

**APPENDIX 1**

**Documents for Duffield Morgan Ltd**

- DML/1 Twelve plans (DML15-26)
- DML/2 Folder of correspondence 1990-1998.(File A)
- DML/3 Folder of correspondence 1999-2000 (File B)
- DML/4 Folder of correspondence 2001-2002 (File C)
- DML/5 Letter of 1 July 2002 from Assistant Firemaster, Strathclyde Fire Brigade to N A Campbell
- DML/6 Extract from Statutory List relating to Rowallan Old Castle

**TOWN & COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS) (SCOTLAND)  
DIRECTION 1997**

**CHANGE OF USE & REFURBISHMENT OF VACANT CASTLE TO FORM OVERNIGHT  
ACCOMMODATION FOR USE IN CONJUNCTION WITH THE HOTEL, ROWALLAN  
CASTLE, KILMAURS, KILMARNOCK**

**LIST OF DOCUMENTS - EAST AYRSHIRE COUNCIL**

- EAC1 Planning Application 01/0240/FL - Change of use and refurbishment of vacant castle to form overnight accommodation for use in conjunction with hotel, Rowallan Castle, Rowallan Estate, Kilmaurs.
- EAC2 Report dated 17<sup>th</sup> October 2001 presented to the Northern Area Local Planning Committee of 26<sup>th</sup> October 2001 (including Executive Summary Sheet).
- EAC3 Minute of Northern Area Local Planning Committee of 26<sup>th</sup> October 2001.
- EAC4 Report dated 23<sup>rd</sup> April 2002 presented to the Northern Local Planning Committee of 3<sup>rd</sup> May 2002.
- EAC5 Minute of Northern Area Local Planning Committee of 3<sup>rd</sup> May 2002 (to be presented to Council for approval in June 2002).
- EAC6 Approved Ayrshire Joint Structure Plan 1999.
- EAC7 Adopted Stewarton Local Plan 1986.
- EAC8 East Ayrshire Local Plan Finalised Version with Modifications 2001 (volumes 1 and 2).
- EAC9 NPPG1: The Planning System (Revised).
- EAC10 NPPG5: Archaeology & Planning.

- EAC11 NPPG18: Planning & The Historic Environment
- EAC12 PAN42: Archaeology: The Planning Process & Scheduled Monument Procedures.
- EAC13 Consultation Letters: (i) West of Scotland Archaeology Service dated 01/08/01  
(ii) Ayrshire Archaeological and Natural History Society dated 21/06/01  
(iii) Historic Scotland dated 12/07/01  
(iv) Architectural Heritage Society of Scotland dated 05/07/01  
(v) The Garden History Society dated 25/07/01  
(vi) The Scottish Civic Trust dated 14/06/01  
(vii) EAC Roads and Transportation dated  
(viii) Scottish Natural Heritage
- EAC14 NPPG15: Rural Development
- EAC15 Planning Conditions (proposed)
- EAC16 Synopsis of Finalised East Ayrshire Local Plan history

KMcL/KN

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979  
CONJOINED PUBLIC LOCAL INQUIRY INTO AN APPLICATION FOR  
SCHEDULED MONUMENT CONSENT AND AN APPLICATION FOR PLANNING  
PERMISSION FOR  
ROWALLAN CASTLE, KILMAURS, EAST AYRSHIRE  
  
INVENTORY OF PRODUCTIONS (DOCUMENTS) FOR  
HISTORIC SCOTLAND**

**Core Productions**

- HS1 - Application for SMC and accompanying letter of 27 November 2000.
- HS2 - HS provisional view on the application dated 8 January 2001.
- HS3 - Venice Charter.
- HS4 - Burra Charter.
- HS5 - Technical Advice Note 8 "The Historic Scotland Guide to International Conservation Charters".
- HS6 - Ancient Monuments and Archaeological Areas Act 1979.
- HS7 - Valletta Convention.
- HS8 - HLF Guidance on Conservation Plans for Historic Places.
- HS9 - British Standards Institute BS7913:1998 - Guide to the Principles of the Conservation of Historic Buildings.
- HS10 - Scheduling documents.
- HS11 - Minute of Agreement between the Rt Hon Baron Rowallan and the Minister of Works, 1950 - "Guardianship Deed".
- HS12 - The Conservation of Architectural Ancient Monuments in Scotland: Guidance on Principles.
- HS13 - Passed to the Future: Historic Scotland Policy for the Sustainable Management of the Historic Environment
- HS14 - HS leaflet on Scheduled Ancient Monuments.
- HS15 - Stirling Charter.
- HS16 - Technical standards for compliance with the Building Standards (Scotland) Regulations 1990.

HS17 - Report on the Implications under the Building Standards (Scotland) Regulations re Change of Use of a Castle to a Hotel at Rowallan Castle, Kilmaurs, Ayrshire dated 17 April 2002.

