mason that will be carrying out the work and the materials that will be used. No works will begin on site until Historic Environment Scotland has approved the method statement.

Reason: to enable Historic Environment Scotland to approve the proposed methodology for the dunting and rebuilding of this section of the wall.

3. Before any plant accesses the Bowling Green, the access route across the scheduled area shall first be protected by laying matting.

Reason: to ensure that no ground surface damage to any archaeological deposits within the monument occurs.

4. Within two weeks of the completion of the works, the applicant will provide a photographic record of works before, during and after the works and submit this to Historic Environment Scotland.

Reason: to ensure that Historic Environment Scotland have an up to date record of changes to the monument.

8. Approval

Officer	Nicola Hall	Date	08/09/2016
Approved by	Iona Murray	Date	08/09/2016

Annex A – list of supporting documents

- Photo showing pillar to be removed
- Photo showing location of pillar within scheduled area