

HISTORIC SCOTLAND BOARD

Minutes of Meeting 21st August 2006

Conference Room, Longmore House, Edinburgh

Those Present:

John Graham, Chief Executive
Peter Bromley, Director, Properties in Care
Malcolm Cooper, Chief Inspector
Marc Ellington, Non-executive Director
Ingval Maxwell, Director, TCRE
David McGibbon, Non-executive Director
Brian O'Neil, Director, Human Resources
Laura Petrie, Director, Finance
Sheila Terry, Non-executive director
Gordon Barclay, National Policy Team

In Attendance:

Louise Donnelly, Director of Casework, Inspectorate (Item 7)
Richard Fawcett, Principal Inspector (Item 7)
Aonghus MacKechnie, Principal Inspector (Item 7)
Tania Smith (Board Secretary)

1. Apologies

1.1 The Chairman welcomed the Board members to the meeting. The Chairman reported that Lucy Blackburn had sent her apologies and that Gordon Barclay was attending on her behalf.

2. Minutes of Historic Scotland Board Meeting 27 June 2006

2.1 The minutes of the previous meeting held on 27 June 2006 at Ayre Hotel, Orkney were approved.

2.2 Two matters arose from the minutes of the previous meeting. Sheila Terry noted that at the previous meeting a suggestion had been made to organise a site visit to Mavisbank House. David McGibbon also indicated interest in such a visit. It was agreed that a site visit would be arranged in the near future.

2.3 David McGibbon drew the Board's attention to the Historic Scotland Audit Committee Report and requested that future Audit Committee reports be included on the Agenda.

3. KPT Quarterly Report to 30 June 2006

3.1 In response to a question from David McGibbon regarding the status of Historic Scotland earned income in the Quarterly Report on Key Performance Targets, Peter Bromley explained that projections for commercial income targets had been kept on the track set in the corporate plan. During the first quarter of this year, ground had been reclaimed on last year, but we were still not performing to budget.

3.2 Peter Bromley indicated that by the end of August a clearer view of the budget situation would emerge, and that a budget re-forecast would be likely. There was a need to review performance measurement within PIC, and a retail business review was underway. The Group would continue to focus on income generation. However, the ramifications of the latest security scares were uncertain and success depended on a variety of factors, including site managers. There was also to be a review of stock and the services provided by site shops.

3.3 The Chairman asked what action was being taken in the Autumn to improve income figures. Peter Bromley replied that a campaign similar to that carried out last October would be undertaken. While it was hoped that such an action would improve visitor numbers, it would not be able to reverse the trend established in the first half of the year.

3.4 Gordon Barclay noted that one Key Performance Target was missing. This was in relation to the SHEP series and should be amber.

4. Finance Report

4.1 Laura Petrie indicated that there was nothing further to note regarding the Finance Report. The over-commitment figure of £0.58 million was being monitored and the appropriate financial levers were in place to control it.

5. Presentation by Properties in Care Group

5.1 Peter Bromley gave a presentation on the Properties in Care Group outlining the changes in the structure of PIC in recent years and new areas of focus.

5.2 PIC had been restructured three years ago and since then the group had been concentrating on:

- achieving coordinated strategic development
- consistency in project management
- identifying areas within PIC for business review

These priorities were presented in the context of the new PIC Business Plan which looks at a five year time horizon, aimed at improving long term planning within the Group.

5.3 Peter Bromley explained that better and more consistent information was needed to inform target setting. The new business plan would address these issues.

5.4 The following short term objectives were identified:

- To run the three major projects
- To provide staff training in project management and cascade this learning to others
- To consolidate on-going relationships with partners and neighbours
- To identify and support critical sites
- To look at the structure of the Group and examine how to achieve focus in areas such as income generation.

