

CASTLE TIORAM

PURPOSE

1. To update Board members on progress relating to Castle Tioram and to seek their views relating to the possibility of a 'compromise option' for the scheduled ancient monument.

BACKGROUND

2. In November 2005 Board members were briefed on the background to the case relating to the proposed introduction of a residential and visitor use at the scheduled ancient monument, Castle Tioram, West Lochaber (HSB R7/05). In 2002 a public local inquiry concluded that consent should not be granted for the proposed scheme.

3. Subsequently, it was agreed that Historic Scotland should meet with the owner of the site to explore opportunities for finding a compromise solution. Meetings took place in May 2004 and February 2005 but without resolving this issue. Following a detailed review of the case, drawing on discussions with the staff, the owner and his advisors, the local authority and others, in November 2005 I gave the Board my views relating to the previous application and possible ways forward. I noted though that a significant weakness in reaching any decision on the monument's future resulted from the lack of a fully developed *statement of cultural significance*.

4. With the agreement of the owner, this *statement* was commissioned from Geoffrey Stell, formerly of the Royal Commission on Ancient and Historical Monuments in Scotland, an acknowledged expert on Scottish Castles. This report has been received very recently and is attached at Annex C. The report has been carefully designed to be 'conservation neutral' (that is to say, it concentrates on the significance of the monument and is careful not to take views on its future management and usage) and the views in the report are that of the author alone. The owner and his representatives have agreed the brief and have been closely involved and supportive of the process throughout.

5. It has taken slightly longer to complete the report than originally anticipated and the owner is understandably anxious that we now progress matters rapidly to a conclusion. There is a pressing need therefore for Historic Scotland to give a clear statement in relation to the future of the monument and whether a compromise solution can be found.

SCOPE AND APPROACH

6. It should be emphasised that we are not in receipt of application for scheduled monument consent and therefore our advice must necessarily be general in scope in order to avoid pre-judging a specific application or fettering the Ministers' decision. However we must seek to give the owner clear guidance as to whether a compromise option exists in our view and whether therefore we would advise commitment of further effort to develop a scheme of some form.

7. It is also important to consider what is understood by the term 'compromise option'. Discussion with the owner and his representatives indicate that there is still a strong interest in bringing forward an adaptive reuse of Tioram for residential occupation with limited public access and related display. The owner is likely therefore for our considerations to focus on whether there is an acceptable way of achieving a residential/visitor use rather than a broader discussion relating to other possible uses (it is noted that the earlier application indicated the use of a site by a 'curator' and there would be a need to clarify the owner's intentions of any future scheme). It is proposed therefore to focus in this report on the acceptability of proposals for a residential use with limited visitor access noting the possibility of a curatorial use.

8. In many cases relating to both scheduled ancient monuments and listed buildings we hold pre-application discussions at the request of owners and/or developers. This allows them to gain a general view on the likelihood of proposals being acceptable to Historic Scotland before they commit significant resources to the development of a scheme. In such cases, our view is likely to be determined through considering a number of key considerations. In summary these are:

- The statutory and policy framework and its implementation
- The nature and significance of the monument
- Impact of a proposed change of use on the monument
- Risks associated with any change of use
- Other relevant considerations

9. Such an approach seems entirely relevant to the current position regarding Castle Tioram and this paper follows this format.

THE STATUTORY AND POLICY FRAMEWORK AND ITS IMPLEMENTATION

10. A helpful overview of the statutory and policy framework of direct relevance to this case is set out by the Reporter, DGB Duncan in his report of 17 January 2002 to Scottish Ministers in relation to the Castle Tioram inquiry. This is reproduced at Annex A.

11. In the intervening period Scottish Ministers have begun the process of producing a series of Scottish Historic Environment Policy documents (SHEPs). In 2006, Scottish

Historic Environment Policy No. 2, *Scheduling: protecting Scotland's nationally important monuments*, was published following widespread public consultation, which sets out Ministers' policy on for scheduling. This would be of relevance in assessing any specific application and is reproduced at Annex B.

12. Scottish Historic Environment Policy No 1, *Scotland's Historic Environment* and Scottish Historic Environment Policy 4, *Scheduling: principles for the conservation of and management of change to monuments of national importance* are under development but they are not yet available to inform this paper.

