

## CHAPTER 1

### Description and Background

#### Description of the Site and Surroundings

1.1 Eilean Tirim and Castle Tioram occupy a strategic position at the mouth of Loch Moidart (south channel) in West Lochaber. The castle sits at the high point of the island and is a famous fortified ruin and former seat of Clan Ranald. The island and castle comprise a Scheduled Ancient Monument (SAM) and the castle is a Grade A Listed Building. The island is linked to the mainland by a short tidal spit. It forms part of an attractive group of islands and headlands with views down the loch and out to sea. The coastal fringe of the National Scenic Area (NSA) in which Castle Tioram sits is considered to be outstanding scenically.

1.2 The irregular, polygonal curtain wall, which stands 7m-11m above the rockhead, protects buildings ranged around the southeast and southwest sides of a courtyard which in turn stands about 15m above the beach. The floors above ground level are missing and the standing stone buildings are roofless.

1.3 Castle Tioram and Eilean Tirim are recognised as a remarkable archaeological research resource. This potential is found in the deposits and structures within the castle and on the surrounding island.

#### Scheduled History of the Monument

1.4 Records are incomplete but it appears that the castle and island were first scheduled in 1920 under the provisions of the Ancient Monuments Consolidation and Amendment Act 1913 and first recorded as such on a published list in 1921. The designation was renotified in 1934 following the introduction of the Ancient Monuments Act 1931. It was rescheduled in 1969 to make explicit the inclusion of the whole island in the designation. By the 1960s Castle Tioram was on the list of "Surveillance Monuments" maintained by the Ministry of Public Buildings and Works, one of only eleven monuments in Scotland. The scheme was discontinued after 10 years but it was proposed that five of the monuments, including Tioram, would be best cared for through guardianship.

#### Title to the Monument

1.5 Title to the Monument is presently registered in the name of the Applicant, Anta Estates Ltd with registered office at PO Box 556, Main Street, Charlestown, Nevis, West Indies. The applicant's conservation strategy states that the applicant is wholly owned by the Highland Strongholds Trust Company, a charitable body. It is further stated that: "sufficient funding to complete the anticipated conservation and restoration costs has been provided as a donation to the Trust." Upon completion of the works a further capital sum would be lodged which would be sufficient to accommodate the future of the property while in the ownership of the Trust. The objectives of the Trust are stated to include:

- the acquisition, maintenance and conservation of historic and archaeological buildings and sites in Moidart, Ardnamurchan and Scotland;

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- the provision for the long-term maintenance of such buildings and sites for the benefit of future generations;
- the support of local and national initiatives which aim to restore and conserve historic and archaeological sites significantly in Moidart, Ardnamurchan and Scotland; and
- the development of community participation on a local level for the advancement of these objectives.

### Description of the Proposals

1.6 The application for Scheduled Monument Consent (SMC) is described as being “for the conservation of the scheduled monument at Eilean and Castle Tioram including the consolidation of a curtain wall, the consolidation and re-roofing of standing buildings, the formation of footpaths, the control of vegetation, the re-instatement of pier, and an integrated programme of archaeological excavation and research”. The proposals for the conservation of Tioram are founded upon an extensive body of research, investigation, and recording. The results of these studies are stated to be brought together in the *Statement of Cultural Significance*.

1.7 *The Conservation Strategy* seeks to identify the most appropriate means of preserving both the island and castle without damaging the integrity or significance of the surviving fabric. The proposals are illustrated in the plans, sections, and elevations together with supporting reports (*Design Analysis and Technical Impact Assessment, Archaeological Research Strategy, Visitor Management: Public Access and Interpretation, Construction Access and Implementation, and Preliminary Programme*). Drawings no. 5439/sk1 and 5439/sk2 (CT58 and CT59) do not form part of the application and are submitted for illustrative purposes only.

1.8 The proposals comprise seven main elements:

- works to Eilean Tioram and Cùl Doirlinn (primarily the implementation of an archaeological and visitor management programme in order to allow unrestricted access to continue);
- extensive consolidation of the existing fabric of the castle;
- additional works required for the re-roofing and re-occupation of the building;
- proposals for access and interpretation;
- a suggested archaeological strategy;
- preliminary proposals for the implementation of the work; and
- management of the project to maximise the economic benefits for the local community.

