

Appendix E – Historic Scotland’s Response to the Petitions Committee, 22nd March 2007



David McGill
Clerk to the Public Petitions Committee
The Scottish Parliament
TG.01
Parliamentary Headquarters
EDINBURGH
EH99 1SP

John S Graham
Chief Executive
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8693
Direct Fax: 0131 668 8699
Switchboard: 0131 668 8600
john.graham@scotland.gsi.gov.uk

22 March 2007

Dear Mr McGill,

Thank you for your letter of 7 February regarding Public Petition PE1013.

Rowallan Castle is a scheduled ancient monument, a Category A listed building and has been in the care of Scottish Ministers under the terms of a guardianship deed since 1950. The petitioner has in the past submitted an application for scheduled monument consent for alterations to the Castle, which was refused following a public inquiry. He has also pursued litigation over our access to the Castle, again unsuccessfully. We would disagree with many points in the comments he made to the Committee about his dealings with Historic Scotland.

On the main substance of the petition, as I explained to you on receipt of your letter, we are unable to comment because there is currently a further application for scheduled monument consent before Scottish Ministers and any comments we make could be seen as prejudging that application. We have however in the attached comments given some background on the other issues raised in the Petition and at the hearing before the Committee.

John S Graham
J S Graham

J S GRAHAM



PUBLIC PETITION PE1013: HISTORIC SCOTLAND'S RESPONSE**March 2007****Rowallan Castle****Background**

Rowallan Castle is a scheduled ancient monument, a Category A listed building and is a property which has been in the care of Scottish Ministers since 1950 under the terms of a guardianship deed which is regulated by the Ancient Monuments and Archaeological Areas Act 1979. The site is undoubtedly of national importance. It comprises a complex, multi-period structure dating from the 13th century onwards and appears now as an accomplished Renaissance house of the 16th century. The structure contains significant earlier work and throughout the monument there are important buried archaeological remains from prehistory onwards. The castle lies at the heart of an estate entered in the *Inventory of Gardens and Designed Landscapes in Scotland*.

Guardianship

The Castle was offered to the State by Lord Rowallan in 1943. His intentions were clearly stated in a letter to the Ministry of Works in 1944: 'It was only because I thought it should be preserved as an ancient monument that I suggested that it should be taken over by your Ministry'. It was taken into care of the State in 1950 following delays resulting from the War and was not due to serendipity but on merit. The monument had been included by the Ancient Monuments Board for Scotland in their "first priority group" for guardianship. As a guardianship site, Scottish Ministers hold a variety of responsibilities, principally the control and management of the site in order to secure its long-term preservation and public access, and associated powers in section 19 of the 1979 Act for example to control access in the interest of safety.

The structure had been all but empty for some 50 years by the time it came into guardianship. It required extensive repairs, in particular to the roof, floors and stairs which were all in parlous state. A programme of repairs was undertaken. Historic Scotland and its predecessors have continued to maintain, conserve and repair the structure over this period, following accepted conservation principles of the time. Conservation principles and standards do change over time and it is not unusual for works undertaken at historic properties in the past to be subject to critical scrutiny. Historic Scotland encourages open debate about repair philosophy and is at the forefront of promoting best practice both through work at its own properties



and more broadly through the internationally recognised work of its Technical Conservation, Research and Education group (see Annex A).

Monument Management

Conservation Plans tend to be most relevant to monuments where long-term significant change is being proposed. As Historic Scotland's job is long-term preservation, it prefers instead to use the mechanism of monument management planning to ensure that all works of conservation and presentation are informed and are in the best long-term interest of the monument. A monument management plan was completed for Rowallan Castle in the late 1990s and is, as with all such plans, regularly reviewed to ensure that the strategy is in line with current conservation thinking.

Discussions on Re-use of the Castle

Section 14 of the 1979 Act makes provision for the termination of guardianship but only where Scottish Ministers are satisfied that satisfactory arrangements have been made for ensuring the preservation of the monument after termination of the guardianship or that it is no longer practicable to preserve it.

Although discussions took place with the company developing the estate in the early 1990's (Alexander George and Co (Investments) Ltd) concerning possible transfer of the guardianship property to the owner for residential use, there were a number of conditions which Historic Scotland indicated should be met before this could take place including agreement over: the nature of the consolidation and conversion proposals; the future maintenance of the castle; arrangements for public access; and compensation in respect of public funds invested in the building since it came into guardianship in 1950. No agreement was reached and this process was not concluded.

When in 1995 the Trustees Savings Bank put the property for sale on the open market in virtue of powers of sale under a standard security, Historic Scotland reviewed its position and took the opportunity to confirm to the selling agents and all prospective owners that it no longer wished to pursue re-use of the castle and that it would make the castle accessible to the public. In order to secure the public benefit of this ancient monument, Historic Scotland bid to purchase the castle at this time. The bid was unsuccessful but when the new owners Duffield Morgan Ltd (the petitioner was a director of this company as he had been of Alexander George and Co (Investments) Ltd) emerged in late 1996, Historic Scotland's Chief Executive wrote to them offering to meet. We were keen to work with the new owners, but we confirmed that we would maintain the principle outlined to all



prospective buyers in 1995 that the site would be remaining in guardianship and open to the public.

The development of the estate surrounding the Castle (but not including the castle) has been the subject of some 20 planning permissions in the last 15 years. This is an entirely separate process from any Scheduled Monument Consent determination. These applications would have been determined by the local authority on their own merits.

Public Access

Public access has not yet been achieved as fully as we would like. In 1953 a Rowallan estate worker was employed as caretaker and grass cutter to give admission to specially interested visitors and officials, an arrangement which continued until 1998. The castle had long been a popular destination for local walkers, although the interior of the castle was inaccessible during major works campaigns. More recently, the petitioner challenged the public's right of access to the Castle in the Court of Session. While this case was being considered we believed that it might be seen as inflammatory to press the matter of access to the monument, hence recent constraints on public access. In January 2004 Scottish Ministers successfully defended an action to remove the public right of access to the castle (<http://www.scotcourts.gov.uk/opinions/a1497.html>).

Since this time we have been exploring how to increase the public benefit of the site although the petitioner clearly remains unhappy with this and we have encountered difficulties of access to the monument both for our staff and for members of the public. Further litigation over access is currently being pursued by the petitioner. More generally, Historic Scotland has always been prepared to discuss working with the local community and estates to find management solutions for all of its properties in care. We have a very long history at many of our historic properties of working with local friends groups.

In pursuit of its responsibilities, Historic Scotland has agreed with the Health and Safety Executive how visitors to the site should be managed to ensure their safety. Despite strong and at times uncomfortable opposition from the petitioner, regular tours have been led to the castle over the past two years. These have proved very successful locally and will be continued again this year. In order to regularise visiting to the castle options for securing visitor car-parking are being finalised.



The Legislative Context

Where a structure is both a listed building and a scheduled ancient monument, the scheduling legislation takes precedence and the relevant sections of the listed building legislation are disapplied. As set out in the Ancient Monuments and Archaeological Areas Act 1979, scheduled monument consent must be sought for work which affect the monument. This is an entirely separate and distinct process from that of seeking planning permission under the relevant planning legislation. Ancient monument legislation and policy applies significantly different considerations from those relating to the planning process.

Each application for scheduled monument consent is considered on its own merits within the context of national policy and guidance, relevant development plan policies, international charters, accepted best practice and other relevant factors. A fundamental principle is that scheduled ancient monuments should be preserved in the state in which they have come down to us and that any work undertaken at the monument is the minimum necessary consistent with its preservation.

We recognise that ancient monuments cannot be frozen in time and there is a range of works which take place on such monuments with the agreement and full support of Scottish Ministers and which in certain circumstances may receive grant-aid. These vary from minor works through to major programmes of consolidation and repair.

The guiding principles accept that there are exceptional circumstances where the minimum necessary principle may not be deemed the appropriate approach. These exceptions include:

- Where the public understanding and enjoyment of the monument would be significantly enhanced by works which do not relate to the condition of the monument.
- Where it is necessary to undertake works to provide crucial information for the long-term management of the monument.
- Where, in the case of structural ancient monuments, a return to active use may be deemed to be most viable way of ensuring their continued existence.

To improve the understanding of policy on the historic environment, Scottish Ministers are in the process of publishing a series of Scottish Historic Environment Policies. Those relating to scheduled monument consent and to properties in the care of Scottish Ministers will be put out to public consultation by the end of March 2007.



Applications for scheduled monument consent are determined by Historic Scotland on behalf of Scottish Ministers. In the very rare occurrences where Historic Scotland is minded to refuse an application, the owners may exercise their right under the provisions of the 1979 Act and to have the case heard by an independent Reporter. The Reporter's conclusions go to Scottish Ministers who take a final decision without further involvement from Historic Scotland. In 2005-06 Scottish Ministers received 249 applications for scheduled monument consent, none of which were refused.

The Historic Environment Advisory Council for Scotland

We have noted the reference to the two Historic Environment Advisory Council for Scotland (HEACS) reports by the Petitioner and would stress that Scottish Ministers have yet to respond in detail to substantial parts of these reports. The Minister for Tourism, Culture and Sport wrote to HEACS on 20 December 2006 (copy attached at Annex B) providing responses, most of them preliminary, on all four of the reports that HEACS submitted last year. In relation to the HEACS *Report and recommendations on the criteria that should be used to assess whether a property should be taken into state care* she undertook that their recommendations would be taken into account in the drafting for public consultation a future Scottish Historic Environment Policy. The SHEP on *Properties in the Care of Scottish Ministers which will be put out to public consultation by the end of March 2007, will fulfil this commitment.*

With regard to the HEACS *Report and recommendations on whether there is a need to review heritage protection legislation in Scotland* the Minister responded in the same letter, on 20 December (Annex B). We note that although Mr Simpson gave evidence to the HEACS working groups writing these reports, the Chair of HEACS has confirmed that they have not at any time discussed any application relating to Rowallan Castle nor was Mr Simpson acting in any way on behalf of HEACS in presenting evidence to the Petitions Committee (see Annex C).

Handling of applications for Scheduled Monument Consent.

Although the ancient monument legislation does not impose a timescale for the handling of scheduled monument consent applications, Historic Scotland takes very seriously the need to deal timeously with applications and publishes targets for handling its statutory casework in its Corporate Plan. Its target for handling scheduled monument consent applications is to resolve 80% of all applications received within nine weeks. By way of example, in 2005-06 Historic Scotland met this target for the 249 applications for consent received.

HISTORIC SCOTLAND



The timescale for handling scheduled monument consent applications depends on a range of factors including the nature and complexity of the proposals and the scope of the information submitted in support of the application. Where complex proposals are under development, a nine-week timescale can be extremely challenging and we seek where possible to work closely with the applicant to agree the content and scope of the application *prior to submission*. Such an approach can help to identify and resolve problems prior to submission and thereby reduce the overall time for consideration.

We held the most recent of a series of general discussions with the petitioner's representatives on 6 March 2006, covering a broad range of issues relating to Rowallan Castle including guardianship and possible future uses for the monument. We stressed our desire to work closely with the applicant on emerging proposals and a willingness to explore how Historic Scotland and the owner might enter some form of partnership relating to the monument. This was followed by a more detailed note from HS to the petitioner on this theme on 28 March 2006.

