

PS / Cabinet Secretary for Culture, Tourism and External Affairs

**~~NOTIFIED SCHEDULED MONUMENT CONSENT APPLICATION –  
PROPOSED REPAIRS AND RESTORATION WORKS AT FAIRLIE CASTLE,  
NORTH AYRSHIRE~~**

**~~Purpose~~**

~~1. — To invite the Cabinet Secretary to clear the above notified scheduled monument consent (SMC) application back to Historic Environment Scotland (HES), to allow HES to grant consent.~~

**~~Priority~~**

~~2. — Routine.~~

**~~Background~~**

~~3. — The application has been notified to Ministers in accordance with the Scheduled Monument Consent (Notification of Applications) Direction 2015 as HES is minded to grant consent for proposed works on a scheduled monument that go beyond what is the minimum level of intervention that is consistent with conserving what is culturally significant in the monument.~~

~~4. — The restoration/repair and extension of Fairlie Castle, a 15<sup>th</sup>-century towerhouse, has been the subject of a decade of recurrent discussions between initially North Ayrshire Council (NAC) and Historic Scotland, latterly Historic Environment Scotland (HES). Planning permission for the restoration of the castle and the addition of an extension was granted by North Ayrshire Council in 2011 and was subsequently renewed and remains live. The case currently before Ministers is for Scheduled Monument Consent for the stabilisation, repair and restoration of Fairlie Castle itself. A planning assessment and location plan are attached as an Annex for further information.~~

**~~Sensitivities / Handling~~**

~~5. — There has been regular correspondence from some concerned individuals and from Fairlie community Council about the handling of related consents. CHED have some concern regarding the piecemeal approach to the overall restoration and extension scheme and about inconsistency over what has and hasn't required SMC.~~

~~6. — However, each application has to be considered on its own merits. The points raised in relation to this case are more connected to its handling and operational issues for HES than the substance of the proposed restoration works which don't raise any issues of national importance in itself. HES consider the proposed works~~

~~as detailed in this application and subject to the proposed schedule of conditions, are broadly consistent with relevant policy.~~

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## Annex A

Directorate for Local Government and Communities  
Planning and Architecture Division (PAD)



Scottish Government  
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Assessment Report

|                            |  |
|----------------------------|--|
| Case reference             | SMC-NAY-002  |
| Application details        | Proposed repairs and restoration   |
| Site address               | Fairlie Castle, Fairlie, North Ayrshire (SM 317)   |
| Applicant                  | RDK Construction   |
| Determining Authority      | Historic Environment Scotland (HES)  |
| Local Authority Area       | North Ayrshire Council   |
| Reason(s) for notification | Notification Direction 2015 – works to be granted Scheduled Monument Consent by <b>Historic Environment Scotland</b> go beyond the minimum level of intervention that is consistent with conserving what is culturally significant in a monument |
| Representations            | 5  |
| Date notified to Ministers | 19 December 2019   |
| Date of recommendation     | 19 February 2020   |
| Decision / recommendation  | Clear  |

### Description of Proposal and Site:

- Scheduled Monument Consent (SMC) is sought for the stabilisation, repair and restoration of Fairlie Castle to the east of Fairlie village, including full vegetation removal, stonework repairs and restoration, re-construction of roof, parapet walling and cap house, stabilisation of east and west gables, new internal floors to match original position, structural repairs, stair repairs, new windows and doors, new internal partitions and installation of services.
- The monument comprises a ruined rectangular towerhouse of 15<sup>th</sup> century date. It is of national importance because it is a relatively well-preserved example of a small group of Ayrshire coastal towerhouses. The monument continued to contribute to its surroundings long after its ruination and continues to be viewed as a local landmark by the local community.

### Consultations and Representations:

- Historic Environment Scotland (HES) received 5 representations from members of the public on this SMC application. The concerns raised can be summarised as the impact upon the castle's setting and the Sensitive Character Landscape Area within the Clyde Muirshiel Regional Park, concerns that there is insufficient justification for the project, concerns regarding the loss of a public right of way,

and concerns regarding procedures in the prior handling by North Ayrshire Council and Historic Environment Scotland of this and related cases.

- PAD consulted SG Culture and Historic Environment Division (CHED) following notification. CHED has raised some points in relation to handling aspects rather than the substance and detail of the restoration scheme that is subject to this consent.