13. Although there is a wide range of guidance and advice which is relevant to a greater or lesser extent (see Annex A), 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 therefore is the minimum necessary consistent with the preservation of the monument. It is crucial that consideration of these is accorded due weight in assessing any proposals.

14. This is not to say that ancient monuments are (or can be) frozen in time and there is a range of works which take place on scheduled ancient monuments with the agreement and full support of Scottish Ministers. All ancient monuments are, for example, subject to the natural processes of decay. A range of conservation work may therefore be adjudged appropriate at certain times. In the case of structural ancient monuments, works might vary from minor activities such as consolidation of wall tops through to major structural intervention to avoid significant collapse. There is a range of established 'conservation' approaches in such circumstances. In 2005/06 Scottish Ministers received 249 applications for scheduled monument consent and consent was granted in every case.

15. The principle of accepting such work is based on the judgement that the proposals are the minimum necessary for the preservation of a particular monument. In each case it is necessary to establish that the works were necessary, the minimum in their scale and nature in relation to the identified problem, and that the proposed works would use appropriate techniques and materials in line with accepted conservation practice.

16. The guiding principles accept that there are exceptional circumstances where the minimum necessary may not be deemed the most appropriate approach. Three examples here may help illustrate what form these exceptional circumstances might take:

- There are certain circumstances where the *public understanding and enjoyment* of a monument would be significantly enhanced by an intervention that does not relate to the condition of the monument. The reconstruction of the Great Hall at Stirling Castle for example involved significant intervention. This can be justified on the basis that the wider public benefit of the works to the building significantly outweighed the case for leaving the building in its (then) current form.

- There are certain circumstances where intervention takes place to provide crucial information for the long term *management of the monument*. Archaeological evaluation (ie investigative trial trenches) may be acceptable to clarify the nature of the monument, disposition of important remains within a monument, or to evaluate the effects of damage.
- In the case of structural monuments, in certain circumstances, a return to active use may be deemed as the most viable way of *ensuring their continued existence*. In the case of Fenton Tower, for example, it was agreed that the re-roofing and introduction of residential usage could be achieved in a manner consistent with the long-term preservation of monument.

17. In a case such as Castle Tioram, the intervention associated with the introduction of residential accommodation (or curator facilities) could only be agreed if it was seen as achieving preservation of the monument (consistent with the minimum necessary concept) or if there were deemed to be exceptional circumstances and that the benefits of such a change of use outweighed the disbenefits.

THE NATURE AND SIGNIFICANCE OF THE MONUMENT

18. As noted above, Castle Tioram is deemed of national importance by its inclusion on the schedule of ancient monument. The comprehensive *Statement of Cultural Significance* produced by Geoffrey Stell in August 2006 (Annex C) sets out a detailed analysis of this importance, examining evidence relating directly or indirectly to the castle itself and placing it within the wider context of Scotland's western seaboard castles. It explores the evidence in relation to the castle's physical fabric and built form, its physical and historical context, and its cultural associations.

19. Stell's report (p78) sees Castle Tioram as belonging to a 'peer group' of Western seaboard castles of polygonal form. In addition to Tioram the group comprises Dunoon Castle, Dunstaffnage Castle, Duntrune Castle, Mingary Castle, Dunvegan Castle, and Castle Calvay.

20. Stell (pp5-6) makes the following comments about the importance of the castle in the context of both the peer group and a wider consideration:

- Castle Tioram is the clearest representative we possess of a second generation of West Highland stone castles. Dating almost certainly from the middle decades of the 14th century it derives its layout and design from earlier forms of enclosure castle and 'hall houses', combining these two elements in a manner previously unrecognised in Scotland.
- Unlike its counterparts such as Mingary, Castle Tioram was associated for over three centuries with a single family, Clanranald, and remained relatively untouched thereafter. For these reasons the developments and phases which can

be read from the form and fabric of the building acquire more than ordinary significance as a now very rare reflection of the lifestyle of a Gaelic lord and his kindred.

