Scheduled Monument Consent: Report on Handling

Case Information

Reference/Case ID	300018593

Scheduled Monument	• Stirling, Royal Gardens including King's Knot • Stirling Castle		
Index no	SM90288 SM90291	**Grid ref**	NS 78700 94100 NS 78800 94100

Date application validated	14 October 2016
Summary of proposed works	Upgrading of an existing path through the Lower Back Walk at Stirling Castle and King's Knot

1. Summary recommendation

This report recommends that approval for the upgrading of an existing path through the Lower Back Walk be granted with conditions.

2. Background

<u>The historic environment asset and its cultural significance</u>

This application spans the boundaries of two scheduled monuments: the SW corner of the scheduled area covering Stirling Castle, and the northern corner of the scheduled area covering the King's Knot Royal Gardens.

The Stirling Castle scheduled monument comprises the castle and its immediate setting. Stirling Castle is a strongly-fortified royal castle occupying a volcanic outcrop which commands the upper Forth valley. The defences define three main enclosures: the outer defences (on the main line of approach), the main enclosure (at the summit of the rock) and the nether bailey (to the N). The principal buildings for royal occupation at the summit of the rock form a square enclosed by the King's Old Building, the Great Hall, the Chapel Royal and the Palace.

Below the castle rock to the SW lies the surviving physical upstanding remains of part of the royal gardens of Stirling Castle, as remodelled in 1628-9 for the homecoming of Charles I in 1633 and known as the Kings Knot. Between the Kings Knot and Stirling Castle lie the woodlands of Back Walk, which occupy the western slopes of the castle rock. These woodlands contain a network of paths and terraces that form part of the complex of royal gardens, and also contain various midden deposits

associated with the use and occupation of the castle. At the base of these woodlands lies the post-1500 jousting ground, as well as the route of a medieval road linking the castle with the stables/laundry. It is the path along the base of these woodlands that is the subject of this application.

The King's Knot Royal Gardens scheduled monument comprises the surviving physical remains of part of the royal gardens at the foot of Stirling Castle. These remains take the form of two adjacent rectangular areas of earthworks, which formed the matrix of part of the royal gardens of Stirling Castle, as remodelled in 1628-9 for the home-coming of Charles I in 1633. The SE area has an octagonal stepped mound rising to a height of about 3m. The NW area, now partly clipped by Raploch Road, has the earthworks of a 4-compartment parterre. The monument is the most extensive and best preserved example of a royal garden of the Renaissance period in Scotland. At the NE corner of the monument, a series of dykes and terraces close to the Butt Well form part of James IVth's orchard, and it is the path that crosses these terraces that is the subject of this application.

The cultural significance of this part of both monuments lies in the survival of features and spaces associated with the interface between royal castle and royal gardens; the pre-1500 jousting ground, the medieval road, and the James IVth orchard terraces all give physical evidence for the development of landscape and gardens in the context of the very highest levels of society.

The applicant

The application is for the upgrading of an existing path through the Lower Back Walk (which cuts through both monuments as set out above), and it has been submitted by Stirling Council. The application is accompanied by a detailed methodology (see 'Lower Back Walk Path Upgrade Survey and Information Pack') that details not only the existing path construction but also sets out the proposed path construction to sub-metre accuracy.

Stirling Council has allocated £2m of its own funding towards six key projects as part of its City Development Framework, with the aspiration that this will lead to a City Deal with the UK and Scottish Governments. The creation of a City Park is one of these key projects, and upgrading the path through the Back Walk is a component of the City Park and has allocated funding of £100k which expires in 2017. Match funding from SUSTRANS has also been sourced, as upgrading the path will provide an active travel link between various communities and schools.

Pre-application discussions

The applicant has discussed the proposed works in detail with HES, as the section of path that runs through the Stirling Castle scheduled area (and beyond to the north) is

on land that is cared for directly by HES Conservation Group, and the current application accords with the outcome of these discussions.