The 28 March note also formally confirmed our earlier discussions where we set out the respective roles of Historic Scotland's Properties in Care Group (as guardian and operator of the monument) and Historic Scotland's Inspectorate (who would determine any application for scheduled monument consent). This split of responsibilities was introduced in January 2006 as part of a wider restructuring exercise within Historic Scotland and was intended to reinforce the position that proposals for works by Historic Scotland were subject to identical considerations and scrutiny to those by third parties, thereby addressing any perceived conflict of interest and improving the transparency of decision-making.

We responded in writing to a subsequent e-mail from the petitioner's representatives on 30 May suggesting amongst other things that we would wish the opportunity to agree the scope and content of any application and recommending that further discussions be held with our Properties in Care Group. However our advice was not followed and the next contact was our receipt of the current application on 1 September 2006. While there is nothing to stop the petitioner from submitting an application without detailed pre-application discussions, our experience suggests that such an approach is likely to lead to an extended timescale for determining applications where complex proposals are being brought forward.



The Current Application for Scheduled Monument Consent

While it would not be appropriate for us to comment on the merits of the current application which is in front of Scottish Ministers, we are puzzled by the petitioner's statement that since lodging of the application in August 2006 there has been 'no response other than the comment that no determination would be forthcoming in the near future'. This is far from accurate.

We received the application for scheduled monument consent on 1 September 2006 and this was acknowledged in writing that day. We subsequently received supporting documentation on 5 September 2006. We liaised with the applicant's representatives to arrange a site visit prior to the Christmas break but were unable to find a suitable date due to availability difficulties for both parties. Despite this we began the process of assessing the application. We wrote to the applicants architects on 22 December confirming that we were already working on the application and that we intended to arrange the site visit early in the New Year.

The petitioner contacted the Chief Executive of the Agency on 29 December raising concerns over the timescale for determination of the application. The Chief Executive responded on 9 January confirming that detailed consideration was being given to the application and that we hoped that consideration of the application would be completed by April 2007. The Chief Executive wrote again on 18 January in response to a further e-mail from the Petitioner and there was also further contact in parallel between our area team and the petitioner's representatives. We have attached relevant correspondence at Annex D.

The Current Position

A site visit took place on 7 February. We confirmed with the petitioner that his application for scheduled monument consent will be discussed at Historic Scotland's Board Meeting on 26 April and that we will contact him with our views on the application as early as we are able following this.



PUBLIC PETITION PE1013: HISTORIC SCOTLAND'S RESPONSE

Annex A. The work of Historic Scotland's Technical Conservation, Research and Education Group.

Historic Scotland Technical Conservation, Research and Education Group (TCRE)

Background Briefing: 1 March 2007

Concerns over the lack of knowledge, skills and materials: The Challenge.

A building does not have to be listed to be of the same date, material, construction and detail of one that is. Most pre-1920's structures are built of traditional construction in the same manners as historic buildings, and it is estimated that over 500,000 of these structures exist. All of them require repair and maintenance which, if properly carried out, will ensure their continued survival and protection. To do this effectively requires appropriate knowledge, the relevant skills, and the correct traditional building materials. Put any one of these factors out of sync and the resultant work will be less than satisfactory.

Repair and maintenance works account for almost half the Scottish Construction industry activity. Spanning across specialist conservation activities, restoration, rehabilitation and multi-skilled repair and maintenance work, the 20004 value of repair and maintenance sector in Scotland was estimated at £3.01b/annum. (New build activity was valued at £3.5b/annum) As virtually all the industry is educated and trained in new build technologies a large part of it is ill-prepared to carry out the repair and maintenance work that it actually does.

Technical Conservation, Research and Education (TCRE)

TCRE Group operates with two inter-linked Divisions: the HS Conservation Bureau, and the HS Conservation Centre. Central to the Group's activities is the need to address the integrated approach the right knowledge, the correct skills, and the appropriate materials to hand to undertake effective conservation (repair and maintenance) work

TCRE HS Conservation Bureau (HSCB)

TCRE's HSCB aims to approach the current threat to the built environment by re-establishing a greater understanding and awareness of the need for appropriate knowledge, skills and materials in traditional building technology, and promote good practice through effective networking. TCRE has enabled, funded and supported extensive research on traditional materials. This published material has led to a better understanding of the problems, and more effective conservation practices.

TCRE HS Conservation Centre (HSCC)

HSCC operates a demand-led service from two locations in West Edinburgh to provide hands-on specialist conservation services and Advisory Report work in:

- Structural Paintings and Heraldic Conservation
- Easel Painting and Picture Frame Conservation
- Paint Analysis and Conservation Science Support
- Environmental Monitoring and Management Surveys
- Outreach Specialist Training and Student placements

During the period 2005-07 an internal reorganisation occurred that had the aim of setting up a Science based support Unit. The Head of the Unit was appointed in February 2007 and has started to address a number of issues associated with climate change and how that will influence the built environment. In support of this approach a change was effected in TCRE's Internship programme by focussing newly appointed Interns into developmental opportunities through associated research programmes. In addition, outreach activities have been initiated with others in the scientific community with the intention of working with a range of external operational and funding partners in future activities.

TCRE Key Corporate Plan Objectives:

- 1: To develop and define technical conservation standards and policy;
- 2: To address the lack of appropriate technical and professional knowledge;
- 3: To address the lack of relevant conservation craft skills;
- 4: To address the shortfall in availability of traditional building materials;
- 5: To provide specialist conservation expertise in stone, structural painting, easel painting, scientific support, and environmental monitoring techniques.

Activities in Support of Objective 1

To develop and define technical conservation standards and policy

TCRE will work with others through partnerships and sharing knowledge and resources.

The main activities in support of this objective will include:

- Driving research initiatives that will lead to the production of technical publications, and the promotion of appropriate standards and good practice

- Working under a four year Sector Skills Agreement with ConstructionSkills, and the National Heritage Training Group, initiated in 2006 to support industry activities in the enhancement of Scottish skills and training needs
- Providing financial support, through Minutes of Agreement, to key organisations such as the Scottish Stone Liaison Group, Learn Direct and Build and the Scottish Lime Centre Trust;
- Enabling and supporting network groups to provide sounding boards for draft technical publications offered for peer review, including the Scottish Conservation Forum in Training and Education and the Scottish Historic Building Fire Liaison Group;
- Representing Scottish interests on International conservation networks such as the European Construction Technology Platform's Focus Area Cultural Heritage (ECPT FACH); COST (Fire Loss to Historic Buildings); BIODAM (Biodeterioration on the surface of stone); and ICOMOS (International Scientific Committee on Stone); and
- Promoting through official links technical conservation requirements to the Architecture Policy Unit and the Scottish Building Standards Agency.

Activities in Support of Objective 2

To address the lack of appropriate technical and professional knowledge

As it takes a minimum of two years to research new areas of conservation activity, and a further year to prepare and produce the technical results, TCRE will continue to concentrate on finalising and printing research work already in progress. New research projects will be initiated as demand dictates. Emerging results will be promoted through the production of 6-monthly Publication Catalogues, attendance at trade fairs, and seminars and conferences. Other activities in support of this objective will include:

- Continuing to provide an on-demand enquiry service, this fields 1500 technical enquiries per annum. Steps will be taken to ensure that the data is up-to-date and valid.
- Continuing to develop the scale and international scope of our specialist conservation Resource Centre facilities and promoting these to a wider audience of trainers, educationists, students, practitioners, researchers and academics;
- Producing a series of free INFORM and Short Guides which will concentrate on "translating" the scientific and technical material in TCRE's current Research Reports, Technical Advice Notes and Practitioners Guides.

- Arranging or support a range of relevant Conferences on technical and building conservation matters
- Providing industry specific seminars at relevant trade fairs and other specific events.
- Presenting technical lectures at appropriate venues, seminars, conferences and workshops. Topic specific events will be arranged to target local authority technical staff, homeowners and other interested parties. These will focus on current areas of concern such as windows, slate roofing and fire loss.
- Arrange a series of hands-on events targeting school children in support of National Maintenance Week activities it illustrate the interest in choosing building conservation and construction activities as a career option.
- Continuing to play educational host to a variety of UK and International students and building conservation professionals.
- To develop an online portal for traditional building skills in conjunction with Scottish Screen Archive and Learn Direct and Build, and to produce DVD output for dissemination of this information.

Activities in Support of Objective 3

To address the lack of relevant conservation craft skills

Fundamental to this objective is promoting the Action Plan findings determined appropriate to address the true extent of the traditional craft skills deficit in Scotland. TCRE will continue to work jointly with the Construction Industry Training Board and the National Heritage Training Group to follow up the findings of Scottish Craft Skills Audit published in January 2007. The study results will also be used to assist in determining a forward strategy for the TCRE Fellowship programme. Subsequent work in conjunction with Proskills will help address the skill needs which are now recognised as being missing from the traditional building material supply chain route. These will need to be effectively resurrected to support any development occurring in building craft skills.

Other activities in support of this objective will include:

- The Fellows and Interns Programmes. Each year up to 5 research/teaching/craft Fellows will be targeted towards building conservation craft needs, and up to 5 research Interns towards the conservation of internal building furnishings and finishes;

- A limited amount of small-grant awards will focus on providing capacity building support to practitioners in the built environment, with support for training and equipment.
- In pursuance of a successful bid to the Heritage lottery Fund to run their 4-year Bursary Scheme to support the building conservation, repair and maintenance training sectors needs in Scotland and Northern Ireland. A specific new masonry award has been devised for this programme and it is estimated that up to 170 placements will be accommodated over the period.
- Meetings of the pan-professional Edinburgh Group, and its associated York Group will continue to enable a cohesive approach to be adopted in the Accreditation of professional building conservation expertise; and
- Investigations into the level of support required will be undertaken to consider the provision of an Academic Centre in Scottish Conservation (Repair and Maintenance): with a joint emphasis on professional education and vocational training.
- Work with partner organisations to deliver the skills action plan arising from the 2007 NHTG Skills Audit.

Activities in Support of Objective 4

To address the shortfall in availability of traditional building materials

The main activities in support of this objective will include:

- Promoting the use and development of Scottish stone and slate alongside the SSLG. In conjunction with other bodies, strategic support will also be given to enhance the number of operational building stone quarries in Scotland.
- Producing, with the British Geological Survey, a series of Regional Guides to the different geological properties and characteristics of the Building Stones of Scotland. This series will follow an index volume on the location of Scottish Building Stones that was jointly published by 2006 through UNESCO and IAEG;
- Determining what future traditional building material supply needs will be required to sustain any emerging skills development programme, based on the findings of the 2007 Scottish National Skills Audit, the SSLG's Glasgow Project, the Construction Industry Council's report on Falling Masonry and the eventual outcome of the HEACS Working Group report to Ministers on Skills and Materials.

Much of what TCRE can achieve is reliant upon the work of others outwith the Agency. Considerable goodwill, effort and mutual support are freely given by a variety of organisations, bodies and individuals. Effective networking is at the heart of what has been produced to date and this will continue.