- The wider context of a lordship with widely ramified interests and lands adds further special, and possibly unique, significance to Castle Tioram. The castle was the mainland outpost of a maritime empire which was always linked – and looked – to the Hebridean islands beyond the immediate horizons. The castle is conspicuously lacking in self-supporting and cultivable demesne or ‘table lands’, and unusually, possibly uniquely, such lands lay over 60 nautical miles away in the Uists, close to an equally distant family burial-place.
- The castle gains a very special, though intangible lustre, by its intimate associations with a family which manifested many significant aspects of Gaelic lordship and culture, especially in its 16th- and 17th-century heyday. Unlike the castles of Dunvegan or Kisimul which have similar cultural associations but have been comprehensively remodelled or restored to occupancy, that period is still physically echoed in the surviving architecture of Castle Tioram.
- A combination of relatively understated architectural qualities gives Castle Tioram a more intriguing and challenging character than most of its western seaboard counterparts. Very much a castellologist’s castle, its fabric and site demand extraordinary levels of architectural detection and embody much scope for further investigation and analysis.

21. We have no reason to disagree with Stell’s conclusions regarding the significance of Tioram. To assist our considerations, we have drawn out and summarise the comparative information in Stell’s report in Annex D.

22. In paragraph 11 (above) we referred to Scottish Historic Environment Policy No. 2, *Scheduling: protecting Scotland’s nationally important monuments*. The annex to SHEP 2 defines the criteria used to determine ‘national importance’ in terms of the intrinsic, contextual and associative characteristics of a monument. These are:

Intrinsic characteristics	a.	condition
	b.	archaeological interest
	c.	development sequence
	d.	function
Contextual characteristics	e.	rarity or representativeness
	f.	relationship to other monuments
	g.	relationship to wider setting
Associative characteristics	h.	historical, cultural and social influences
	i.	aesthetic attributes
	j.	significance to national consciousness
	k.	associations with people or events

23. In Annex E we have carried out a provisional analysis of the Western seaboard castles peer group identified by Stell against these criteria. The summary table on page 17 of this report is reproduced below:

Name of castle	Intrinsic 1a	1b	1c	1d	Contextual 2e	2f	2g	Associative 3h	3i	3j	3k
Castle Calvay	low	not known	not known	not known	High	high	not known	not known	low	low	not known
Castle Tioram	very high	high	high	very high	very high	very high	very high	very high	high	high	very high
Dunoon Castle	low	not known	not known	not known	moderate	moderate	not known	not known	low	low	not known
Dunstaffnage Castle	very high	very high	high	moderate	high	high	high	High	high	moderate	moderate
Duntrune Castle	high	not known	moderate	moderate	moderate	moderate	high	Not known	moderate	low	low
Dunvegan Castle	high	not known	moderate	low	moderate	low	high	Not known	moderate	high	high
Mingary Castle	high	high	high	moderate	very high	very high	very high	Very High	high	not known	moderate

23. It should be stressed that these castles are being assessed here purely as members of the principal and secondary Tioram peer group, and in all cases they are likely to be of varying degrees of interest in other respects. (Dunvegan, for example, is of very high interest as a post-medieval house, though its Tioram-related aspects have been largely obscured. Similarly, the modern restorations of Duntrune and Duart are of interest in their own right, but have a limited bearing on the significance of those castles in consideration)

24. We have also in the report in Annex E, defined a ‘secondary peer group’ and evaluated these against the SHEP 2 criteria. Again a summary table is given below:

Name of castle	Intrinsic 1a	1b	1c	1d	Contextual 2e	2f	2g	Associative 3h	3i	3j	3k
Achadun Castle	moderate	moderate	moderate	low	low	low	moderate	moderate	low	not known	low
Breachacha Castle	low	high	moderate	moderate	low	low	moderate	Low	moderate	not known	low
Castle Lachlan	moderate	not known	moderate	moderate	moderate	moderate	moderate	moderate	moderate	not known	moderate
Castle Sween	high	high	moderate	moderate	moderate	moderate	high	moderate	moderate	not known	high
Duart Castle	high	not known	high	moderate	moderate	moderate	very high	High	high	moderate	high
Innis Chonnell Castle	high	not known	moderate	moderate	low	moderate	low	moderate	low	not known	low
Kisimul Castle	low	high	moderate	moderate	low	low	high	Low	moderate	moderate	moderate
Rothsay Castle	high	high	moderate	low	high	moderate	low	moderate	moderate	high	high

25. Again the same caveats apply as given in paragraph 23. The levels of significance of members of this ‘secondary’ group do not rival Tioram and Mingary in the peer group proper.