Subsequent to the application being submitted, the applicant provided an updated methodology, and has provided confirmation that EPS are not likely to be impacted by the works.

3. Proposals

- Section C-B (effectively trees 232/317 to B) - selective scraping and levelling of the existing path, followed by installation of 'Infraweb' sub-base onto existing path surface infilled with type 3 and topped by a porous 'Flexipave' surface. Isolated wall repairs using lime mortar. Installation of granite setts instead of 'Flexipave' at stone seat.
- Section B-b2 – new 'Flexipave' path surface laid directly on top of existing path surface up to the Butt Well crop of flagstones, where the flagstones will be left in place and the 'Flexipave' tapered to suit.
- Section B-1 - selective scraping and levelling of the existing path, followed by installation of 'Infraweb' sub-base onto existing path surface infilled with type 3 and topped by the 'Flexipave' surface between B and the Butt Well spring, and topped by a cold rolled asphalt/blacktop surface between the Butt Well spring and 1.
- Butt Well spring – temporary removal of cobble sets, followed by channelling of spring into drainage pipe beneath path, then reinstatement of cobbles.
- Section 1-A – localised widening of path to its east (ie into the scheduled area) through scraping back vegetation and loose soil to a maximum depth of 150mm (which is then if necessary formed into a bund), followed by the installation of a cold rolled asphalt/blacktop surface with a camber throwing water towards the scheduled area.
- Section 1-2 – annual scraping of vegetation on existing path surface to ensure sufficient path width is retained, with remedial drainage works to divert existing water channels into drainage pipe below path.

Consented works – the works comprise the upgrading of an existing path through the Lower Back Walk as part of a wider City Park scheme being progressed by Stirling Council.

Aims – the proposed upgrading of the path through the Back Walk forms a component of Stirling Council's City Park scheme, itself a key project in the Council's framework to secure a City Deal with the UK and Scottish Governments. Whilst the proposed works are complex in extent and methodology, the underlying aim is simple – to provide an active travel link through green space for various communities utilising a 'no dig' technique for the path upgrade as much as possible.

Timetable – the funding package requires that the work be undertaken before the end of March 2017.

Personnel – whilst the development of the path regeneration has been led by an external contractor, the majority of the work will be undertaken by Stirling Council Roads Service.

4. Representations received

No third party representations were received.

5. Report

a) Policy considerations

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

Ancient Monuments and Archaeological Areas Act 1979

Part 1 Section 2: Control of works affecting scheduled monuments.

Historic Environment Scotland Policy Statement June 2016

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.

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.

3.20. 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; 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 upgrading of an existing path through the Lower Back Walk as part of a wider City Park scheme being progressed by Stirling Council.

The physical impact of the works on the monuments and their cultural significance will likely be minimal, as the works have been designed so that they utilise 'no dig' techniques as much as possible, with material being added to the monument rather than taken away. The initial creation of the Lower Back Walk will likely have had a significant impact on surviving archaeological deposits, so upgrading works that predominantly impact upon the upper layers and margins of the path are therefore

likely to be impacting on material that is either modern, or has previously been disturbed. Potential direct impacts on elements of the cultural significance of the monuments relate to where the path runs through the James IVth orchard terraces (Section C-B (effectively trees 232/317 to B), Section B-1 (between B and the Butt Well) and Section B-b2), and where it runs close to the pre-1500 jousting ground (Section 1-A).

The upgrading of the path is part of a wider City park scheme that is designed to engage with the wider public and the local community and encourage access. Utilising the Lower Back Walk may therefore enhance an appreciation of this part of Stirling Castle and its royal gardens, and the historic environment in general.