Activities in Support of Objective 5

To provide specialist conservation expertise in stone, structural painting, easel painting, scientific support, and environmental monitoring techniques

The main activities in support of this objective will include:

- Providing a specialist practical and preventive conservation service through the Historic Scotland Conservation Centre (HSCC).
- Providing an on-demand specialist conservation Addendum Report service in support of Historic Environment Grants, Scheduled Monuments, Listed Building Consent issues;
- Accommodating periodic short-term specialist work placements for appropriately trained and qualified individuals, Interns and Fellows, and provide, where appropriate, scientific conservation support work for HSCB research projects; and
- Undertaking, in exceptional and limited circumstances some pre-payment practical conservation work for the private sector where no such expertise currently exists.

Professional Accreditation

The principle intention of the architectural, surveying and engineering professional body accreditation schemes is to improve the competence, quality and standard of professional work on conservation projects. The aim is to provide consistent information and transparency for commissioning clients, making it easier for them to choose and appoint an appropriate, competent, lead professional.

To assist co-ordinating these activities TCRE established the pan-professional "Edinburgh Group" in 2001. Joint agreement has been reached by the professional bodies, the key public sector clients, and training providers on the adoption of a UK wide common accreditation framework of competences. In support of these initiatives Historic Scotland and English Heritage required the appointment of an accredited lead professional as a condition of all grant aided projects from April 2004. Under pan-professional ownership, the "Edinburgh Group" has

assisted in the development a common approach to accreditation standards, and in the creation of web-based support material to assist practitioners gain their accredited status at <www.understandingconservation.org>.

Historic Scotland welcomes the Accreditation initiative, and the lead being taken by the professional bodies to improve quality and standards in building conservation work it will continue to enable and support the Group to assist in this process as it moves on to monitor the future implementation and development of this joint initiative.

Scottish Conservation Forum in Training and Education (SCFTE)

TCRE has developed and maintains close links with a wide variety of teaching and training organisations in the building conservation world through the SCFTE. This includes heritage bodies, government departments, training establishments, colleges, universities, and industry and professional lead bodies. Established in 1994, the SCFTE operational framework states that: *With regard to developing the best in Scottish Education and Training in Building Conservation HS shall host and service a Forum with the aims of:*

- *Keeping members informed as to relevant national and international developments*
- *Acting as a focus group for all interested parties*
- *Exchanging appropriate information and data*
- *Co-operating across trade, technical, professional and industrial boundaries*

Involving a considerable amount of goodwill by members and their parent organisations, meetings of the SCFTE are held 6 monthly. This approach has greatly assisted TCRE address the deficit in conservation education and training, and traditional building material technology. Network members also provide Historic Scotland with free inclusive specialist expertise in support of its research project work, and through endorsing the quality, content and relevance of emerging technical publications. TCRE is due to further develop the SCFTE networking activities in support of its technical conservation research and publication activities by addressing the needs of electronic support material for the education and training providers.

TCRE/NHTG Scottish Skills Audit (2007)

Like Historic Scotland, a number of UK wide Industry-lead and grant-giving bodies (Construction Industry Training Board, National Heritage Training Group, Heritage Lottery

Fund, English Heritage) have recently recognised the significant level of traditional craft skills shortages in the country. A variety of nation-wide essential new initiatives are beginning to emerge to help address this significant issue.

Those involved in trying to resolve the skill deficit are also increasingly recognising that it is inappropriate to only consider addressing that failing without also addressing the requirement to obtain appropriate traditional building materials for the skills to be exercised upon. Following the 2005 launch of the English Skills Audit Report the TCRE/NHTG funded Scottish exercise was initiated at the end of that year and the results published in January 2007. The second of four such studied on the home countries needs (Wales and NI to follow) the reports' Action Plan was devised follow a Skills Summit held in Glasgow in July 2006.

Consequential developmental work and solutions will be sought via the Sector Skills Agreement between HS/TCRE and CITB/NHTG that was established in March 2006.

Scottish Stone Liaison Group

Funded by TCRE, through a Minute of Agreement, and Industry the SSLG was formally established in 2000. It has since become a nationally recognised body in the promotion of the use of stone and masonry training. It provided the inspiration for the establishment of similar bodies in England and Wales. The SSLG MoA's were originally guided by the recommendations contained in the TCRE *Future for Stone in Scotland Research Report* published in 1997. A new Agreement is currently being devised and this will be driven by a number of findings in the recent report recommendations. The Agreement will set out the need to work with and support TCRE core objectives in the effective integration knowledge/skills /materials in the masonry world. In 2006 the SSLG presented the results of a Scottish Enterprise Glasgow funded intense study of the masonry needs of the City of Glasgow. The findings of this detailed investigations fed into the TCRE/NHTG Scottish Skills Audit report.

Now relocate with the Scottish Lime Centre Trust at Charlestown in Fife, TCRE will continue to support SSLG activities through a revised MoU due to be initiated in May 2007.

Falling masonry and Scottish stone supplies

All building materials decay with time. Different stones degrade at different rates due to a variety of circumstances – their mineralogical composition, exposure, weathering, detailing of

their use on buildings, and previous maintenance (if any). The associated safety risks can be reduced by routine inspection by building owners, but this is seldom carried out despite checklist information and guidance being available from TCRE on how to do this.

Recent falls of masonry and slates from tenement buildings are not unexpected. These incidents are liable to increase given that the emerging consequences of previous stone cleaning operations are adding to the naturally occurring problems that need to be addressed. The use of synthetic repair materials on stone has also increased the level of subsequent decay. Effective repair works require the replacement of damaged stonework in a matching material. This will require access to matching stone sources and to appropriately skilled masons. Both are in short supply.

Whilst recognised by Historic Scotland as being a major problem for some time, the recent stone-falls from buildings that have resulted in fatalities are coinciding with an increased awareness by other bodies and agencies that the Scottish traditional masonry industry has been run-down to an un-acceptable low level. TCRE participated in "Falling masonry Group" along with other industry interests to try to recommend a way forward in this area of concern. A Report from the Group was released in 2006.

Distance Learning Support Activities for Vocational Skills

A Minute of Agreement is being devised to work with Learn Direct and Build through Glasgow Metropolitan College to utilise all of TCRE's technical publications in a distance support programme that will convert the published knowledge and guidance into electronic support materials. Further investigations will also be carried out in conjunction with Scottish Screen to establish the full relevance of their archive film material on craft skills and material supply issues for training purposes

All of this information will be used to promote training support activities into rural areas where individuals currently have to travel considerable distances to attend training courses (where evidence has shown that a high level drop out rate occurs)

Commissioning research into conservation issues

Historic Scotland TCRE Group generally commissions research through entering into topic-specific partnerships with universities, research organisations and others. It aims to develop its

programme of scientific understanding of traditional building construction, building material sources and their performance in use. Where ever possible, such an approach is designed to be mutually beneficial to participating partners. Increasingly, as a result of the successes of this approach, TCRE has been invited to join in other Research Institute activities at a national and international level. Currently over 30 different research projects, partnership agreements and publications are in place or progressing.

To enhance knowledge and to raise the standards of Scottish conservation practice, TCRE will maintain a forward programme of research topics. Given the wide range of topics that TCRE has been asked to address, commensurate with available resources some prioritising of the issues will be necessary. Currently, building elements that may be at significant risk from climate change factors are being considered to establish if this is a relevant way forward to determine future needs. Further jointly-funded partnership agreements will be developed where mutually-beneficial returns can be expected. Technical conservation guidance will continue to be published as resources permit, including developments in electronic and digital media.

Published technical guidance on building conservation

Informed technical conservation work, and repair and maintenance guidance, requires a sound knowledge and researched understanding of traditional materials and methods of construction. Since 1992 TCRE has published over 100 Technical Advice Notes, Guides for Practitioners, Research Reports and other documents. These have been targeted towards other researchers, education and training providers, building owners and users, contractors and conservation practitioners. Topics have been generally supported by an associated research programmes. (See Annex A)

For educational purposes a complimentary distribution is promoted to 300 recipients on the release of each new technical publication. This target includes networking members, professionals, universities and colleges, libraries and other institutions, and all Scottish Local Authority Chief Executives. In support of skills development and raising awareness within the conservation field, TCRE will continue to distribute free publications and sell Research Reports, Conference Proceedings, Guides for Practitioners and Technical Advice Notes. Following a rationalisation of TCRE's sales strategy, copies of (virtually) all the technical publications are available to purchase at a standard rate of £6/copy. The future publication

programme will be informed and developed in response to users needs for researched conservation advice.

Conservation guidance for lay use

To increase the accessibility and value of researched and published technical guidance TCRE has also started to publish a series of short guides where there is an identified specific need.

These Short Guides include:

- *Maintaining your Home: short guide for homeowners*
- *Looking after your sash and case window: short guide for homeowners*
- *Emergency measures for historic memorials: short guide for cemetery managers.*

In addition, a new INFORM leaflet series was developed in 2006. Aimed specifically at building owners the following documents have been produced so far:

- *Repairing Slate Roofs*
- *Maintenance of Cast Iron Rainwater Goods*
- *Maintenance of Iron Gates and Railings*
- *Fire Safety*
- *Care of Monumental Bronze*
- *Graffiti removal*
- *Internal Paints*
- *Gilding Techniques*
- *Masonry Decay*
- *Cleaning Sandstone*
- *Repointing Rubble*

It is anticipated that a wider range of free-issue Short Guides and INFORM leaflets will be developed and published in electronic and paper copy.

Dissemination of conservation understanding through conferences and seminars

From 1992 TCRE has arranged 7 major conservation conferences covering issues such as stone cleaning, lime technology, fire protection of historic buildings, roofing, and traditional building materials. These events have been timed to coincide with the launch and promotion of new technical conservation publications.

A related series of annual seminars have also addressed the topic of current research work in progress. Technical workshops have been held on promoting the correct approach to graffiti treatments and the repair of sash and case windows. TCRE will continue the programme of conferences seminars and workshops to address major conservation issues as required, and a major Conference on Stone is currently anticipated.

During 2006 a series of regionally based Seminars for homeowners were held in a variety of locations around Scotland, and highly successful hands-on Workshops for School children were also arranged. A national skills taster activity for P7 children is being run in March 2007 with PIC Education and Conservation and Maintenance.

Technical seminars are being delivered to around six local authorities on specifically technical awareness during 2007 in support of the distribution of technical literature from TCRE.

Stone Supplies

Major difficulties exist in this area. Some 12,000 Scottish quarries have producing a wide variety of building stone over the years. To a greater extent this range of stone has greatly contributed to the diversity in appearance of Scottish traditionally constructed buildings. These sources have now been greatly reduced to about 30, thus severely restricting both the selection and supply of indigenous matching stone for historic building repair, and new build activity, in the country. Similarly, there has been no indigenous Scottish slate produced since the early 1950's. Since that time roofing repair needs and new slating requirements have only been carried out through the unsustainable approach of robbing the roof coverings of other older buildings or, increasingly, by importing inappropriate slates from half-way round the world.

Historic Scotland's 1997 *The Future of Stone in Scotland Research Report* findings identified the potential means of developing the Scottish stone industry to help address these dilemmas and TCRE has been working with industry and professional lead bodies to help redress this imbalance in the construction industry over the past 14 years. It will continue to support activity in the sector through technical research projects and publication work.