26. To conclude therefore, 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.

THE IMPACT OF A PROPOSED CHANGE OF USE ON THE MONUMENT

27. We do not have an application at present to consider, but it is possible to form a provisional view on the level of impact of a possible adaptive re-use scheme to bring the monument back into residential and limited visitor use, drawing on wider experience of such schemes, general information submitted with the earlier application, knowledge of the monument and from discussion with the owner’s advisors. Such an assessment by necessity will be general in its nature and will give a sense of likely impact rather than provide a detailed assessment. We cannot be definite in the absence of specific proposals and we cannot pre-empt proper consideration the merits of any such proposals that may come forward.

28. **Overall approach.** It is assumed for the purpose of this discussion that any adaptive re-use would be ‘contained’ within existing structures. No additional buildings or significant structures would be acceptable either within the curtain wall or on the island outwith the castle. The owner has previously indicated that all functions would be contained within existing rooms and that with the exception of the attic storey, no room

divisions will be introduced other than where there is existing information suggested historic partitions.

29. **Roofs.** It will be necessary to introduce new roofs throughout. This in turn will necessitate work to wall heads, comprising repairs, replacements and in some areas possible taking down and rebuilding of elements of the wall-heads. Introduction will clearly involve physical and visual impact.

30. **Walls.** Walls of the main buildings and the curtain wall will need to be conserved and repaired and the introduction of roofs, floors and windows will necessitate some reconstruction. It is noted that conservation of walls would be advisable whatever the future of the monument, but the impact will be more significant if associated with adaptive reuse. The introduction of windows and doors will necessitate works to adjacent masonry. It is suggested that harling is necessary for external walls and that internal walls will need to be 'finished' in some form.

31. **Floors.** New floors will be introduced throughout the buildings. Where possible this will reuse existing joist mountings. Again some works may be necessary to allow secure fixings. At ground level there will be archaeological implications for reintroduction or recovery of floors, a strong likelihood of disturbance of significant archaeological deposits, and the need for significant archaeological mitigation.

32. **Access and circulation.** Within the buildings there is some possibility to reuse existing stairs, albeit these will need significant repairs and strengthening and this will have an impact on surrounding masonry. There are significant issues relating to the existing stair in one block as this appears to be a later introduction within an existing wall which caused structural difficulties. Outside the buildings the courtyard will need to be 'recovered' and it is currently uncertain whether existing surfaces could be identified and re-used or whether new surfaces would need to be introduced. Access from a pier or from the current sand-bar introduces significant challenges and there is the possibility of subsequent footway/paths introduction.

33. **Services.** A range of services will be necessary including heating, lighting, power, telephone, hot and cold water, waste and fire-protection. To a degree elements of servicing can be contained within the new floor/ceiling structures but there will be inevitable impacts on existing masonry for access and fixings and on archaeological deposits for service runs outwith the buildings. Provision of boilers, electric heating units etc, will have a significant visual impact. The running of services to the castle and introduction of a septic tank outwith the castle compound will have significant archaeological implications.

34. **Lighting.** It is difficult to envisage the acceptability of a scheme which introduces new window openings and it is noted therefore that a number of rooms will suffer from very low levels of natural light throughout the year.

35. **General.** There is a wide range of other needs associated with residential use of a building. These may vary from television aerials or satellite dishes through to washing lines, footpaths, garden furniture, etc. It is not possible to anticipate the likely nature of these other than to note that they often lead to very significant visual impacts and introducing a significant change in character to historic buildings and monuments. It is noted that the undertaking of a scheme of adaptive re-use produces severe logistical challenges relating to staff and materials. While such challenges would also exist for a consolidation scheme, an adaptive re-use scheme is likely to be more complex and of a longer duration.

36. **Public access.** Associated with a proposed adaptive re-use for residential occupation, a limited public access proposal is anticipated. It is currently difficult to assess the variety of forms that this might take, but it is noted that this might in turn necessitate differing (and higher) levels of approach to issues such as access and safety to that for residential usage alone.