HS18 - SODD Circular 1/1998 the Town and Country Planning (Use Classes) (Scotland) Order 1997

#### **Other Documents**

HS19 - Historic Scotland Archaeology Procedure Paper 2: Project Design, Implementation and Archiving.

HS20 - Historic Scotland Framework Document 2001.

HS21 - Historic Scotland Annual Report and Accounts 2000-2001 and Corporate Plan 2000-2001.

HS22 - Report for Scottish Ministers into the planning application for the conversion of [Lorimer] Castle to hotel with leisure facilities, golf course and club house and 49 houses.

HS23 - Report for Scottish Ministers into the application to restore Castle Tioram, Moidart.

HS24 - Sales particulars for Rowallan Estate.

HS25 - Documents that make up Historic Scotland's Monument Management Plan, including a conservation strategy, condition survey, interpretation plan and operational plan (subdivided and labelled HS25 A, B, C, D and E).

HS26 - Alexander George Investments Ltd proposals for Rowallan Castle submitted to Historic Scotland for an informal view in 1997.

HS27 - The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Significance by James Semple Kerr, National Trust of Australia, 1996.

HS28 - Relevant correspondence.

HS29 - Relevant references to histories and documents.

HS 30 - Extracts from Historic Scotland Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 p3,p8 and p9

HS 30A - Further extracts from above document, pages 23 and 38

HS 31 - Extract from List of Ancient Monuments in Scotland, HMSO 1955.

HS 31A - Supplementary extract from the above document

HS 32 - Extract from Report of the Inspector of Ancient Monuments for the year ending 31 March 1912.

- HS 33 - A Survey of Visitors to Historic Scotland Properties 2001, by NFO System Three, dated January 2001
- HS 34 - Explore 5000 years of Historic Scotland – A souvenir guide to over 300 sites – Historic Scotland 2002
- HS 35 - National Trust for Scotland, Culzean Castle, Fire Prevention second and attic floors – location drawing dated August 1988
- HS 36 - SCA/2000 Scottish Conditions of Appointment of an Architect – Extract
- HS 37 - List of draft conditions by Historic Scotland
- HS 38 - Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – extracts
- HS 39 - Walker – Extracts
- HS 40 - Inventory of Gardens and Designed Landscapes – extract
- HS 41 - Loys Survey Plans
- HS 42 - Town and Country Planning (Use Classes) (Scotland) Order 1997

**APPENDIX 2a**



**ROWALLAN CASTLE, ROWALLAN ESTATE, KILMARNOCK**

**PLANNING APPLICATION NO: 01/0240/FL**

**PROPOSED PLANNING CONDITIONS**

1. Notwithstanding the description of the development as submitted, the consent hereby granted relates solely to the change of use of the buildings outlined in blue on the approved A3 block plan drawing no BP and not to the details of any refurbishment of those buildings.

REASON In the interests of visual amenity, preserving the setting of the Scheduled Ancient Monument and Category "A" Listed Building and to define the scope of the consent hereby granted.

2. The change of use as approved shall not be commenced until hotel operations have commenced from the larger hotel (Rowallan House) as approved in principle by EAC 98/0365/OL.

REASON In the interest of visual amenity and providing the character and setting of Scheduled Ancient Monuments and Category A Listed Building.

3. The principal access to and egress from the application site shall be by way of a new junction formed with the B751 public road west of the Gatehouse. The sightline and forward visibility for that junction shall be 2.3 m by 160 m with a junction radii of a minimum 9m. The access road so formed will be 4.1 m wide and shall continue for at least 100 m and will terminate in a roundabout between the gatehouse and the application site.

REASON In the interests of road safety.

4. Prior to the commencement of use of the building, details of parking provisions for the use of the castle shall be submitted to and approved by the Planning Authority. Said details shall not impinge on the area within the application site.

REASON In the interests of road safety, visual amenity.

5. Before the commencement of use of the building details of the provisions made for the roosting of bats, together with details of the works, shall be submitted to and approved by the Planning Authority.

REASON In the interests of not disturbing or deterring the roosting of bats, being a protected species under the Wildlife and Countryside Act.

6. Prior to the commencement of use of the building as overnight accommodation, further details of the means of drainage and sewage disposal shall be submitted to, and approved by, the Planning Authority.

REASON To prevent contamination of watercourses.

#### Note to Applicant

The drainage arrangements will require to be upgraded. It is suggested that consideration is given to combining this foul sewerage flow with that from the development approved further to 98/0365/OL as this would result in there being only one discharge to the Carmel Water. SEPA would wish to seek assurances on the ability of the sewerage treatment to deal with a flow of macerated sewerage.