The Rediscovery of Lime Technology

This essential ingredient of traditional building techniques was virtually replaced in the 20th century by the ill-suited use of Portland cement. The damaging and detrimental consequences

of that approach are now adding significantly to the cost of future maintenance bills of masonry structures.

TCRE in conjunction with the Scottish Lime Centre Trust (SCLT) at Charleston, Fife, and other conservation bodies, has been actively promoting the reintroduction of lime-based products over the last 14 years. It has supported training, initiated research, and produced a number of publications to help practitioners and craftsmen develop the necessary understanding of the benefits of using the material.

TCRE will continue to endorse and promote the use of lime-base products for conservation and new-build projects. It will encourage a greater up-take in the availability of appropriate training initiatives for the industry through its HLF Training Bursary links with the SLCT and their related initiatives such as that at nearby Merryhill.

Historic Scotland Conservation Bureau (HSCB) Databases

To raise the standard and quality of conservation work the Bureau maintains and promotes a number of relevant databases of conservation information. These have been developed to assist owners, professionals and other enquirers:

- The Building Conservation Register has details of over 750 Scottish firms and practices across a wide range of craft and professional disciplines. It also reveals where skill deficits exist. The database infrastructure has been re-designed with a move planned to the HS website in 2008.
- The Training and Education database previously held details of all conservation training and academic courses in the UK (but is now somewhat out of date). This is being updated for Scotland and will include an increased vocational focus for Scotland.
- The Materials supplies database will be initiated to build a record of where traditional building materials can be sourced and where specialist conservation materials can be obtained
- The Publications database (7500 entries) will be re-designed in 2007-08 to incorporate electronic marketing potential and read across to BCRS. This project will be undertaken in partnership with the communications and web teams.

HSCB Conservation Enquiry Service

To release database information the HS Conservation Bureau has acted as a comprehensive enquiry point since 1992. Some 800 entries are now on the list. On average, staff respond to some 120 enquiries per month from the public, owners, professionals and other interested in conservation matters. The aim is to put enquirers in touch with available information on skills, materials and knowledge concerning the built heritage in Scotland.

TCRE will continue to maintain and promote its HSCB enquiry service to all enquirers via telephone, internet, correspondence and personal contacts.

Historic Scotland HSCB Internship Programme

The Internship programme aims to increase the availability of specialist conservation skills and knowledge by encouraging talented individuals to work, and set up business in Scotland. Since 1987, over 70 conservators have benefited from their one year commitment to the scheme and the majority of individuals are still employed in Scotland as a result of it.

TCRE will continue to fund the conservation Internship programme to help expand the pool of specialist conservation expertise in Scotland, with an emphasis being put on research support activities to address conservation problems associated with climate change.

Historic Scotland HSCB Fellowship Programme

The Historic Scotland Fellowship scheme was started in 1996 to help train young people in building conservation and traditional craft disciplines. Fellows are placed with experienced craftspeople and receive supporting conservation education in their chosen discipline during the programme. Of the 6 people trained to date, 5 remain working in Scotland to specialise in the repair of traditional plasterwork, stonework, and vernacular buildings.

In conjunction with other partners TCRE will continue to investigate ways of expanding this much needed conservation Fellowship programme to help increase the number, and competences, of the traditional craft skill base in Scotland. This will be targeted towards research and teaching needs in support of vocational requirements and traditional building material supply issues.

HLF Training Bursary Scheme (Scotland + Northern Ireland) 2006 - 2010

Over the 4 year period Scotland will benefit from a £2.28 million investment in traditional skills training following a £1 million award to TCRE by the Heritage Lottery Fund on 18 January 2006. The rest of the funding is being provided by Scottish Enterprise Glasgow, Historic Scotland and the Scottish Lime Centre Trust in Fife, and through support from the Glasgow Metropolitan College, National Trust for Scotland and Telford College, Edinburgh.

TCRE and the Scottish Lime Centre are lead partners in the project. Trainees will be primarily based in Fife, Glasgow, Northern Ireland, Ayrshire and Edinburgh.

The 170 training opportunities that are anticipated will be divided up into one month 'satellite training bursaries to take up the new NPA Award in Conservation Masonry, and one year placements with the Scottish Lime Centre Trust Masonry Training Squad with out – sourced placements with other partners. The focus of the training will be on traditional masonry construction with a particular focus on repair and maintenance. The project has significant potential to raise quality and standards in Scotland.

Ingval Maxwell OBE

Director, Technical Conservation, Research and Education Group

1 March 2007

Annex A

List of TCRE Publications as at 1 March 2007

Miscellaneous

- The Repair of historic Buildings in Scotland (1995)
- Historic Scotland Conservation Centre (2000)
- Literature Review: Mortars in Historic Buildings (2003)
- Conservation Case Study: Hanoverian Coat of Arms (2003)
- Easel Painting Conservation - HSCC (2003)
- Conservation of Heraldry (2004)
- Stone in Scotland (2006)
- Flyer: Stone of Scotland (2006)
- Building Conservation Resources - Enquiry leaflet (2006)
- Conservation Publications List (2006) + every 6 months

Conference Proceedings

- Conf. Abstracts: The Historic Scotland International Lime Conference (1996)
- Conf. Abstracts: Fire Protection and the Built Heritage (1998)
- Conf. Abstracts: Scottish Traditional Roofing (2000)
- Conf. Abstracts: Conservation of Historic Graveyards (2001)
- Conf. Abstracts: Timber and the Built Environment (2002)
- Conf. Proceedings: International Lime Conference Proceedings (1995)
- Conf. Proceedings: Fire Protection and the Built Heritage Conference (1999)
- Conf. Proceedings: COST Action C5 – Lime Technology Workshop (2000)
- Conf. Proceedings: Conservation of Historic Graveyards (2002)
- Conf. Proceedings: Historic Scotland Traditional Building Materials Conference (1997)
- Conf. Proceedings: Timber and Built Environment (2004)

Guide for Practitioners Series

- Guide for Practitioners: Stonecleaning (1994)
- Guide for Practitioners 1: Rural Buildings of the Lothians – Conservation and Conversion (1999)

- Guide for Practitioners 2: Conservation of Historic Graveyards (2001)
- Guide for Practitioners 3: Conservation of Timber Sash and Case Windows (2002)
- Guide for Practitioners 4: Measured Survey and Building Recording for Historic Buildings and Structures (2004)
- Guide for Practitioners 5: Scottish Iron Structures (2006)

INFORM Series

- INFORM - Boundary Ironwork (2005)
- INFORM - Bronze - The care and maintenance of monumental bronze (2005)
- INFORM - Graffiti - and its safe removal (2005)
- INFORM - Masonry Decay (2005)
- INFORM - Fire Safety creating an Awareness of the Fire Threat (2006)
- INFORM - Repairing Scottish Slate Roofs (2006)
- INFORM - Gilding Techniques Care & Maintenance (2007)
- INFORM - Cleaning Sandstone - Risks and Consequences (2007)
- INFORM - Repointing Rubble Stonework (2007)
- INFORM - The Maintenance of Cast Iron Rainwater Goods (2007)
- INFORM - Interior Paint – A guide to internal paint finishes (2007)
- INFORM - The Maintenance of Iron Gates and Railings (2007)

Short Guides Series

- Looking after your sash/case windows: A short guide for homeowners (revised 2003)
- Maintaining your home: A short guide for homeowners (2003)
- Emergency measures for historic memorials: A short guide for cemetery managers (2003)

Reference Report Series

- Assessment Methodology Handbook Carved Stone Decay in Scotland (1999)
- Ref. Report: Directory of Conservation Training (1999)
- Ref. Report: Parchment/Vellum Conservation Survey and Bibliography (2000)
- Ref. Report: A pilot study for the potential for a Bldg Stones of Scotland publication (2003)
- Ref. Report: Sources of Financial Assistance for the Conservation of Scotland's Historic Graveyards (2004)

Ref. Report: Researching Your Graveyard (2005)

Research Reports

Res. Summary: Stonecleaning in Scotland (1992)

Res. Report Vol. 1: Stonecleaning in Scotland (1992)

Res. Report Vol. 2: Stonecleaning in Scotland (1992)

Res. Report Vol. 3: Stonecleaning in Scotland (1992)

Res. Report: A Future for Stone in Scotland (1997)

Res. Report: Patterns of Scottish roofing (2000)

Res. Report: The Pattern of Scottish Roofing (2000)

Res. Report: The Performance of Replacement Sandstone in the New Town of Edinburgh
(2000)

Res. Report: The Historical and Technical Development of Sash and Case Windows (2001)

Res. Report: Impact of the Braer Oil Spill on Historic Scotland Monuments in Shetland (2001)

Res. Report: Scottish Roofing Slate Characteristics and Tests (2002)

Res. Report: Studies of the Domestic Dry Rot Fungus (2002)

Res. Report: Evaluation of Limestone and Building Limes in Scotland (2003)

Res. Report: Chemical Consolidants and Water Repellents for Sandstones in Scotland (2003)

Res. Report: The Consequences of Past Stonecleaning Intervention on Future Policy and
Resources (2003)

Res. Report - Laser Stonecleaning in Scotland (2005)

Res. Report: BIODAM - Investigation into the control of biofilm damage with relevance to
built heritage (2006)

Res. Report: Charlestown Limeworks, Research and conservation (2006)

Res. Report: Minimum Invasive Fire Detection for Protection of Heritage (2006)

Res. Report: Manual Fire Extinguishing Equipment for Protection of Heritage (2006)

Res. Report: Hypoxic Air Venting for Protection of Heritage (2006)

Technical Advice Note (TAN) Series

TAN 01: Preparation and Use of Lime Mortars (R) (2005)

TAN 02: Conservation of Plasterwork (R) (2002)

TAN 03: Performance Standards for Timber Sash and Case Windows (O/P) (1994)

- TAN 04: Thatch and Thatching Techniques (1996)
- TAN 05: The Hebridean Blackhouse (1996)
- TAN 06: Earth Structures and Construction in Scotland (1996)
- TAN 07: Access to the Built Heritage (1996)
- TAN 08: The Historic Scotland Guide to International Conservation Charters (1997)
- TAN 09: Stonecleaning of Granite Buildings (1997)
- TAN 10: Biological Growths on Sandstone Buildings: Control & Treatment (1998)
- TAN 11: Fire Protection Measures in Scottish Historic Buildings (1997)
- TAN 12: Quarries of Scotland (1997)
- TAN 13: The Archaeology of Scottish Thatch (1998)
- TAN 14: The Installation of Sprinkler Systems in Historic Buildings (1998)
- TAN 15: External Lime Coatings (2001).
- TAN 16: Burrowing Animals and Archaeology (1999)
- TAN 17: Bracken and Archaeology (1999)
- TAN 18: The Treatment of Graffiti on Historic Surfaces (1999)
- TAN 19: Scottish Aggregates for Building Conservation (1999)
- TAN 20: Corrosion in Masonry Clad Early Twentieth Century Steel Framed Buildings (2000)
- TAN 21: Scottish Slate Quarries (2000)
- TAN 22: Fire Risk Management in Historic Buildings (2001)
- TAN 23: Non – destructive Investigation of Standing Structures (2001)
- TAN 24: The Environmental Control of Dry Rot (2002)
- TAN 25: Maintenance and Repair of Cleaned Stoned Buildings (2003)
- TAN 26 - Care and Conservation of 17th Century Plasterwork (2004)
- TAN 27: Development and Archaeology in Historic Towns and Cities (2004)
- TAN 28: Fire Safety Management in Heritage Buildings (2005)
- TAN 29: Corrugated Iron and other Ferrous Cladding (2005)
- TAN 30: Scottish Turf Construction (2006)

Annex B

TCRE Pending Publications as at 1 March 2007

1. TCRE Small Grants Scheme Manual
2. Mansfield Traquair Research Report and DVD
3. Conversion of Traditional Buildings Practitioners Guide (2 Volumes)
4. COST C-17 Fire Loss to Historic Buildings (5 Volumes + DVD)
5. Doulton Fountain Research Report
6. Sunnybrae Cottage Research Report
7. Ferrous Metal Research Report
8. Soft Topping Research Report and TAN
9. Stornoway Iron Exhibition and booklet
10. BGS Regional Building Stone Sources Research Reports
11. Khartoum and Foudland Slate Research Reports
12. SSLG Glasgow Project Methodology TAN
13. INFORM Guides (There will be a number of these produced at various points throughout the coming year, a batch of 5 is due to be printed around the end of April 2007 with another batch of 5 in September)

PUBLIC PETITION PE1013: HISTORIC SCOTLAND'S RESPONSE

Annex B. Letter from the Minister for Culture, Tourism and Sport to the Historic Environment Advisory Council for Scotland dated 20th December 2006.