The application has been accompanied by a complex methodology (see 'Lower Back Walk Path Upgrade Survey and Information Pack') that sets out a well-considered, appropriate and careful approach to works. For the purposes of assessing the impact of the various elements of work on the monument, the relevant methodologies for each component have been extracted as follows:

- The general methodology is such that the existing path will be scraped to remove encroaching vegetation, then a cellular sub-base system called 'Infraweb' will be laid on top of the scraped path and infilled with 70mm of type 3 fines in places where there are root systems to protect, followed by the wearing surface of up to 50mm of 'Flexipave' (a porous rubber-derived paving solution) or cold rolled asphalt/blacktop. This general methodology is adapted to suit each section of path.
- Some path widening might be required, which would require the scraping back of vegetation and loose soil at the edge of the path to create a small bund; the depth of this widening wouldn't exceed 150mm.
- Minor repairs are required to some sections of wall within the scheduled area, and the methodology sets out that lime mortar will be used.
- At the Butt Well spring, remedial works are needed to channel water from the spring into a drainage pipe beneath the path, leading to an open ditch. This will require the removal of the existing cobble sets, some limited excavation to expose the source of the spring, followed by the installation of a drainage chamber over the spring connected to an outlet pipe running beneath the path, with the cobble setts then reinstated on a hardcore sub-base.

No archaeological WSI has been provided for the ground disturbance works as part of this application. Given the nature of the works, a watching brief is considered suitable for the area surrounding the James IVth orchard terraces and Butt Well, with consideration given to extending this across the areas where the path is being widened near the pre-1500 jousting ground and/or undertaking a metal detecting survey or similar to assess potential for stray finds. The provision of a WSI would enable the application to be considered compliant with paragraph 3.20 of the policy statement.

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

A bat survey was carried out on behalf of Stirling Council in October 2014 in advance of some tree works associated with other path improvements. It noted foraging Soprano and Common Pipistrelle bats present in very low numbers scattered along the western flank of the hill, but the survey noted that this was not an ecological constraint for the proposed works at the time. The current works take full consideration of the residual potential of bats being found.

Whilst GIS data indicates that great crested newts might be present on site, the original surveyor from when the record dates (1993/1994) has confirmed the newts are associated with the old curling ponds, which are some 725m from the development site and outwith a typical 250m buffer for works. No impact on newts is therefore considered likely.

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.

The path upgrading works are being done to elements of the monument in such a way that they will have a negligible impact on the cultural significance of the monument. They do not, therefore, conflict with paragraphs 3.16 and 3.18 of the policy statement.

The objectives of the proposed work include clear public benefits as the City Park scheme is designed to engage with the wider public and the local community, and to encourage access and to enhance an appreciation of this part of Stirling Castle and its royal gardens. As such, the works meet with paragraph 3.17 of the policy statement.

The works are part of wider landscape management works, have been designed to have a low impact on the scheduled monument, and are well planned. In order to ensure full compliance under paragraph 3.20 of the policy statement, an archaeological WSI is required to cover the ground breaking works, so as per paragraph 3.22 of the policy statement a condition to control the production of the WSI is necessary.

Condition 1 is to allow for the submission of a suitable WSI to cover archaeological monitoring of ground breaking works, to ensure that archaeological information is recorded.

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. No work requiring scheduled monument consent shall take place within the scheduled area until the applicant has secured the initiation of a programme of archaeological work in accordance with a Written Scheme of Investigations (WSI)/project design and has had this WSI approved in writing by Historic Environment Scotland. This scheme of works shall be fully implemented during the course of the approved development.

   Reason: to ensure that archaeological information is recovered and recorded to a satisfactory standard.

8. Approval

Case officer	Oliver Lewis	**Date**	01 December 2016
Approved by	George Findlater	**Date**	05 December 2016

Annex A – list of supporting documents

- Bat survey report – Acorna Associates, dated October 2014
- Ownership maps
- Email from Fiona Melville to Oliver Lewis dated 23 November 2016 containing an updated methodology and consolidated survey and location maps – 'Lower Back Walk Path Upgrade Survey and Information Pack'.
- Email from Claire Bird (Stirling Council Countryside Ranger) to Oliver Lewis dated 30 November 2016 regarding great crested newts.