1.9 On re-occupation of the building by a curator, the castle would accommodate, within the standing buildings at ground level, archives, kitchen, cellar, office, utility, wc and stores, and an upper and lower courtyard; a hall/clan room, principal hall and withdrawing room at first floor level; three bedrooms and a bathroom at second floor level; two bedrooms and attic space at third floor level; and a further bedroom and bathroom at fourth floor level.

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1.10 The castle is to be serviced using existing private and public water, telephone, and electricity supplies. The extended supplies would be run below existing ground and foreshore levels to the island in trenches, the depth of which are to be determined but are anticipated to be in the region of 600-900mm below surface levels. A septic tank is to be located at the rock faces adjacent to the north beach, in an area of archaeologically sensitive midden material which would require excavation, at least in part, to allow rock anchoring and scaffolding for essential consolidation. Ground levels would be finished to match those presently existing, and a concealed outfall would run into the adjacent main channel of Loch Moidart.

1.11 A primary component of the conservation strategy would be the construction of a series of pathways on main routes, ensuring that these are not visible from the mainland. These would be constructed under archaeological supervision immediately above existing solum levels and would comprise a barrier layer such as geotextile, in order to protect deposits below and prevent wearing-through, with paving or similar surfacing laid over. Pathways would be 1.0m-1.5m wide in order to allow people to pass and thus prevent inadvertent widening. The final routes and design would be agreed in discussion with Scottish Natural Heritage (SNH), The Highland Council (HC), and Historic Scotland (HS). These pathways would be used as access routes during the implementation of conservation works on the castle, in order to prevent accidental damage to archaeological remains.

1.12 The application includes for the excavation of midden deposits around the castle where required for rock stabilisation and essential masonry consolidation, the entrance platform, the stream/drainage ditch south-west of the castle, and where necessary on pathways. The existing dilapidated modern pier represents an area of potential archaeological deposits and would be appropriately investigated by archaeologists prior to undertaking any operations. It is proposed to rebuild it to its original design and pattern, with a handrail to allow its safe use in accordance with statutory requirements. This would be retained to provide permanent access.

### **The Statutory Background**

#### The Ancient Monuments & Archaeological Areas Act, 1979

1.13 The preamble to the 1979 Act states, *inter-alia* that, in relation to ancient monuments, it is an Act to “make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters. The 1979 Act requires Scottish Ministers to compile and maintain for the purposes of the Act, a schedule of monuments.

1.14 By virtue of section 1(2) of the 1979 Act, the castle and island are scheduled as a monument of national importance. Section 2 of the 1979 Act deals with the control of works affecting scheduled monuments. The prior written consent of Scottish Ministers (SMC) is required before any of the following works are undertaken:

- Any works resulting in the demolition or destruction of or any damage to a scheduled ancient monument.
- Any works for the purpose of removing or repairing a scheduled ancient monument or any part of it or making any alteration or additions thereto.

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- Any flooding or tipping operations on land in, on or under which there is a scheduled monument.

Section 17 of the Act provides for agreements concerning ancient monuments, whereby the Scottish Ministers may enter into an agreement to make provision for all or any of the following matters with respect to the monument or land in question, that is to say:

- (a) the maintenance and preservation of the monument and its amenities;
- (b) the carrying out of work;
- (c) public access to the monument or land and the provision of facilities and information or other services for the use of the public in that connection;
- (d) restricting the use of the monument or land;
- (e) prohibiting in relation to the monument any actions as specified;
- (f) the provision of grant monies to support any of the above actions.

### Scottish Executive Policy

#### National Planning Policy Guideline 1, The Planning System (NPPG 1)

1.15 *NPPG 1* states, in paragraph 3, that the primary objectives of the planning system are, *inter-alia*:

- “to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration ; and
- to maintain and enhance the quality of the natural and built environment

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and manage change.”