SCOTTISH EXECUTIVE

Minister for Tourism, Culture & Sport
Patricia Ferguson MSP

Victoria Quay
Edinburgh EH6 6QQ

Ms Elizabeth K Burns CMG OBE
Chair
HEACS
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Telephone: 0845 774 1741
scottish.ministers@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

2016 December 2006

Dear Elizabeth,

Thank you for your four recent reports.

I very much appreciate the considerable amount of work which has gone into these reports; and the obvious commitment of Council members and staff to this enterprise. I was also pleased to learn of the positive response from the sector at the recent BEFS seminar.

Given that degree of personal and public engagement, I am keen to offer an initial response now. Of course, many of the issues imply further discussion with the sector; and my intention is therefore to follow up this letter with a period of detailed reflection and discussion. So this letter offers a mixture of definitive responses and thoughts to help guide that forthcoming discussion over the next 6 months or so. At the end of that process, we will have produced definitive responses to all the recommendations.

I am grateful that you have recognised that there are issues here which will require such reflection and discussion.

For reasons which I hope will be obvious, I will concentrate on the case for a review of legislation. However, I also attach detailed comments on the other three reports, recognising that there are links between them all.

Your report on the case for review of legislation raises a wide range of legitimate issues in relation to the current legal framework for managing the historic environment in Scotland in the 21st century. I agree that the key choice is not whether the law would benefit from updating, but what sort of process is appropriate and proportionate.



By way of context, there have been some significant developments since the Council was first set the task of considering the case for a review. Chief among these, we have developed an overarching policy statement on the historic environment, as part of the Scottish Historic Environment Policy (SHEP) series. Further to the extensive consultation earlier this year, I expect to publish this in its final version early in 2007. Its relevance here is to the underlying theme in the Council's report that we have a system with many component parts but no single stated rationale. The purpose of this SHEP is specifically to provide that overarching vision for the first time, and so promote a shared understanding among the many different individuals and organisations who have a part to play in protecting our heritage and managing change in our historic environment. It is an important development.

The Council suggests a single overarching review predicated on a commitment to introducing major new legislation. We assume that this would require extensive public consultation and discussion. We should not underestimate the resource implications of such a process, both for the Executive and for outside bodies. There would be both direct costs and opportunity costs for everyone involved. Even more important in the long term would be the resource implications of pursuing some of the changes which the Council argues would justify a review. We would not want to embark on any exercise predicated on making those changes without at least some initial attempt to quantify the potential costs, not just to government but also to other parties, and satisfying ourselves that the resources could realistically be found. In addition, any major review always risks giving rise to a period of uncertainty and "planning blight".

A similar process in England and Wales was begun in 2001 and we expect will lead to legislation no sooner than next year. That experience south of the border – and I gather also discussion at your recent conference – suggests that the legislation flowing from a Scottish review might well not be ready for consideration even during the next Parliament. We would be likely to be looking, therefore, at a process whose practical impact might not be felt for many years.

I am conscious that the report bases its case for a large-scale review and legislation in part on a concern about perceived problems of understanding and potential for confusion, and also on the wide range of potential changes noted which might address this. However, the report also notes that some of the areas identified "are perhaps more about resource issues, skills shortages or even operational difficulties". I think we have a responsibility to be very clear about where non-legislative action is likely to produce quicker improvements, at least as effectively and perhaps at less cost, and to take those opportunities. Equally, as the report itself notes at paragraph 111, and I know the Council acknowledged at its conference, there is work still to be done on identifying more precisely which of the changes suggested should be regarded as priorities. I think that more work needs to be done there before making decisions on how much and how best to legislate. I also understand that the Council feels that debates taking place in other parts of the UK about reform of heritage protection, legislation are highly relevant to Scotland. In my view, there would be real merit in waiting to see what specific changes follow from the planned White Paper, expected very soon, and subsequent legislation, and the practical impact of these, before drawing too many conclusions from that process.

The choice between Options 2 and 3 in your report is a difficult judgement. Choosing the all-out review is likely to make short-to-medium-term, targeted change to the current system very difficult, as people and institutions are unlikely to commit to the work necessary to change a system that will inevitably be seen as having a short life. On the other hand, there are strong arguments in your paper and elsewhere that targeted incremental change is what is needed more urgently to improve a system that, whatever flaws it might have, provides strong and effective protection for our historic environment.



ROLE OF LOCAL GOVERNMENT

Overall

We welcome the two key principles in the report – the need for better information of what is currently happening in local government and the importance of building capacity in local government. However, as the report itself recognises, any action here needs to take realistic account of the availability of resources: it will be difficult to consider any resource issues until we have better information about current levels and patterns of investment and a number of the recommendations here will need to be revisited as part of the SR2007 process.

Detailed recommendations

Improvements to the historic environment sector

1. Introduce a statutory duty of care for the historic environment for local authorities and other public bodies and agencies.

Noted. This is an interesting proposal which would be expected to have resource and other practical implications for a wide range of bodies. These would need to be properly considered before Ministers could reach a view and as a first step we expect it to be considered as part of the short-term follow-up work on the legislation report.

2. Commission an independent survey of current local authority policies, staffing and resource levels for the historic environment at the earliest opportunity.

Agreed. Historic Scotland should take this forward from within its existing budgets, in time for SR2007 if resources allow.

3. Reassess the balance of working between Historic Scotland and local authorities to separate those functions that should properly be delivered nationally and those that can and should be delivered at a local level as part of the wider initiative on community involvement and culture change within the planning system.

Noted. We feel the balance is about right but are open to looking at aspects of the way work is divided, and as a first step expect it to be considered as part of the short-term follow-up work on the legislation report.

4. Develop appropriate concordats with individual local authorities to facilitate this transfer of functions between Historic Scotland and local authorities (see recommendation 20).

Not persuaded that it is realistic to resource 32 separate sets of negotiations, and this may sit uneasily with the proposal for shared services below. But we will explore with CoSLA and local government the scope for a "model" protocol which could apply at local level.

5. Encourage the establishment of joint historic environment services for adjoining local authorities in areas not capable of supporting individual specialist staff.

Agreed – this is consistent with our wider public service reform agenda. We will look to Historic Scotland to take this up with CoSLA.



As a first step in taking this forward, I will therefore look to my officials to use this report as the basis for discussion with stakeholders over the coming months, through organisations such as CoSLA and BEFS, to seek their reaction to the issues raised in the commentary on the existing system contained in the report at paragraphs 42 to 108, with a particular view to teasing out further the administrative and resource issues from the legal ones, identifying where the evidence most clearly makes a case for specifically legal change and where the case for any change is strongest. I know that officials have already had useful discussions with you about gaining access to key pieces of evidence which have informed HEACS' conclusions and I would expect them to continue their engagement with HEACS on this. I would expect that work to be undertaken to a timetable which will enable officials to include some further consideration of the issues raised in the report as part of incoming Ministers' briefing after the forthcoming election.

I realise that this response may fall short of what the Council might have wished, but I would want to reassure that I am keen that we use the next 6 months or so as an opportunity to submit the thoughtful analysis the Council has provided to careful scrutiny, in partnership with stakeholders.

Patricia Ferguson

Patricia Ferguson

PATRICIA FERGUSON



Setting new standards of performance for local authorities

6. Establish a recommended set of key performance indicators for local authorities dealing with historic environment matters; and
7. Develop minimum national standards for a quality local authority historic environment service including professional standards, staffing and resources.

We accept the case for a clearer framework of expectation of local authorities, but the details of this need to be discussed further with CoSLA, taking account of the Executive's overall commitment to streamlining reporting requirements on local government (and concerns at paragraph 33 of HEACS report of diversion of conservation officers' time at the moment into administrative tasks).

8. Review the allocation of resources to and within Historic Scotland to allow it to expand its involvement and build capacity with the local authorities and the voluntary sector.

We accept that HS could play a critical role in helping build capacity in local government – this is an issue to be considered as part of SR2007.

9. Reconvene the Local Authority Historic Environment Forum and empower it to deliver an agenda of service delivery improvements.

Agree to a further meeting of this group, which was convened by Historic Scotland in 2005, on the basis that it was regarded as a useful forum for professionals within authorities. However, would look for authorities to ensure senior-level attendance.

10. Develop and facilitate a skills training programme and provide financial support for professional historic environment staff linked to national occupational standards; and

11. Explore specific grant mechanisms to fund specialist posts within local authorities on the SNH model to support the development of a quality historic environment service.

Noted. These recommendations would have potentially significant resource implications and should await outcome of survey, and be considered as part of SR2007. Any proposal to introduce new specific grant mechanisms would need to be balanced against the Executive's commitment under the Public Sector Reform agenda to reduce the number of bespoke funding streams.

12. Promote the principle of staff exchange between local authorities and Historic Scotland.

Agree the principle of finding ways to promote dialogue and understanding of roles, but not this specific mechanism. It will not be practical in many cases, particularly given mainly singleton posts in local authorities and the different skills mix needed. We note that if there were to be a greater move to shared services, this might become a more practical option.

13. Build into Historic Scotland's next Corporate Plan specific performance measurements in relation to developing working relationships with local authorities.

We are not convinced that this is easily susceptible to performance measurement. The Agency is committed to undertaking regular surveys of all its stakeholders.



Improving Scottish Executive internal communication

14. Provide clear guidance on the significance of the historic environment to broader Scottish Executive policies on economic development, regeneration and social inclusion; and
15. Promote a broader understanding within Scottish Executive departments of the benefits of and impact on the historic environment in respect of their own departmental interests and encourage the allocation of appropriate resources.

Agreed – the Scottish Historic Environment Policy series, particularly SHEP 1, should provide such this guidance, but we will also look to Historic Scotland to pursue this through a process of continuing engagement with all relevant SE departments.

16. Provide continued support for the further development of a linked historic environment data base involving local authorities and Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) for use across government.