5.5 The following long term objectives were identified:

- To monitor tourism trends and their implications
- Long term project planning including sustainable planning
- Joined up working within PIC
- Understanding and access: the social inclusion agenda

5.6 Peter Bromley identified the following main areas for discussion:

- Site Prioritisation
- Key Sites
- Business Reviews
- Acquisitions Policy
- Access Policies

5.7 Marc Ellington asked whether we had an acquisitions policy and how this had been applied in the past. Peter Bromley replied that guidance existed but that in essence this consisted in a checklist and a process. There was no formal integrated policy on taking properties into care: previously this had been done on a site by site basis, with each case being judged on its own merits. Peter Bromley said that there needed to be a wider debate on the public value measure and about what the public needs and wants in heritage protection. Such a consultation is one of the core recommendations in the recently produced HEACS report on state management of the historic environment, which Historic Scotland is currently assessing. Malcolm Cooper commented that perceptions of heritage assets change over time and that it is therefore difficult to establish a set of guiding principles.

5.8 Sheila Terry asked if information was available on why sites were acquired by Historic Scotland. She noted that in some cases the circumstances of a building or site may have changed in a way which would diminish its heritage value and so its claims for funding. She suggested that a review might be appropriate. Peter Bromley responded that PIC had identified that project management needed to be more consistent and was addressing this. Laura Petrie added that the management of major projects was much tighter than it had been and that projects had clear business cases with robust audit trails.

5.9 David McGibbon said that disposals and acquisitions should always be monitored and that there should be an ongoing commercial appraisal of sites. He asked how robust that process was and noted that Historic Scotland faced the need to fulfil both conservation and commercial functions.

5.10 Peter Bromley noted that access policy was increasingly important and that PIC needed to engage with communities and respond to their needs in terms of visitor services and site management. Communities themselves were becoming more articulate and we needed to strengthen our response, providing better physical and intellectual access and information.

5.11 Sheila Terry expressed the view that opportunities existed for greater partnership in community planning. Peter Bromley agreed that there needed to be a mechanism for PIC to be able to take the initiative in communities across the estate. This presented a challenge in terms of logistics, training and resources.

5.12 The Chairman thanked PIC for their comprehensive paper and noted that the Board would have an opportunity to consider the key issues in more depth at future meetings.

6. Scottish Historic Environment Policy paper Update

6.1 Two consultations had recently ended (SHEPs 1 and 3) and SHEP 2 had been published in final form. Gordon Barclay noted, further to paragraph 6 of paper HSB 18/06, that by March 2007 it was anticipated that four SHEPs would be out to consultation; work had begun

or would soon begin on 6 titles: scheduled monument consent; listing; listed building consent; battlefields; access to properties in care; World Heritage Sites.

7. Castle Tioram

7.1 The Chairman reminded the Board of the context of this item. An application for consent had been refused in 2002, the Agency had agreed in 2004 to discuss the scope for a new application, and the proposed assessment before the Board would, if endorsed, constitute pre-application advice.

7.2 Marc Ellington noted for the record that he had appeared at the inquiry speaking on behalf of the proposals put forward in the application for Scheduled Monument Consent.

7.3 Malcolm Cooper introduced paper HSB 19/06. He explained that following an inquiry in 2002 the Reporter had been clear in refusing the previous application for scheduled monument consent. He had personally re-examined the history of the previous application and had extensive discussion with the owners, their agents and other parties such as Highland Council. As previously agreed Historic Scotland had commissioned Geoffrey Stell to provide a new Statement of Cultural Significance which was conservation neutral. The owner and his representatives had agreed to this appointment, the brief for the study, and had commented on drafts of the report.

7.4 Malcolm Cooper noted that no application for consent had been submitted to the Board, and therefore any deliberations would be solely for the purpose of providing the owner with an indication of how he might wish to proceed. Malcolm Cooper reminded the Board that Historic Scotland's role in this context was to act on behalf of Scottish Ministers to make determinations on applications for consent under the Ancient Monuments legislation. It was appropriate in this context for Historic Scotland to offer pre-application guidance although this must be necessarily general in nature. As with other pre-application advice, key considerations would have to be the implementation of the statutory and policy framework; the nature and significance of the monument; the impact on any potential risk to the monument and the Agency's duty to deal with cases consistently. Under existing policy and guidance the intervention associated with the introduction of residential accommodation could only be agreed if it was seen as achieving preservation of the monument consistent with the minimum necessary intervention, or if there were exceptional circumstances where the minimum necessary intervention may not be deemed the most appropriate approach. Noting that in his paper Malcolm Cooper had identified Fenton Tower as an example of a structure where exceptional circumstances justified more than the minimum intervention consistent with the preservation of the building, David McGibbon asked what the differences were between the Fenton Tower case and the possible proposals for Castle Tioram.