#### National Planning Policy Guideline 5, Archaeology and Planning (NPPG 5)

1.16 *NPPG 5* para 17, contains policy guidance on the treatment of SAMs in the planning system. It states, *inter-alia*:

“Where development is proposed, planning authorities, using the categories outlined in this paragraph as a guide, should weigh the relative importance of the archaeological features in question and the potential use for amenity, tourism and education purposes against other factors, including the benefits of the proposed development.” and

“Scheduled Ancient Monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Developments, which would have an adverse effect on scheduled monuments or the integrity of their settings, should not be permitted unless there are exceptional circumstances.”

Paragraph 18 states, *inter-alia*:

“The preservation in situ of important archaeological remains is always to be preferred, particularly in relation to nationally important sites. Where this is not possible, an archaeological excavation incorporating the recording and analysis of remains and publication of the findings, together with the deposition of the artefacts in an appropriate museum and the records in the National Monuments Record of Scotland, may be an acceptable alternative.”

National Planning Policy Guideline 14, Natural Heritage (NPPG 14)

- 1.17 *NPPG 14* advises, *inter-alia*, at paragraph 16 that:  
“The most sensitive landscapes may have little or no capacity to accept new development... Such areas are very sensitive to any form of development or intrusive human activity....”  
and at paragraph 25 that:  
“development that would affect a designated area of national importance should only be permitted where: the objectives of the designation and the overall integrity of the area will not be compromised....”

National Planning Policy Guideline 18, Planning and the Historic Environment (NPPG 18)

- 1.18 *NPPG 18* states at paragraph 2 that it:  
“deals primarily with listed buildings, conservation areas, world heritage sites, historic gardens and designed landscapes and their settings. It complements NPPG 5 Archaeology and Planning, which sets out the role of the planning system in protecting ancient monuments, archaeological sites and landscapes.”  
Paragraph 20 states, *inter-alia*:  
“Traditional building materials and methods of construction are generally robust and can be more widely promoted on the basis that historic buildings normally have a life span well in excess of modern buildings. .... “Maintaining and enhancing the economic and social fabric of the historic environment is also vital if the variety, quality and special characteristics of this resource is to be sustained for future generations. Avoiding the neglect and loss of built fabric and promoting the efficient use and reuse of land and buildings within the historic environment are two ways in which the planning system can contribute in a practical way towards sustainable development”.

**Government and Scottish Executive Guidance**

British Standard BS7913:1998, Guide to the Principles of the Conservation of Historic Buildings

- 1.19 The British Standard has been put together by the British Standards Institute in consultation with a wide variety of bodies including conservation organisations, architects, engineers, town planners and surveyors. Paragraph 6.2.2 states, *inter-alia*:  
“An understanding of contemporary society as a basis for contemplating the future depends to a significant extent on knowledge of the past. Proper understanding and interpretation of history depends crucially on the evidence of primary sources, including original documents, artefacts and the results of archaeological investigation. Complete buildings and the remains of buildings incorporated within later structures are almost always of value as primary source material.”  
Paragraph 6.3.1 states, *inter-alia*:  
“There are two ways in which conservation of a building can be of economic value:  
a. directly, in that it has a function and thus represents a positive asset; and  
b. indirectly, in that its character, quality, interest or beauty enhances the value of the of the immediate area in which it is set, or of the wider area or country as a whole.  
Apart from Scheduled Ancient Monuments, whose preservation, whether as complete

or ruinous structures, can be justified on cultural grounds alone, the survival or preservation of a building ultimately depends on its continued use and its ability to 'earn its keep'. Buildings of quality and in good order can also contribute to the quality of the environment and the economic health of the area and the country as a whole. Old buildings in good order and everyday use also create a sense of stability, continuity and confident well-being."

Paragraph 7.1.2 states:

"A conservative approach of minimal intervention and disturbance to the fabric of an historic building in which there is a presumption against restoration is fundamental to good conservation. The stock of historic building is finite and every loss significant. The destruction, alteration or renewal of parts of a building can be similarly damaging and should always be carefully considered and properly justified. It is important to understand and work with the fabric of a building, not against it, and to be flexible and imaginative. The principle of minimum intervention in conservation is well established. Ideally a building should be used, kept in good order and maintained on a regular basis. If a building can no longer be used for its present or former purpose, more substantial alterations can become necessary, amounting to a conversion of a building from one use to another. Exceptionally, if a building has been ill-treated or abandoned for a time, it can become appropriate to restore it, or parts of it, according to its original or to a subsequent design. A conservative approach is therefore fundamental to good conservation."