Noted as a matter mainly for RCAHMS and local authorities. We expect Historic Scotland to continue to work with RCAHMS and local authorities to ensure availability of information.

17. Continue to develop Scottish Historic Environment Policy papers (SHEPs) through partnership working with the historic environment sector.

Agreed.

Community planning and the historic environment

18. Develop a set of qualitative and quantitative performance indicators for including the historic environment in community planning.

Noted as an area which would benefit from clarification. We expect Historic Scotland to discuss with those responsible for Community Planning how best to strengthen the profile of the historic environment within that process, while also noting that HEACS itself highlights the risk of the community planning process becoming overburdened.

19. Establish the recommended concordat with CoSLA to promote an enhanced quality historic environment service.

Noted as an issue to explore further with CoSLA.

20. As part of recommendation 4 above, develop appropriate concordats between Historic Scotland and individual local authorities to provide advice and assistance on matters relating to the historic environment either directly or through local authority staff.

See recommendation 4 above.

21. Explore with CoSLA the establishment of a Scottish version of the Historic Environment Local Management (HELM) initiative that already exists in England, including the promotion of local authority champions of the historic environment.

Accept the value of exploring this, but implementation will be subject to the availability of resources after SR2007.



PUBLIC PETITION PE1013: HISTORIC SCOTLAND'S RESPONSE

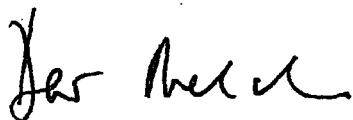
Annex C. HEACS letter of 20 February 2007



**HISTORIC ENVIRONMENT
ADVISORY COUNCIL
for SCOTLAND**

 20/2/07
Malcolm Cooper
Chief Inspector
Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

20 February 2007



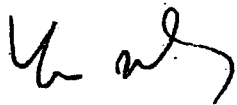
**SCOTTISH PARLIAMENT COMMITTEE
ROWALLAN OLD CASTLE, EAST AYRSHIRE**

Thank you for your letter of 12 February about the petition to the Petitions Committee of the Scottish Parliament concerning Rowallan Old Castle.

I was aware that James Simpson was to appear in support of the owner and I have seen official record.

HEACS does not deal with individual cases and I can confirm that HEACS has never discussed any application concerning Rowallan Old Castle.

I can also confirm that James Simpson, in appearing before the Petitions Committee, was not acting in any way on behalf of HEACS.





 **LIZ BURNS CMG OBE**
Chair

HEACS

Longmore House, Salisbury Place, Edinburgh, EH9 1SH
tel: 0131 668 8810 fax: 0131 668 8987
e-mail: heacs@scotland.gsi.gov.uk
www.heacs.org.uk

PUBLIC PETITION PE1013: HISTORIC SCOTLAND'S RESPONSE

Annex D. Relevant correspondence

06.03.2006	Meeting HS with Petitioner's representatives
28.03.2006	E-mail and minute from HS to the Petitioner.
04.04.2006	E-mail from Simpson and Brown to HS Chief Inspector
30.05.2006	Letter from HS to Simpson and Brown
01.09.2006	Acknowledgement of receipt of Application for Scheduled Monument Consent
20.12.2006	Letter from Simpson and Brown to HS enclosing earlier Simpson and Brown letter (referred to as possibly not sent)
22.12.2006	Letter from HS to Simpson and Brown
29.12.2006	E-Mail from the Petitioner to HS
09.01.2007	Letter from HS to the Petitioner
10.01.2007	E-Mail from Petitioner to HS
18.01.2007	Letter from HS to Simpson and Brown
18.01.2007	Letter from HS to the Petitioner



**ROWALLAN CASTLE
MEETING 6 MARCH 2006 LONGMORE HOUSE**

Present: Peter Bromley John Campbell QC
 Malcolm Cooper James Simpson
 Sarah Morris

Purpose of meeting defined by JC:

To discuss the principle of guardianship and future use. He cited a "tight site, access/egress difficulties and an owner who will not go away" as difficulties for the guardians.

HS position

PB addressed the question of a change in guardianship as a concept. There could be no realistic change in the foreseeable future, and while HEACS were currently examining the issue, their recommendation would be open for wide consultation, before being put to the Minister. This would be a lengthy process and meantime the current situation at Rowallan was untenable for both sides. Happy to discuss a one off solution for Rowallan, but any additional proposed use by the owner needs to be defined. Management of all elements around the PIC needs discussion with the other operators, particularly as the estate evolves over the next 12 months. Such discussion was normal practice for HS at similar guardianship sites.

The problem

JS saw the problem being one of "control". It would be technically possible to continue guardianship but would be unnecessarily complex. HS would need to "battle it out or give up". Rescinding of guardianship was foremost in the case put by JS. He wanted change in the legislation, but particularly for this site which was "an unnecessary burden on the State". He accepted that overall change needed to be through the proper channels and could take some time, but wanted to see this case dealt with now. He also argued that the property could be put to "beneficial use" while in guardianship.

JC saw HS guardianship and the owners proposals as competing demands for use whose compatibility with the surrounding development needed to be considered. He admitted that seeking the rescinding of guardianship 5 years ago had been "a step too far" but issues remained unsatisfactory, and he was keen for the "outdated" deed to be revisited. HS's current rights did not extend to the new access road. HS would need to CPO or negotiate a new right with the owner.

JS asked if HS could contemplate the owner carrying out work to enable him to restore and service the castle for domestic use? Landmark have achieved this. eg Rosslyn Castle, Gargunnoch House. He recognised that any scheme needed to have a business plan – it must be viable. SMC would of course control any works.

MC queried the robustness of management by the owner in 5 or 10 years time. SMC is in place to control works but has no role re long term use. Guardianship is the vehicle for long term management.

PB There is a need to separate immediate and long term issues. HS need to resolve difficulties at Rowallan, but negotiation is currently the best way forward.

Next Steps

PB Is the next step to examine the Conservation Plan JS has prepared? JC confirmed a "better" Conservation Plan was now prepared for a domestic/residential use. Next stage seemed to be to bring plans together and try to reconcile HS's conservation objectives with the owner's objectives?

JC will draft a template for an action document, setting out a statement of intentions. This will not be a contract. He was also keen to see HS's plans for the next 12 months. These could be tabled when the group meets next in 4-6 weeks. JC to provide suggested dates.

Morris S (Sarah)

From: McGilvray M (Moir)
Sent: 28 March 2006 12:21
To: 'jcampbellqc@lumison.co.uk'; 'jsimpson@simpsonandbrown.co.uk'
Cc: Morris S (Sarah)
Subject: Rowallan Castle - Partnership Working (Mark II)



MJM260401.doc
(45 KB)

Please see 3-page minute from Peter Bromley.
Please ignore previous email sent earlier today and replace with this.

Thanks

Moir McGilvray
PS/Mr Bromley

ROWALLAN CASTLE – PARTNERSHIP WORKING

You asked for a clear statement of Historic Scotland's expectations for the site. What I also suggested would be useful was a clear statement of our view on the current untenable situation. The purpose of this is to confirm our view that whilst, as ever, we are more than happy to discuss possible ways forward, there are immediate needs which may force a more critical resolution.

1. Historic Scotland Requirements

(a) Guardianship

The present deed provides Scottish Ministers with control and management of Rowallan Castle and the clear right of access for staff and the public. While it would be useful to negotiate additional land for car parking we are content with Scottish Ministers powers here. We see no need to revise the present Guardianship Deed.

The issue, to my mind, is not the power that comes with the Guardianship deed (and in respect of the access, these were recently confirmed in the Court of Session). The problem arises because the owners do not wish to abide by the provisions of the deed. They have obstructed access on many occasions without any legal right so to do. Initially this restriction was placed on the public, but more recently my staff have been stopped from carrying out our statutory duty to maintain Rowallan Castle.

(b) The question of the reuse of the castle for sleeping accommodation has been subject to a PLI and has had a "fair crack of the whip"; nothing we have seen changes our views that this re-use of the castle is not acceptable.

(c) Historic Scotland has consistently repeated that it is the Agency's intention to make the castle accessible to the public again. While we are very happy to discuss ways that this can be achieved and to work with suitable partners to find the best means of delivering access, this remains our objective at Rowallan as it is across our Guardianship estate.

2. The roles within Historic Scotland

The current roles within Historic Scotland have been reinforced by the recent restructuring of the inspectorate.

(a) All works at our PICs, whether external or internal are subject to SMC at the same level of scrutiny. This has always been the case, but is now even more transparent with the separation of function within the Agency, as Malcolm said in our meeting.

James asked for an explanation for the close examination of the SMC application for the reuse of the castle, which went to PLI. I have looked into this. The application did not receive any closer scrutiny than any other application for SMC at a property in care; in all cases the aim of the assessment is to establish exactly what works are required and therefore what impact they will have. Any new application would be subject to the same level of scrutiny.

(b) The new structure also emphasises the separate roles in respect of granting permission for works at a PIC. Historic Scotland Inspectorate is responsible for advising Ministers on SMC applications. However the responsibility for the control and management of PICs is operated by Properties in Care Group of the Agency on behalf of Ministers. It is therefore this group which would give permission for any change in that control or management at Rowallan.

(c) Conservation plans

James suggested reconciling your client's conservation plan and Historic Scotland's Monument Management Plan. As he himself suggested in December 'no Conservation Plan can ever be an entirely objective document: there is a context and a background to every site and every case', I can but agree with him. We deliberately avoid the use of the term conservation plans for our sites. Since our aim is to manage our sites and in all cases this will follow the precautionary principles that we apply to PICs – it is intended to ensure our future management is in line with the maintenance of the cultural significance of the site. Whereas the aims of your client are very clearly stated as being reuse of the castle for overnight accommodation – this is not compatible with Guardianship. Reconciliation of these disparate aims seems remote in the extreme and could only be achieved if one side or the other were to compromise on matters of principle.

However, we do wish to share research. As you know Doreen was very keen for Tom Addyman to be involved in the very successful research review day last year and she would be happy to set up another such day. In addition, it is clear from the conversations that she and Peter Yeoman had with Tom, that there are few differences in the assessment of the building. Those that do exist are likely to be the subject of very interesting debate, which again we would be happy to enter. If your programme for the publication of the research is not too far advanced, we would be happy to consider publishing his work along with our own recent research as a joint publication.

3. The current position

The present position is not tenable. Work on the castle has been very difficult in recent years because of the obstacles to access. This has meant that we have not made the progress that we would like on our work's programmes and we are concerned that the conservation of the castle could soon suffer. (For example, I have two very recent dates when access was barred by the owners.)

The most recent obstacle to restrict access is the health and safety legislation and the liabilities attached. We do not agree that the owners are exposed to any undue risk associated with the castle being in Guardianship nor that this gives rise to any right to restrict access to the monument.

It is our intention to undertake a programme of work this year which will include elements of conservation work, some rewiring and works arising from fire safety precautions. In addition we will address the items suggested as sensible by the Health and Safety executive in preparation for public access. We will not provide detailed works programmes in advance.