37. While careful design and an acceptance of the limitations of working within the existing envelope can reduce the unnecessary impact of an adaptive re-use scheme, there can be no doubt that there will be very significant levels of disturbance to archaeological deposits and to standing masonry. There will also be a significant likelihood of visual impact relating to the building, its legibility, and to the surrounding landscape.

RISKS ASSOCIATED WITH ANY CHANGE OF USE

38. There are a wide variety of risks associated with an adaptive re-use project both during the project and subsequently. This section identifies a number of key areas to be considered:

39. **Scope of works.** Given the very significant historic importance of the monument, there is a need to specify works to a very great level of detail to allow the impact to be assessed fully. This introduces a difficulty in terms of the level of cost associated with scheme preparation. Also if the 'principle' of the scheme cannot be established without this level of detail, there is a significant risk that high costs will be incurred without any certainty of an agreed scheme.

40. **Implementation of a scheme.** There are significant uncertainties relating to such projects, particularly where it may be unclear until on-site whether proposed elements of the scheme can be implemented in the manner indicated in the proposals. By way of example, it may become apparent that the condition of walls is less good than originally identified and that unanticipated additional intervention is necessary. If the principle of the scheme has been agreed, it is subsequently difficult to resist the additional works. Ultimately this means that the final impact of such a scheme may be far more significant than originally identified.

41. **Supervision of works.** A further area of risk is associated with the need to ensure that works take place on site in the manner intended. While there may be an acceptable level of flexibility associated with building works involving non-historic buildings, such flexibility is far less acceptable (and may be difficult to manage) when dealing with a historic building or monument. This necessitates a far greater level of day-to-day supervision of contractors and sub-contractors to avoid significant damage together with suitable mechanisms for avoiding repeating problems. As noted above, there may also be unexpected discoveries which lead to the need to change detailed proposals. Mechanisms need to be in place to both allow this to happen in an accountable manner and to ensure a suitable process of arbitration should the project team not agree with the statutory authorities.

42. **Archaeological mitigation.** By their nature, archaeological remains are unpredictable in their nature and importance. While uncertainties can be reduced by appropriate evaluation techniques there must still be an element of uncertainty relating to schemes which have a significant archaeological impact and this may lead to delays and significant costs.

43. **Costs.** Such schemes are likely to involve significantly higher levels of costs than a scheme not involving a historic building or site. There are risks therefore relating both to possible unanticipated increases in costs and the possibility of failure or partial completion during the project itself.

44. **Changes subsequent to project completion.** In accepting the principle of adaptive re-use to residential accommodation, there may be a need to de-schedule the monument at completion as the provisions of Ancient Monuments and Archaeological Areas Act cannot be applied to buildings in permanent residence (as noted above the issue of the introduction of a permanent curator may need to be explored with the owners in the context of a particular scheme and whether this triggers a de-scheduling). The building would remain listed at category A but this would lead to a significant change in the level of protection to the building. This raises the possibility of subsequent changes being proposed relating to residential usage which it may be difficult to resist under listed building or planning legislation, or which may simply not call for planning or listed building consent. In considering the principle of adaptive re-use for residential, it is important to assess not only the proposals themselves but the likely subsequent needs of the occupants.

OTHER RELEVANT CONSIDERATIONS

45. It is important in considering this case to recognise that there is a need for significant conservation works to the monument outwith any proposals for adaptive re-use. It can be argued that at least some of the impact associated with an adaptive re-use scheme is unavoidable in any event as the monument needs to be appropriately conserved and managed. For example, conservation and repair of walls is likely to involve archaeological excavation at the wall bases. However, the impact associated with a

conservation programme is likely to be less than that associated with an adaptive re-use scheme.

46. In taking forward an adaptive re-use scheme, the owner is committing significant funds to the conservation of the monument, albeit that this is associated with larger impacts on the monument than would result from a repair and consolidation scheme alone. Were no other sources of funding available for conservation and repair of the building, there would be a need to consider carefully whether there was a significant danger of loss of the monument and whether therefore an adaptive re-use scheme offered the best manner of protecting the monument, accepting that to achieve this one had to accept adverse impacts associated with the proposals.

47. Historic Scotland has previously offered to consider grant-aiding both the repair of the monument and its interpretation and has indicated that it does not see this work as prejudicing consideration of an adaptive re-use scheme. However, the owner has not responded to this offer.