Paragraph 7.3.2.1 states:

"A presumption against restoration is a hallmark of the British approach to building conservation. Restoration can diminish:

- a. the authenticity and thus the historic value of a building; and
- b. the aesthetic value of a building, especially one which depends for its interest more on its narrative or picturesque qualities and on the patina of age than on its formal qualities of design."

Paragraph 7.3.2.2 states, *inter-alia*:

"A case for restoration can be made in certain circumstances, particularly in the case of younger buildings of formal, perhaps classical, design in which significant work is of a single period." (The factors which support a case for restoration are set out.)

### The Stirling Charter (2000)

1.20 This document sets out, in the broadest terms, HS's approach to conservation. It addresses the whole of Scotland's built heritage, from prehistoric archaeological sites to industrial mills, from carved stones to landscapes. The Introduction states, *inter-alia*:

"...Our built heritage embraces a range of types of subject. These include monuments, buildings and sites, the fabric of which is too important to the nation to warrant any change other than the very least intervention necessary for its preservation. They also include properties which remain in use and the fabric of which (but not the architectural quality and character) has to be adaptable to appropriate change in order to secure continued use.

This Charter.....has been informed by, and builds on, the body of international conservation charters already in being."

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Article 1 states:

“Actions taken in respect of Scotland’s built heritage should secure its conservation for the benefit and enjoyment of present and future generations.”

Article 2 states:

“There should be a general policy presumption in favour of preservation. No element of the built heritage should be lost without adequate and careful consideration of its significance and of all of the means available to conserve it.”

Article 3 states:

“Scotland’s built heritage should be managed in a sustainable way, recognising that it is an irreplaceable resource.”

Article 4 states:

“Appropriate measures, which do not compromise cultural significance, should be taken, including through access, research, information and education, to assist all people to enjoy, appreciate, learn from and understand Scotland’s built heritage.”

Article 5 states:

“Conservation of Scotland’s built heritage should:

5.1 be based upon sound knowledge and understanding of the particular site, building, monument or landscape, and of its wider context;

5.2 be founded on full awareness and consideration of its cultural significance and all phases of its development;

5.3 be carried out in accordance with a conservation plan, which brings together all of the information and research necessary to guide the proposed action;

- ensure that what is to be conserved is properly recorded before, during and after work;

- make provision for recording where continued preservation is no longer possible or where loss is taking place through change or ongoing decay and ensure that all records are retained in readily accessible archives;

5.6 (*sic*) incur only the minimum degree of intervention considered appropriate for the type of site, building, monument or landscape;

5.7 use appropriate materials, skills and methods of working;

5.8 have regard to retaining or where appropriate enhancing the setting of the site, monument building or landscape;

5.9 ensure that where change is proposed, it is appropriate, carefully considered, authoritatively based, properly planned and executed, and (if appropriate) reversible;

5.10 include effective arrangements for monitoring the condition and safety of the site and for routine maintenance and good housekeeping.”

Article 6 states, *inter-alia*:

“In relation to their respective roles, the relevant bodies and individuals should ensure that:

- full use is made of the statutory provision available to protect the built heritage;”

### The Historic Scotland Guide to International Conservation Charters (TAN 8)

1.21 This document brings together and analyses over seventy national and international statements of conservation principles with a view to providing the basis for a better informed approach to building conservation in Scotland and elsewhere.

Conservation of Architectural Ancient Monuments in Scotland (2001)

1.22 This document contains a formulation of HS's policies with regard to monuments such as Castle Tioram. Paragraph 2.1 states:

"One of the chief aims of the ancient monuments legislation is to ensure that the most important surviving evidence for our built heritage is preserved as far as possible in the state in which it has come down to us, and is passed on to future generations without further change or loss of evidence."

Paragraph 2.3 states:

"Monuments are more than just the sum of their constituent parts. Many have important historical, cultural or emotional associations that give them a particular significance in the life of the nation, or of the local community within which they are set. Many also have outstanding landscape or picturesque values. In conserving them it is therefore essential that nothing is done that might impair these qualities."