**APPENDIX 2b**

## Conditions

In the event that the Reporter advises the Scottish Ministers to grant consent for these works, HS is required to provide a list of those conditions (if any) which should be attached to the consent. HS's objection to these proposals have been informed by principle rather than detail. For that reason it was possible for us, on the basis of the information supplied, to advise the Scottish Ministers to refuse consent. However, the proposals do not contain the level of detail normally required for SMC to be granted for works of this scale, and therefore the conditions are wide-ranging. Nor do they provide an adequate management solution to condition the works of the Applicant where they interact with the responsibilities of Scottish Ministers as guardians of Rowallan Castle.

1. The Applicant shall provide Scottish Ministers with a Master Programme of Works ("the Programme"). The Programme shall comply with the following requirements:
  - (a) The Programme shall detail: i the works to be undertaken, in terms of the SMC, ii the phases in which those works are to be undertaken; iii when such phases (and the works comprised within those phases) are to be undertaken.
  - (b) The Programme shall be of such level of specification as shall be approved by Scottish Ministers, which approval shall not be unreasonably withheld or delayed;
  - (c) Following approval by Scottish Ministers, of the format and content of the Programme, the Applicant shall serve the approved written Programme, upon Scottish Ministers, by postal service on HS, no less than four weeks before the works, for which consent has been granted, commence.
2. The Applicant shall provide Scottish Ministers, by postal service upon HS, with notice of the commencement of each phase, as agreed and as referred to in 1(a), at least four weeks before the commencement of each of the said phases,

In the event of any changes to the Programme, written notification shall be given to Scottish Ministers by postal service upon HS according to the following periods of notice:

- (a) in respect of any changes to the approved order or timing of the phases (as referred to in 1(a)) four weeks notice;
- (b) in respect of any changes to the order or timing of works within an agreed phase (as referred to in 1(a)) seven days notice.

Reason: *To enable the approval by Scottish Ministers, as advised by HS, of the phasing of the works and allow monitoring of progress of the phases and adherence to the approval Programme.*

3. Works in respect of any phase as agreed and referred to in 1(a) of the said

Consent shall not commence until the Applicant has submitted for the approval of Scottish Ministers, as advised by HS, details of the following in respect of that phase:

- (a) all architectural drawings and any other drawings specifying the nature of the works to be undertaken under the Consent;
- (b) all written specifications for works under the Consent;
- (c) the method statements for carrying out the said works.

Such approval shall not be unreasonably withheld or delayed. The said details shall be submitted to Scottish Ministers by postal service upon HS.

*Reason: To ensure that the materials, techniques and detailed designs adopted cause the minimum impact to the character and historic fabric of Rowallan Castle.*

4. Works under the said Consent shall not commence until Scottish Ministers, as advised by HS, have approved the content of all drawings, written specifications and method statements, as referred to in 3. The said approval shall not be unreasonably withheld or delayed.

*Reason: To ensure that the design proposals for Rowallan Castle are sympathetic and appropriate to the character and historic fabric of Rowallan Castle.*

5. The Scottish Ministers or any person duly authorised in writing by Scottish Ministers has a right, at any reasonable time, to enter upon Rowallan Estate and Rowallan Castle ("the site") for the purpose of ensuring compliance with the consent. Without prejudice to the generality of the foregoing rights of access, there shall be a programme of regular site visits by staff of HS and its appointees. This programme shall be agreed between the Applicant or its appointees and HS, and shall allow for visits no less than once every three months.

*Reason: To enable a representative of Scottish Ministers to inspect the Works in progress, discuss and agree design details and verify adherence to the approved Programme.*

6. No works shall start within the scheduled area until a written programme of archaeological work has been agreed to the reasonable satisfaction of Scottish Ministers, as advised by HS. Agreement shall not be unreasonably withheld or delayed. The said written programme shall address both buried archaeology and the archaeology and recording of the Castle structure. It shall follow the methodology detailed in "HS Archaeological Procedure Paper 2: Project Design, Implementation and Archiving" ("Paper 2"): namely, the programme shall provide for the preparation and production of (i) "Project design for fieldwork", (ii) "Data Structure Report", (iii) "Costed assessment", (iv) "Project Design for post-excavation work and publication" and (v) "RCAHMS Guidelines for Archiving of Archaeological Projects" - all as specified in Paper 2. Final reporting shall incorporate the findings of all previous work at Castle and Rowallan Castle commissioned on behalf of Duffield Morgan

*Reason: To ensure that the archaeological programme is carried out to the highest standards and does not exceed what is necessary to achieve the research and mitigation objectives of the proposals.*

7. Prior to the commencement of any operations on site the Applicants or his agent will agree in writing with HS an appropriate means of protecting archaeological deposits on-site including the provision of protected access paths/routes, materials storage areas, site facilities and protection from contamination. Agreement shall not be unreasonably withheld or delayed.

*Reason: To ensure that the archaeological resource is appropriately protected throughout the duration of the works.*