I remain very happy to adopt the new road into the estate should that be in your client's interest. However until a binding agreement is signed, our legal right of access is through

the gatehouse and we will continue to use it. If the access road is blocked, staff will be instructed to park their vehicle carefully at the point of the blocking and proceed on foot to the castle, reporting the blocking to my office on their return. If the road end is blocked they will park on the public road – we have checked with the police and there are no parking restrictions on the public road, so as long as a vehicle is safely parked it is of no interest to them. Once again, if for any reason we are unable to fulfil our statutory duty we will have to take legal steps to remedy the situation.

4. The way forward

It seems clear from a reading of the file that there is a pattern to discussions about the future of Rowallan Castle with any progress being dependent upon Historic Scotland accepting the owners' desire for reuse of the castle for overnight accommodation.

I am very keen to get out of this cycle of confrontation and into meaningful discussions, but as Guardians of the monument we are responsible for the control and management of Rowallan Castle. After a decade of close public examination of this case we do not see that use of the castle for overnight accommodation is an option and any discussions should recognise this at the outset. However, within this context, we remain very keen to work with the partners in the estate at Rowallan to find ways of managing the castle to serve the interests of all parties. Several of our other monuments are managed or operated with partners. In the case of Rowallan, these will presumably include the house owners, and the hotel and golf course operators.

It is a partnership along these lines that I understood we were meeting to consider. If that is the case then I am happy to continue with the negotiations as long as it is clearly understood that the castle will remain a monument in the care of Scottish Ministers and that they will retain control and management of the guardianship deed and remain responsible for maintenance at the site. In addition, the public will have regular and frequent access to the castle. Beyond that we are very happy to discuss how it is operated on a daily basis.

On a wider issue, James has made it clear that part of his aim in this case is to use Rowallan to force a change of policy on Historic Scotland. While we are happy to enter wider discussions about the shape of the PIC estate in the 21st century, Rowallan is not the appropriate forum for this broad discussion, not least because Scottish Ministers are awaiting a report from HEACS on properties in care. We are also formulating our views with other organisations in Scotland, and, beyond this, there is clearly a British and wider-international context to such a discussion. We would not wish to second-guess any of this work. Once HEACS' views are published, we expect that there will be a wide public discussion, but that discussion should not be through the magnifying glass of any particular case. Given the current situation at Rowallan, neither can we wait for this debate to take its course before we resolve the immediate crisis there.

I trust this paper helps not only to clarify matters for you, but also to reassure you we are keen to continue to look for a resolution to this matter within the context given here.

PETER BROMLEY

Cooper M (Malcolm)

From: James Simpson [jsimpson@simpsonandbrown.co.uk]
Sent: 04 April 2006 13:10
To: Cooper M.(Malcolm)
Subject: Rowallan

This email has been received from an external party and has been swept for the presence of computer viruses.

Malcolm - thanks for speaking to me about this the other day. You were very straightforward in response to my questions and I undertook not to quote you, at least until you had had a chance to check one or two things out and give me a written response: thank you for offering that.

I explained that I had been instructed to finalise our draft Conservtion Plan and to submit an SMC application for work to repair and restore the old castle and to make it habitable for some sort of domestic use, either for private occupation, or for self catering on Landmark Trust principles, or in some other way as yet unspecified. In any case, public access (on the basis of arrangements to be agreed) to the interior, which would be repaired and restored on the basis of evidence, would be part of the deal.

I asked you:

1. If there was anything to prevent an owner from submitting such an application for work to a property which was subject to a Guardianship Agreement, when it was clear - as it seems to be at present - that the 'guardian' was unwilling to allow the owner to carry out any such work. I think you thought that there was not and that, as with a Planning application, anyone was free to apply. You thought that there would be a 'Chinese wall' separating the two things within HS.
2. On what basis HS considered that it was entitled to require each and every intervention to be specified in the minutest detail as a prerequisite for consideration of an application for SMC. There has been suspicion in some circles that the AM Inspectorate has, in some instances, used the *process* as a means of obstructing unwelcome applications for SMC. My view is that, if there *were* to be an agreement - on the other side of the house - that Old Rowallan should be reoccupied, *either* the habitable part of the castle should be de-scheduled, *or* the SMC process should not be markedly different from an LBC process, but controlled directly by HS. I would have no objection at all to the attaching of conditions requiring a high degree of archaeological monitoring and the submission of substantial additional detail for approval in the course of work. The practical difficulties lie in submitting such detail *at the start*.

You asked me, right at the end of our conversation, why I wanted to be involved in such an awkward case - or words to that effect! Having thought a bit, I think the answers are something on the following lines: (a) ever since visiting Rowallan with the AMB, I have felt that this was a classic example of a building which should be *used*, not 'pickled' at state expense - it is a *beautiful* house, crying out to be enjoyed and it will never make a good guardianship site; (b) even on my first visit, I was quite cross about the way the house had been treated by HS and its predecessors over the years; (c) I am a longstanding friend of HS, but firmly believe that good friends must offer criticism when criticism is due; (d) I believe in flexible and pragmatic approaches to things, and I am not over-sympathetic to the view that one has to change an entire system before agreeing to a different approach in a particular case; (e) I have always been a fighter for difficult cases and, though I have had failures (Cammo, House of Gray) and some are still to be resolved (Greenlaw Town Hall,

Mavisbank, 28-30 The Close in Newcastle), I have had great satisfaction from the successes (Alderman Fenwick's in Newcastle, Auchinleck, Law's Close in Kirkcaldy, Kinlochmoidart); I'm afraid that Rowallan has become one of my 'causes'! (f) I believe that, whatever his faults - real or perceived - Niall Campbell is well intentioned and that he is entitled to the best advice I can offer; and (g), I have always been an empirical thinker about things, and always believe in adapting theories and systems in the light of what manifestly works - *"the law was made for man, not man for the law"*!

It would give me enormous pleasure to achieve a settlement at Rowallan and it gives me no pleasure at all to be 'fighting' about it. I am genuinely disappointed by the response I have had so far - I would have thought that Peter & co would have better things to do. But I still hope for a change of heart. I wonder if it would help to have a meeting of our working group in the building, perhaps with the Conservtion Plan?

Yours ever, James.

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSi, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

Please see <http://www.gsi.gov.uk/main/notices/information/gsi-003-2002.pdf> for further details.

In case of problems, please call your organisational IT helpdesk

HISTORIC  SCOTLAND

Mr John Sanders
Simpson & Brown Architects
St Ninian's Manse
Quayside Street
Edinburgh
EH6 6EJ

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8770
Direct Fax: 0131 668 8765
Switchboard: 0131 668 8600
Margaret.baxter@scotland.gsi.gov.uk

Our ref: AMH/90254/1

01 September 2006

Dear Mr Sanders

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT: ROWALLAN
CASTLE**

I acknowledge receipt of your application for scheduled monument consent (SMC) dated 31 August which has been passed to the Area Inspector of Ancient Monuments for consideration.

Following consideration by the Area Inspector and District Architect (if necessary) a provisional view letter will be sent to you.

Yours sincerely



MRS M BAXTER
ADMIN OFFICER



HISTORIC SCOTLAND

Mr James Simpson
Simpson and Brown
St Ninian's Manse
Quayside Street
Edinburgh
EH6 6EJ

Malcolm Cooper
Chief Inspector
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8728
Direct Fax: 0131 668 8899
Switchboard: 0131 668 8600
malcolm.cooper@scotland.gsi.gov.uk

30th May 2006

Dear James

ROWALLAN

I said I would come back to you over the two issues you recently raised regarding consents procedures for Rowallan. I have recently been out of the office while moving house am sorry for the slight delay that this has caused.

1. Whether there were any constraints to prevent an owner submitting a SMC application for work to a property subject to a Guardianship Agreement.

In theory, there is no constraint and in the first instance we would treat this as we would any other application for scheduled monument consent, dealing with issues such as nature and justification for the proposals, impact on the monument, proposed mitigation measures, etc.

However, in the case of a guardianship site, we would also expect that the support of the guardian had been sought, ensuring that the proposals fitted in with their own aspirations for the site. Otherwise there would be a significant likelihood that the proposed works could not be implemented and that there would be significant wasted efforts and abortive costs. Detailed discussions would therefore need to take place with our Properties in Care group who take the guardian role at an early stage and certainly prior to development and submission of any proposals.

In the case of Rowallan, the PiC group believe that the building should remain a property in care with increased public access. I think therefore it remains crucially important that any proposals can be integrated with their own plans for the building.

2. Whether Historic Scotland was entitled to require each and every intervention to be specified in the minutest detail as a prerequisite from consideration of an application for SMC.

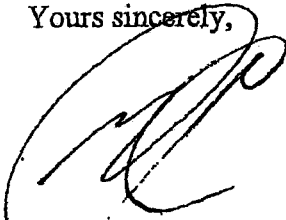
Whilst there is a standard application form for applications for scheduled monument consent, the information necessary to support the application and level of detail required needs to be



HISTORIC SCOTLAND

identified on a case-by-case basis. It is likely to depend both on the nature of the monument and the nature and scale of the proposals – the key is that the information submitted in support of an application allows a full understanding and assessment of the proposals and their impact on the monument. We would always encourage pre-application discussions and this is particularly the case for major applications. This allows both the principle of the proposed development to be discussed and the nature of the application and support material to be agreed at an early stage.

Yours sincerely,



Malcolm Cooper
Chief Inspector

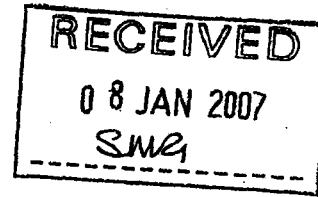
Simpson & Brown Architects
with Addyman Archaeology

St Ninian's Manse Quayside Street Edinburgh EH6 6EJ
Telephone 0131 555 4678 Facsimile 0131 553 4576
admin@simpsonandbrown.co.uk www.simpsonandbrown.co.uk

1389.00/JRS/ET

20th December 2006

Sarah Govan
Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH



Note - the attached letter
was not received
by HS - this is the
first sight of it
I have had.

SMC
8/1

Dear Sarah

Rowallan Castle

I am writing to confirm my understanding of the position with our application for
Scheduled Monument Consent.

We had a telephone conversation on the 14th December. You told me that you were
not in a position to arrange a new date for the site visit. You are still having internal
discussions about this application within Historic Scotland and you are not able to
arrange a site visit until these discussions have been concluded. Our application was
submitted on 31st August 2006.

I enclose a copy of my letter of 17th November. There is some doubt within our own
mail system about whether this letter was sent and so I have sent a further copy just
in case.