Paragraph 2.5 states:

"Since all monuments are unique, they are all irreplaceable. However, it must also be accepted that, because they are generally open to the impact of the elements, and are subject to the natural processes of decay of their materials, without continuing interventions they would have a finite life. Works of conservation aim to prolong that life, but there is a balance to be struck between achieving the continued life of a monument and of carrying out works that are so invasive that they modify the monument's character and detract from its value as evidence for the age that produced it. Conservation should always be aimed at the lowest level of intervention that is consistent with achieved a monument's stability. Attempting to anticipate and forestall future structural problems can rarely be justified."

Paragraph 2.8 states:

"Unless there are very strong reasons for doing otherwise, it should be assumed that all phases of a monument's structural history deserve respect and conservation."

Paragraph 2.13 states:

"Although at the great majority of scheduled monuments all forms of restoration as opposed to conservation should be avoided, part of the process of achieving an understanding of a monument may involve a mental process of reconstructing the parts that have been lost. It can be valuable for others with an interest in monuments if this process is given permanent form as drawings or models. But it must be accepted that such reconstruction usually represents no more than a balance of possibilities based on our current state of understanding, and in most cases there can be no justification for imposing these ideas on the monuments themselves."

Paragraph 2.14 states:

"While the aim for most scheduled monuments is to preserve them in the state in which they have come down to us, it is accepted that for certain monuments restoration for active use may be the most viable way of ensuring their continued existence. These might include some tower houses that are sufficiently complete to be considered as candidates for renewed occupation, or churches that might be brought back into use for worship, for example. In those cases it is essential that the surviving historic fabric and the existing inter-relationships between all of the constituent parts are preserved with as little change as possible. It is also important that any additions that have to be made are firmly based on the structural and archaeological evidence, and that those additions are designed to be technically and

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aesthetically compatible with the historic fabric. All of this can be achieved only if the full cultural significance of the monument has first been properly assessed.”

Paragraph 6.2 states:

“The reinstatement of lime wall finishes is generally not considered appropriate at scheduled monuments for a number of reasons. To do so would be essentially a process of restoration, which would also entail obscuring the invaluable evidence for the history and development of the building that is embodied within the masonry.”

Paragraph 14.2 states:

“Archaeological investigation is an inherently destructive and irreversible process, and where there is no threat the survival of archaeological deposits, the decision to excavate should not be taken lightly. In general, excavation will only be granted consent on scheduled sites if it is an essential part of an agreed programme of works.”

Paragraph 16.2 states:

“In general, restoration rather than conservation would not be considered as acceptable for scheduled monuments that are regarded as the most outstanding examples of their kind or as being particularly representative of their type. There are many monuments that are so outstandingly important for the evidence they embody that nothing should be done which might compromise the integrity of that evidence. However carefully it is planned and carried out, restoration inevitably blurs the distinction between what is authentic and of primary documentary value, and what is modern replication. Beyond this, the provision of modern services to restored monuments generally involves significant irreversible archaeological and structural disturbance.”

Paragraph 16.3 states:

“Restoration is also likely to be regarded as unacceptable at those monuments that are of outstanding importance for their scenic value in their existing state, that is, as ‘ruins in the landscape’. This is especially the case if they have been a significant source of artistic or literary inspiration, or if they have particular resonances at a national or local level in their ruined state.”

Paragraph 16.6 states, *inter-alia*:

“In most cases, proposals for restoration will only be viewed favourably when the monument can be restored authentically on the basis of the surviving architectural evidence alone, or on the basis of a combination of the surviving architectural evidence and authoritative pictorial evidence.....Conjectural evidence should always be avoided.....”

Paragraph 16.7 states:

“In certain very exceptional circumstances, where restoration can be shown to be the most viable way of ensuring the long term retention of the monument, but where there is insufficient evidence for this to be authentically based, consideration may be given to proposals that take the historic fabric as a starting point for a more architecturally creative approach to restoration.