48. While the site does not attract very large visitor numbers, it is an iconic site both for the local community and for visitors. The owner has previously committed to allowing limited public access to the buildings once the project is completed and to the island. The 1979 Act brings no expectation of public access and this is clearly a matter for the owner. This public interest, together with the principles underlying the management of scheduled ancient monuments, suggests that a solution which resolves the current impasse is widely desirable.

49. The owner has suggested that a major project of adaptive re-use would generate significant activity and employment in the local economy. It might also help support the development of traditional craft skills through suitable training and apprenticeships. It is noted though that were a consolidation and repair scheme to come forward similar advantages might be generated, albeit this might be at a more limited level.

50. Historic Scotland and its predecessors have tended to take a relatively open attitude towards proposals for the adaptive re-use of scheduled ruined castles and tower houses when those proposals can be shown to be in the best interests of the monument. In the minority of cases when applications have been refused this has generally been because those buildings are deemed to be of such significance that their return to use would entail an unacceptable level of loss or concealment of information, or because there is insufficient evidence for restoration to be authentically based. Adaptive re-use and restoration of a ruined building inevitably involves elements of reconstruction, of adaptation for modern requirements, and of obscuring historically significant features below new finishes. It must also be accepted that there can never be any possibility of restoring a building to a 'historic' state with complete accuracy, and the best that can be achieved by one generation is almost invariably questioned by the next.

CONCLUSIONS

51. This is a complex case which has attracted a significant level of discussion and great passions from all involved parties. Our views are likely to attract widespread interest and will have implications not just for Castle Tioram, but more widely for historic monuments in Scotland.
52. The castle is of undoubted national importance and is arguably pre-eminent in its peer group. It has remained as a ruin for some 3 centuries and any adaptive re-use scheme must be seen as introducing a very significant change to the monument. It may lead to its de-scheduling and change of status to a listed building.
53. While there is a range of techniques which can be used to minimise the impact of the introduction of residential use into the building, any scheme is likely to have significant and adverse physical and visual impact on the monument and on associated buried archaeological deposits. There are also significant levels of risk associated with such a project which may lead to greater impact than anticipated and which may result in pressure for further incremental change.
54. A scheme of consolidation and repair is entirely feasible without the necessity of an adaptive re-use to residential accommodation. This would deliver preservation of the monument and conserve its historic importance without the adverse impact associated with the adaptive reuse scheme and may offer some employment and related benefits. Historic Scotland has offered to consider grant-aiding a repair and interpretation programme and remains willing to consider this.
55. We have been asked to consider whether a compromise can be found. This paper is based on a notional scheme which would allow an adaptive re-use for residential accommodation and a limited visitor at Castle Tioram. After very careful consideration I do not believe that a scheme of this form can be found which could be implemented without an unacceptable impact on the monument.

RECOMMENDATIONS

56. That we advise the owner of Castle Tioram that

(i) having considered this case, we do not believe that a scheme of adaptive re-use for residential accommodation can be found which is acceptable in terms of impact on the monument. We also do not believe that there are exceptional circumstances which would allow us to accept such a scheme because of wider gains for the monument.

(ii) While we are content to hold further discussions (and these would be without prejudice to the owner's right to bring forward proposals which we would then consider in the usual way), we would not encourage development of such an option.

(iii) That we remain willing to grant-aid both the conservation and repair of the monument and its interpretation subject to a suitable scheme being identified.

Malcolm Cooper
Chief Inspector

August 2006

ANNEX A

EXTRACT FROM INQUIRY REPORT BY DGB DUNCAN, JANUARY 2002

ANNEX B

**SCOTTISH HISTORIC ENVIRONMENT POLICY 2. SCHEDULING:
PROTECTING SCOTLAND'S NATIONALLY IMPORTANT MONUMENTS**

ANNEX C

**CASTLE TIORAM: A STATEMENT OF CULTURAL SIGNIFICANCE. G
STELL, AUGUST 2006**

ANNEX D

**INFORMATION ON CASTLE TIORAM, DRAWN FROM GEOFFREY STELL,
CASTLE TIORAM: A STATEMENT OF CULTURAL SIGNIFICANCE**

ANNEX E

SUPPLEMENTARY INFORMATION ON THE TIORAM PEER GROUP