Yours sincerely

John Sanders
for Simpson & Brown

Enc

cc: Niall Campbell

Simpson & Brown
is a member of
Acanthus
Associated
Architectural
Practices Ltd

Other offices
Fort William
Tel/Fax 01397 772997
mketchin@dircon.co.uk
Peebles
Tel/Fax 01721 724454
adavey@simpsonandbrown.co.uk
Argyll
Tel/Fax 01436 840006
tomaddyman@addyman-archaeology.co.uk

Partners
James Simpson BArch FRIAS RIBA FSA Scot
A Stewart Brown BArch (Hons) ARIAS RIBA
Andrew Davey BSc (Hons) Dip Arch ARIAS RIBA
John Sanders BA (Hons) Dip Conservation
Tom Addyman MA (Cons)
Consultant
Mandy Ketchin BArch (Hons) ARIAS RIBA
Hon Consultant
Sir Bernard Feilden CBE DUniv FSA FRSA AADipl RIBA

Associates
Stuart Allan BSc (Arch) Dip Arch ARIAS RIBA
Jen Armstrong BSc (Arch) MHerit Cons (Hons)
Eleanor Egan MA (Hons) BArch ARIAS
Richard Gallie BA (Hons) Dip Arch ARIAS RIBA
Jenny Humphreys BSc (Arch) BArch (Hons) ARIAS RIBA
Lesley Kerr BSc (Hons) Dip Arch ARIAS
Rachel Mayhew BArch (Hons) Dip Arch ARIAS
Susan Whittle BSc (Arch) Dip Arch ARIAS

1389.00/JRS/BG/SP/ET

17th November 2006

Sarah Govan
Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Dear Sarah

Rowallan Castle

Thank you for your email of Monday 11th November. I am most disappointed that we will not be meeting at Rowallan as I have been looking forward to our discussion.

I think that it is regrettable that we will not be meeting for three reasons:

1. To judge this application for Scheduled Monument Consent it is obviously absolutely essential to have visited the building so that it can be fully understood.
2. I had very much looked forward to discussing the application with you in detail as your guidance would help me make amendments to the application to improve it so that we can be certain it is in the interest of the building. I feel this is a situation where as many people as possible should consider and discuss the application so that we can achieve an exemplary conservation project.
3. The application is much more complex and detailed than the normal Scheduled Monument Consent application. This is because it is for a roofed building with a change from the current use. Our application has had to be a kind of hybrid between what you would normally expect for a Scheduled Monument Consent application and the work that we would normally put into an application for Listed Building Consent to such an important building. I am sure that there will be queries and questions that come back from you about the application, but it is often much more productive to be able to discuss requirements for additional information and extra drawings on site, so that we can determine your exact requirements rather than receive a letter in response which sometimes can be rather vague and result in the production of a lot of further information, some of which is not necessary.

I would be happy to meet with you and Ranald at any time so that we can have a thorough discussion in this fascinating building. We have discussed this in a telephone conversation. I feel that it is important to have this meeting as soon as possible.

I had arranged for the old panelling which was taken out of the building, possibly immediately before guardianship, to be inspected, and also for the panelling in the motorhouses/stables elsewhere on the estate to be available for inspection. I am convinced that this latter panelling in storage actually was never part of the old castle, but again I would have valued your opinion on this. I imagine that this will be the subject of a Listed Building Consent application before too long, and so it will be helpful to have been able to look at this aspect as well.

Yours sincerely

John Sanders
for Simpson & Brown

cc: Niall Campbell

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Mr John Sanders
Simpson & Brown Architects
St Ninian's Manse
Quayside Street
EDINBURGH
EH6 6EJ

Direct Line: 0131 668 8770
Direct Fax: 0131 668 8765
Switchboard: 0131 668 8600
Sandra.archer@scotland.gsi.gov.uk

Our ref: AMH/90254/1

22 December 2006

Dear Mr Dean

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
ROWALLAN CASTLE**

Thank you for your application on behalf of Mr Niall Campbell, dated 31 August, for scheduled monument consent for the conservation and restoration of Rowallan Castle to ensure habitable use.

We wanted to let you know that we are in the process of considering the issues that have been raised by your application, and will be in touch again in the new year to re-arrange a site visit.

I hope this is helpful.

Yours sincerely



MISS SANDRA ARCHER
Admin Officer

Govan S (Sarah)

From: MacInnes R (Ranald)
Sent: 09 January 2007 13:54
To: Govan S (Sarah)
Subject: FW: Scheduled Monument Application for Rowallan Castle dated 31st August 2006

-----Original Message-----

From: Niall Campbell [mailto:niall@rowallancastle.com]
Sent: 29 December 2006 11:56
To: Graham JS (John)
Cc: 'James Simpson'; 'John Campbell QC'; margaret.jamieson.msp@scottish.parliament.uk; fiona.lees@east-ayrshire.gov.uk
Subject: Scheduled Monument Application for Rowallan Castle dated 31st August 2006

This email has been received from an external party and
has been swept for the presence of computer viruses.

Dear Mr Graham

I understand from our architects that there has been no indication from us as to a date when our application may be determined. This is despite the application being lodged with you some four months previously.

Whilst I realise that you are not bound by a statutory timescale such as for ordinary planning applications of two months, I would have hoped, to have heard from you by now as this application covers a major part of our property and development here.

I would be obliged if you could reply by return with date when this application will be determined.

Yours sincerely

Niall Campbell
Rowallan Castle
Kilmaurs
Ayrshire
KA3 2LP
Mob: +44 (0) 779 393 8893
Tel: +44 (0) 1563 530 550
Fax: +44 (0) 1563 538 648
Website: www.rowallancastle.com

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs. In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CCTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit www.cctmark.gov.uk

09/01/2007



Niall Campbell

Email: niall@rowallancastle.com

John S Graham
Chief Executive
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8693
Direct Fax: 0131 668 8699
Switchboard: 0131 668 8600
john.graham@scotland.gsi.gov.uk

9 January 2007

Dear Mr Campbell,

Thank you for your e mail of 29 December 2006. I understand that we wrote to your agent on 22 December 2006 to let you know that we are still in the process of considering the issues that have been raised by your application and that we will be in touch next week to re-arrange a site visit.

Rowallan Castle is designated as a scheduled ancient monument, and is also a property in the care of the Scottish Ministers through a guardianship agreement of 1950. It is one of the most complete castle complexes to survive to the present day in Scotland and is of outstanding significance in terms of the contribution that it makes to the understanding of domestic and castellated architecture in Scotland.

Whilst we have had the application for some time, you will appreciate that it raises important questions which demand very careful consideration.

We are at the moment giving very careful and detailed consideration to your application. We are hoping that this process will be completed by April 2007.

Yours sincerely,
John Graham

J S GRAHAM



-----Original Message-----

From: Niall Campbell [mailto:niall@rowallancastle.com]

Sent: 10 January 2007 09:46

To: Graham JS (John)

Cc: 'John Campbell QC'; 'James Simpson'; margaret.jamieson.msp@scottish.parliament.uk

Subject: Rowallan

DUFFIELD MORGAN LIMITED

Rowallan Castle

Kilmaurs

KA3 6JJ

Tel 01563 525440

Fax 01563 570048

John Graham

Historic Scotland

Longmore House

Salisbury Place

EDINBURGH

10th January 2006

Dear Mr Graham

Rowallan Old Castle

Thank you for your letter of 9th January 2006 however I am very concerned regarding the timescale of April 2007 to determine our application.

Whilst we fully endorse the significance of the building, we believe that most of these issues are already fully understood and agreed.

We have spent considerable effort both in time and money in investigating the perceived deficiencies of our last submission and have now returned as agreed, with a comprehensive proposition that gives both parties a way forward.

Guardianship as promoted in the 79 Act was not seen as a one way street, with scope for owners to retrieve their properties under the full protection of Listing.

I would therefore ask that a meeting is arranged within the next three weeks to hopefully agree a way forward that allows use of the building as described in our submission along the lines previously agreed, parallel with promoting public access.

I look forward to hearing from you.

Yours sincerely

Niall A Campbell

John Sanders
Simpson and Brown Architects
St Ninian's Manse
Quayside Street
Edinburgh
EH6 6EJ

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8659
Direct Fax: 0131 668 8765
Switchboard: 0131 668 8600
Sarah.Govan@scotland.gsi.gov.uk

18th January 2007

Our Ref: AMH/90254/1/1
Your Ref: 1389.00/JRS/ET

Dear John

Rowallan Castle

Thank you for your letter of 20th December, and the attached draft of an earlier letter dated 17th November, which we have no record of having received. We have been familiarising ourselves with the detail of the application and now wish to visit to ensure that we fully understand the current proposals in the context of the monument. In our letter of 20th December I promised to come back to you with proposed dates. Can I suggest:

Wednesday 24th January
Wednesday 31st January
Wednesday 7th February

We agreed 11 am previously – would this suit you? Although there will be no substantive discussion of the merit of the application on this visit, you or you client would be most welcome to attend. We will also ask the Historic Scotland Properties in Care division if they wish to attend in their capacity as guardian of the monument.

Thank you also for the information about the surviving panelling and we will come back to you if we have any queries. Please do suggest alternative dates if these are not suitable.

Yours sincerely

Sarah Govan
Senior Inspector of Ancient Monuments



Niall Campbell

E-mail: niall@rowallancastle.com

John S Graham
Chief Executive
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8693
Direct Fax: 0131 668 8699
Switchboard: 0131 668 8600
john.graham@scotland.gsi.gov.uk

Our ref: AMH/90254/1/1

18 January 2007

Dear Mr Campbell,

Thank you for your e-mail of 10th January 2006. This application is as you say a comprehensive set of proposals and provides more detail than the previous one. We therefore wish to ensure that we give careful consideration to the application and that we fully understand these proposals in the context of the monument.

I understand that we have today written to your agent to re-arrange the site visit and a number of dates in the next two/three weeks have been suggested. I hope therefore that the site visit will take place shortly.

Yours sincerely,
John Graham

J S GRAHAM





The Scottish
Parliament

PUBLIC PETITIONS COMMITTEE

John Graham
Chief Executive
Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

TG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP

Direct Tel: 0131-348-5186
(RNID TypeTalk calls welcome)
Fax: 0131-348-5088
(Central) Textphone: 0131-348-5415
petitions@scottish.parliament.uk

7 February 2007

Dear Mr Graham,

Public Petition PE1013

At its meeting on 31 January 2007, the Public Petitions Committee considered the above petition by Niall Campbell calling on the Scottish Parliament to urge the Scottish Executive to review the arrangements for managing scheduled and listed buildings, such as Rowallan Old Castle, to ensure that, where suitable and sensitive plans have been made for restoring such buildings by an owner in a way which will allow public access - such developments are encouraged to proceed.

The Committee agreed to seek your comments on the issues raised in the petition, a copy of which is enclosed. The Official Report of the Committee's meeting is now available on the Parliament's website (www.scottish.parliament.uk/petitions) and the Committee would welcome your comments on the issues raised during the discussion. In particular, the Committee is interested in Historic Scotland's conservation plans and budget for the Rowallan estate.

You may wish to note that the Committee also agreed to seek views on the petition from the Royal Commission on the Ancient and Historical Monuments of Scotland, the Royal Town Planning Institute, East Ayrshire Council and the Scottish Executive and to seek the views of the petitioner on the responses received.

It would be helpful if your written submission to the Committee could be provided in both hard copy and electronic form by 18 April 2007. Should you be unable to meet this deadline, please let me know in order that I may keep the Committee informed of progress. Written submissions are normally published in electronic or paper form as a public paper at the meeting at which they are considered. I would be grateful if you could limit your response to no more than 4 sides of A4. If you do not wish any written submission to be made public, please contact me in advance of making your

52

submission.

On behalf of the Public Petitions Committee, I thank you for your assistance and look forward to hearing from you soon.

Yours sincerely

A handwritten signature in dark ink, appearing to read "David McGill". The signature is written in a cursive style with some loops and flourishes.

David McGill
Clark to the Public Petitions Committee

enc copy of petition PE1013