### Historic Scotland Conservation Plans Leaflet (2000)

1.23 This document provides a guide for the production of Conservation Plans.

Historic Scotland Draft Statement on Sustainability (2001)

1.24 This document sets out HS's views on the impact on and role of the built heritage in matters of sustainability.

**International Guidance**

The Venice Charter (1964)

1.25 The preamble to *The Venice Charter* states, *inter-alia*, that:  
“It is essential that the principles guiding the preservation and restoration of ancient buildings should be agreed and laid down on an international basis, with each country being responsible for applying the plan within the framework of its own culture and traditions.” Those Articles of the Charter which may be considered relevant are:  
“Article 1: The concept of an historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilisation, a significant development or an historic event. This applies not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time.”  
“Article 3: The intention in conserving and restoring monuments is to safeguard them no less as works of art than as historical evidence.”  
“Article 4: It is essential to the conservation of monuments that they be maintained on a permanent basis.”  
“Article 5: The conservation of monuments is always facilitated by making use of them for some socially useful purpose. Such use is therefore desirable but it must not change the lay-out or decoration of the building. It is within these limits only that modifications demanded by a change of function should be envisaged and may be permitted.”  
“Article 7: A monument is inseparable from the history to which it bears witness and from the setting in which it occurs. The moving of all or part of monument cannot be allowed except where the safeguarding of that monument demands it or where it is justified by national or international interests of paramount importance.”  
“Article 9: The process of restoration is a highly specialised operation. Its aim is to preserve and reveal the aesthetic and historic value of the monument and is based on respect for original material and authentic documents. It must stop at the point where conjecture begins, and in this case moreover any extra work which is indispensable must be distinct from the architectural composition and must bear a contemporary stamp. The restoration in any case must be preceded and followed by an archaeological and historical study of the monument.”  
“Article 11: The valid contributions of all periods of a building must be respected, since unity of style is not the aim of a restoration. When a building includes the superimposed work of different periods, the revealing of the underlying state can only be justified in exceptional circumstances and when what is removed is of little interest and the material which is brought to light is of great historical, archaeological or aesthetic value, and its state of preservation good enough to justify the action. Evaluation of the importance of the elements involved and the decision as to what may be destroyed cannot rest solely with the individual in charge of the work.”

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“Article 13: Additions cannot be allowed except insofar as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.”

“Article 15: ... Ruins must be maintained and measures necessary for the permanent conservation and protection of architectural features and of objects discovered must be taken. Furthermore, every means must be taken to facilitate the understanding of the monument and to reveal it without distorting its meaning. All reconstruction work should however be ruled out “*a priori*”. Only anastylosis, that is to say, the reassembling of existing but dismembered parts can be permitted. The material used for integration should always be recognisable and its use should be the least that will ensure the conservation of a monument and the reinstatement of its form.”

### The Burra Charter (1979)

1.26 *The Burra Charter* builds on the *Venice Charter* and provides clearer guidance on the assessment of a monument. Within Article 1 it sets out, *inter-alia*, the following definitions:

“1.2 Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations.”

“1.4 Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.”

“1.5 Maintenance means the continuous protective care of the fabric, contents and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction and it should be treated accordingly.”

“1.6 Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.”

“1.7 Restoration means returning the EXISTING fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.”

“1.8 Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either re-creation or conjectural reconstruction which are outside the scope of this Charter.”

“1.9 Adaptation means modifying a place to suit proposed compatible uses.”

“1.10 Compatible use means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact.”

1.27 Further Articles of *The Burra Charter* set out important principles, the most relevant of which are:

“Article 2: The aim of conservation is to retain or recover the cultural significance of a place and must include provision for its security, its maintenance and its future.”

“Article 3: Conservation is based on a respect for the existing fabric and should involve the least possible physical intervention. It should not distort the evidence provided by the fabric.”

“Article 5: Conservation of a place should take into consideration all aspects of its cultural significance without unwarranted emphasis on any one.”

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“Article 6: The conservation policy appropriate to a place must first be determined by an understanding of its cultural significance.”

“Article 7: The conservation policy will determine which uses are compatible.”

“Article 8: Conservation requires the maintenance of an appropriate visual setting: eg, form, scale, colour, texture and materials. No new construction, demolition or modification which would adversely affect the setting should be allowed. Environmental intrusions which adversely affect appreciation or enjoyment of the place should be excluded.”