7.5. Malcolm Cooper confirmed that consent had been granted in 2000 to roof Fenton Tower and adapt it for residential use. Although Fenton Tower - by definition due to its inclusion on the schedule of ancient monuments - was of national importance, it was not of very high importance, as Castle Tioram was. Fenton Tower had survived well, and the degree of intervention necessary was therefore relatively limited, and the evidence to support it relatively clear. The smaller size of the building had necessitated intervention on a much more limited scale than that which would have to be undertaken at Tioram. Lastly there was a strong argument that conversion for residential use constituted the best option for the

preservation of the monument, because Fenton Tower was unlikely to command sufficient priority for grant funding for repair work.

7.6 Marc Ellington pointed out that many buildings only survive because of intervention and said that our consideration should be not only the immediate preservation of the building but also its sustainable preservation and management. Historic Scotland could be vulnerable to accusations of inconsistency, given the decisions which had been taken on some previous applications for consent. Malcolm Cooper noted that the instances quoted were generally some way in the past, and that the possible proposals for Castle Tioram had to be considered on their merits, and against the current policy background.

7.7 Sheila Terry questioned the value of continuing with further deliberations if the situation had not changed substantively since the original application had been made. Marc Ellington agreed that it would have been useful to have had more firm proposals from the owner. Sheila Terry argued that a full scoping exercise and option appraisal might be necessary to inform the decision making process. She suggested that the owner should be allowed a period to reflect and respond to the implications of the Stell report.

7.8 The Chairman noted that the Board was dealing not with a potential planning application but with a potential Scheduled Monument Consent application. The Agency had agreed to offer pre-application advice on the basis of indications from the owner of their outline proposals, and the owner was pressing for an early response. Malcolm Cooper added that while in the planning system there was a presumption in favour of development, ancient monument legislation was presumptive in favour of the preservation of the ancient monument.

7.9 The Chairman invited the Board to agree that paragraphs 10 to 17 of HSB Paper 19/06 accurately set out the legislative, policy and guidance background against which possible proposals for Castle Tioram case would have to be considered. **The Board indicated agreement.**

7.10 David McGibbon asked what reaction to the Stell report was expected from the owner. Malcolm Cooper replied that early comments from the owner had noted that questions remained over the phasing of the building sequence, and that the use of the term 'exceptional' to describe Tioram was not in their view conservation neutral. Malcolm Cooper did not think either point would significantly change Stell's report or the conclusions he had drawn. The owner also felt that the comparative review in the Stell report was somewhat limited. Malcolm Cooper agreed with this and for that reason the Inspectorate had undertaken two comparative studies. The first of these analysed Stell's peer group using the Ministers' criteria for determining national importance for the purposes of scheduling ancient monuments (as laid out in Scottish Historic Environment Policy 2). The second analysis used the same criteria to analyse a wider group. Taken together with Geoffrey Stell's conclusions these showed that within the group of nationally important scheduled monuments Castle Tioram had particularly high importance for west coast polygonal Scottish castles and through this for the understanding of Scottish history.

7.11 The Chairman sought the Board's agreement that the statement given at paragraph 26 of Paper HSB 19/06, that *'Castle Tioram is arguably the most significant of the western seaboard polygonal castles when compared with its defined peer group or a wider secondary*

peer group' was soundly based, and that the Castle therefore had particularly high importance for the understanding of Scottish history. **The Board indicated agreement.**

7.12 Turning to the potential impacts of the possible proposals and the associated risks, the Board noted the assessment in paragraphs 27-44 of the paper. Marc Ellington said that a consolidated ruin with public access facilities still required intervention and some alteration of the monument, for example the introduction of hand rails. Ingvál Maxwell asked whether the Inspectorate was satisfied that consolidation was the most appropriate route, since health and safety concerns could drive considerable intervention, which could be construed as constituting intervention on the scale of adaptation. Malcolm Cooper agreed that some degree of intervention was inevitable. He was satisfied however that on the basis of the available evidence the degree of intervention required in a conservation and repair scheme would still however be significantly lower than seemed likely as part of a scheme for adaptive reuse. **The Board noted this assessment.**

