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Your Ref:- NAC/MM

Our Ref:- AMH/90254/1/1

8 January 2001

Dear Mr Campbell

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

I refer to your letter of 27 November submitting an application for scheduled monument consent, on behalf of Duffield Morgan Limited, for the conservation of the above monument into a habitable condition for the owners use.

At a meeting on 6 January 1999 with the then Minister with responsibility for built heritage matters it was agreed that an application for scheduled monument consent (SMC) covering your proposals was the best way forward in terms of process. This application was perceived as being necessary to confirm the exact nature of your proposals and to allow a formal assessment of them.

The application submitted with your letter of 27 November is very similar, in both content and quality, to the drawings and documents previously passed to Historic Scotland for informal comment and commented upon in Historic Scotland's letter of May 1998 to you. Despite detailed comments by Historic Scotland on the areas of inadequacy in your outline proposals, these have not been addressed in the SMC application now submitted. Below I have set out our fundamental concerns with the proposals as submitted:

1. The cultural significance of this monument is such that we cannot accept such changes of use or alterations to the fabric (particularly as described in the application) as would be incompatible with this status.
2. The importance of the monument is such that we could not contemplate descheduling, and since occupation of a scheduled monument is not permitted by the 1979 Act - other than for a person "employed as a caretaker thereof" - this application is not compatible with its scheduled status.
3. Use of the Castle as accommodation is not compatible with the provision of public access to a monument in the care of the Scottish Ministers.
4. The Ancient Monuments and Archaeological Areas Act 1979 imposes considerable obligations on Scottish Ministers to secure the long-term future of any Guardianship monument. In addition, it obliges them to maintain and provide public access to the monuments for the future. The proposals do not appear to offer a solution that addresses these issues.



The above points were raised in Mr Munro's letter to you of 25 June 1997 which we note you have included as an appendix to your documentation.

5. Our secondary concerns lie with the technical competence of the scheme as submitted.

a. The proposed change of use to overnight hotel accommodation would require a level of servicing (particularly in relation to fire detection, sanitation, heat insulation and ventilation) incompatible with a building of this sensitivity. The proposals give no indication of how the very onerous requirements of the law and of the relevant statutory authorities would be addressed.

b. In addition, no archaeological project design has been submitted for the work within the castle and courtyard or for that associated with the creation of a new garden within the scheduled area.

In terms of Part I of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979, before determining whether or not to grant SMC the Scottish Ministers must provide Alexander George and Co (Investments) Ltd, on behalf of Duffield Morgan Limited, with an opportunity to appear before and be heard by a person appointed for that purpose. This right to a hearing can also be extended to any other person whom Scottish Ministers consider have an interest.

In view of the "in principle" objection and the similarities of your current proposals with past submissions, as outlined above, it would be Historic Scotland's advice to Scottish Ministers that they **refuse scheduled monument consent** for the conservation of Rowallan Castle as defined in the conservation plan accompanying the application. However, before determining whether or not to grant scheduled monument consent Scottish Ministers shall either:-

- a. cause a public local inquiry to be held; or
- b. afford to the applicant, and to any other person to whom it appears to Scottish Ministers expedient to afford it, an opportunity of appearing before and being heard by a person appointed by Scottish Ministers for the purpose.

If your clients wish to contest the above advice they may use their statutory right to a hearing as set out above. Any request for a hearing should be made within 28 days of the date of this letter. Alternatively, instead of a hearing they may wish to submit written representations in support of their application.

If I do not have a reply from your clients within 28 days either requesting a hearing or making representations, the Scottish Ministers will proceed to a final determination of the matter and their decision will be notified to your clients.

Yours faithfully

R A J Dalziel

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