“Article 11: Preservation is appropriate where the existing state of the fabric itself constitutes evidence of specific cultural significance, or where insufficient evidence is available to allow other conservation processes to be carried out.”

“Article 12. Preservation is limited to the protection, maintenance and, where necessary, the stabilization of the existing fabric but without the distortion of its cultural significance.”

“Article 13. Restoration is appropriate only if there is sufficient evidence of an earlier state of the fabric and only if returning the fabric to that state reveals the cultural significance of the place.”

“Article 14. Restoration should reveal anew culturally significant aspects of the place. It is based on respect for all the physical, documentary and other evidence and stops at the point where conjecture begins.”

“Article 15. Restoration is limited to the reassembling of displaced components or removal of accretions in accordance with Article 16.”

“Article 16. The contributions of all periods to the place must be respected. If a place includes the fabric of different periods, revealing the fabric of one period at the expense of another can only be justified when what is removed is of slight cultural significance and the fabric which is to be revealed is of much greater cultural significance.”

“Article 17. Reconstruction is appropriate only where a place is incomplete through damage or alteration and where it is necessary for its survival, or where it reveals the cultural significance of the place as a whole.”

“Article 18. Reconstruction is limited to the completion of a depleted entity and should not constitute the majority of the fabric of a place.”

“Article 19. Reconstruction is limited to the reproduction of fabric, the form of which is known from physical and/or documentary evidence. It should be identifiable on close inspection as being new work.”

“Article 20. Adaptation is acceptable where the conservation of the place cannot otherwise be achieved, and where the adaptation does not substantially detract from its cultural significance on close inspection as being new work.”

“Article 23: Work on a place must be preceded by professionally prepared studies of the physical, documentary and other evidence, and the existing fabric recorded before any disturbance of the place.”

### The Lausanne Charter (1990)

1.28 This Charter is concerned solely with the protection and management of the archaeological heritage. The principles which are particularly relevant are:

“Article 2: The archaeological heritage is a fragile and non-renewable resource .....”

“Article 5: ...It must be an overriding principle that the gathering of information about the archaeological heritage should not destroy any more archaeological

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evidence than is necessary for the protectional or scientific objectives of the investigation. Non-destructive techniques, aerial and ground survey, and sampling should therefore be encouraged wherever possible, in preference to total excavation. ... In exceptional cases, unthreatened sites may be excavated to elucidate research problems or to interpret them more effectively for the purpose of presenting them to the public. In such cases excavation must be preceded by thorough scientific evaluation of the significance of the site. Excavation should be partial, leaving a portion undisturbed for future research.”

“Article 6: ..... Local commitment and participation should be actively sought and encouraged as a means of promoting the maintenance of the archaeological heritage. This principle is especially important when dealing with the heritage of indigenous peoples or local cultural groups. In some cases it may be appropriate to entrust responsibility for the protection and management of sites and monuments to indigenous peoples. ...”

“Article 7: Reconstructions serve two important functions: experimental research and interpretation. They should, however, be carried out with great caution, so as to avoid disturbing any surviving archaeological evidence, and they should take account of evidence from all sources in order to achieve authenticity. Where possible and appropriate, reconstructions should not be built immediately on the archaeological remains, and should be identifiable as such.”

### **The Development Plan**

#### The Highland Structure Plan (2001)

- 1.29 Structure plan Policy BCI, Preservation of Archaeological Sites, states:  
“Archaeological sites affected by development proposals should be preserved, or, in exceptional circumstances where preservation is impossible, the sites will be recorded at developers’ expense to professional standards. Provision will be made in Local Plans for the appropriate protection, preservation and enhancement of archaeological sites.”

#### Lochaber Local Plan (1999)

- 1.30 Local plan Policy 3.6.17, Historic Buildings, contains a presumption against adverse effects on listed buildings - including Castle Tioram. Policy 3.6.19, Archaeology, presumes against adverse effects on SAMs and encourages public access and interpretation. Policy 5.2.26 (e) advises that the council will consider improved visitor facilities including improved parking interpretation and walks at Dorlin/Castle Tioram. Policy 5.2.28 states that:

“The Council will encourage the restoration of Castle Tioram in sympathy with its architectural and historic integrity. In the longer term the castle could provide a suitable venue for local cultural events.”