7.13 Moving to the overall assessment and the way forward, David McGibbon commented that action to resolve the current situation was highly desirable. He asked what other options were feasible if a scheme for adaptive reuse were not allowed. Sheila Terry asked what was known about the state of the building. Malcolm Cooper explained that a range of structural surveys had been carried out and that it had been established that the building was continuing to decline, with specific and urgent problems in, for example, the Kitchen block. He noted that an Historic Scotland architect had visited the site with the owner's agreement but that they had queried the nature and conclusions of the resulting report and that therefore there would need to be further work to clarify the position. However, it seemed likely that there was a need for some urgent limited works to be followed by a longer term programme of consolidation on a rolling programme. Historic Scotland had offered to discuss an application for grant aid for repair work, and to improve interpretation, but the owner had shown no interest. Public access had been withdrawn for a period because the Council judged the building unsafe: he was unclear what access was currently possible, or what level of access might be possible under any possible proposals. Sheila Terry commented that the level of access was important in assessing public benefit, because it would determine the level of benefit to the local community. The Chairman noted that if there were good public access there was scope for collaboration with the local community, the Council, the local enterprise company and others to develop an access and visitor facility in the vicinity of the Castle.

7.14 Sheila Terry noted the clear nature of the Chief Inspector's recommendations. David McGibbon said that he was content with the way the issue had been handled by the Board and the Inspectorate and convinced that all due consideration had been given to the possible proposals with objectivity and fairness. Marc Ellington said that in his view the arguments were finely balanced, and that there were attractions in seeing the Castle reoccupied, but he was satisfied with the very thorough assessment which had been undertaken. The other Board members indicated that they accepted the assessment in the paper.

7.15 The Chairman invited the Board to indicate its views on the conclusions and recommendations of the Chief Inspector's report, Paper HSB 19/06. **The Board indicated its unanimous agreement and endorsed the recommendations of the paper.**

8. Scottish Stone Liaison Group

8.1 Ingval Maxwell reported on the recent report published by the Scottish Stone Liaison Group. The group had been funded by Scottish Enterprise Glasgow among others to conduct a survey of 100 masonry buildings in Glasgow. The survey established such facts as how many man hours would be required for masons to carry out repairs to the buildings. Much damage had been caused by the stone cleaning programmes conducted in past decades. The full scale of the problem had been unknown; now the question was how this information could be aggregated into what action the industry needed to take to rectify the problem.

8.2 Ingval Maxwell circulated copies of the report to Board members.

9. Grampian Visit

9.1 The Board indicated that it was content for the next meeting to be held in Grampian, specifically in Aberdeen. It was agreed that the first day would be spent in a series of visits in Aberdeen, and that after an overnight stay in the city, the Board meeting would be held on Thursday 26 October at Fyvie Castle.

Marc Ellington would make further suggestions in due course for guests to be invited to dinner on the Wednesday evening.

10. Forward Look

10.1 It was confirmed that the TCRE Group presentation would take place at the October meeting.

10.2 Peter Bromley said that a paper might be presented on the Stirling Castle project at the next Board meeting.

10.3 The Chairman confirmed that the HEACS reports would be under discussion at the next Board meeting.

11. Current Issues and Any Other Business

11.1 Peter Bromley noted that PIC were carrying out an opening hours review.

11.2 Peter Bromley noted that the final public tour of the season had just been completed at Rowallan Castle. There was to be another open door day later in the year. This was the first time in over a decade that there had been public activity at Rowallan.

11.3 Ingval Maxwell said that a presentation about the Scottish Historic Buildings National Fire Database should be incorporated into the Forward Look.

The Chairman brought the meeting to a close at 5.30.

Tania Smith
August 2006

Circulation: those present, Lucy Blackburn and Patrick Connor