**Assessment:**

1. The SMC application has been notified to Scottish Ministers because works to be granted consent by HES go beyond the minimum level of intervention that is consistent with conserving what is the cultural significant in the monument.
2. The application is for stabilisation and repairs to allow the restoration and occupation of Fairlie Castle. It is being proposed to enable the ruined castle's survival through adaptation for re-use as a dwelling house. It follows over a decade of prior discussion between the owner, the planning authority - North Ayrshire Council and Historic Scotland, and latterly with Historic Environment Scotland. Planning permission for the restoration of the castle and the addition of an extension was granted by North Ayrshire Council in 2011 after consultation with Historic Scotland. Planning permission was subsequently renewed and remains live. SMC was also granted in 2011 for the erection of a scaffold, vegetation clearance, the removal of debris and the removal of blocking to allow access into the castle. This work has been completed. In their report of handling, HES indicate that while the proposed extension doesn't require SMC, as it is located outwith the scheduled area, the link between the extension and the monument will require a separate SMC application.
3. HES consider, in their report of handling, that while the monument's cultural significance would be maintained, overall the works would result in a considerable change to the character of the scheduled monument and, so are assessed as extensive. HES consider they would not, therefore, be consistent with Scheduled Monument Consents Policies 1 to 2. However, HES consider that while the works are assessed as extensive they are necessary for the long term preservation of the monument. Consequently, HES consider that the proposed works are compliant with Scheduled Monument Consent Policy 3
4. HES note that the monument is increasingly at risk of collapse due to its deteriorating fabric. HES consider that the proposed scheme of works is a broadly sensitive approach, which would result in considerable change to the character of the monument but would allow for the most significant elements to remain appreciable and visible, and the scheme would maintain the castle's long-term future.
5. HES consider that on the whole the application is carefully considered, based on good authority, sensitively designed, and properly planned. However further detailed information will nevertheless be required in advance of the works to enable the application to be fully compliant with Scheduled Monument Consent Policy 4 and HES have advised that several conditions are required. In their report of handling HES conclude that these considerations and conditions mean that the application is also consistent with their Managing Change Guidance

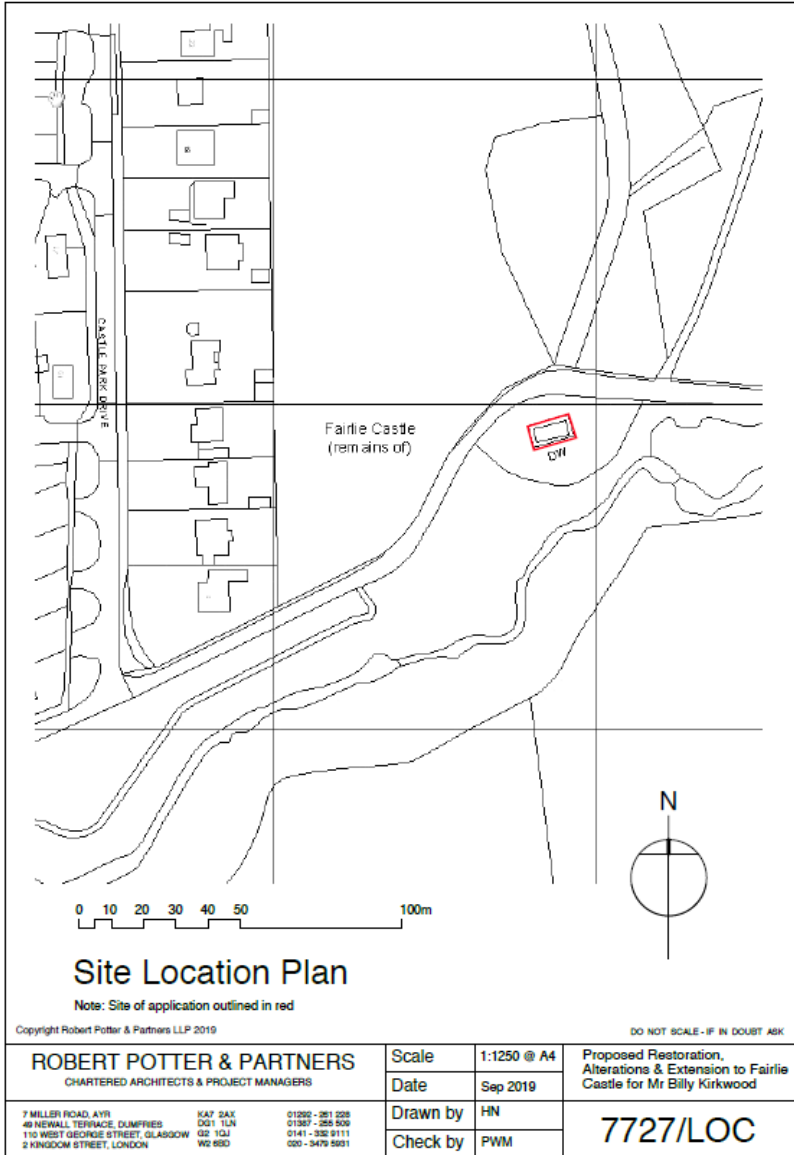
Note: Castles and Towerhouses, and that the proposal is concluded to be broadly consistent with relevant policy.

6. While the concerns of CHED are noted, this SMC application does not raise any issues of national importance that would merit intervention by Scottish Ministers.

**Decision/Recommendation:**

- The application should be cleared back to Historic Environment Scotland to issue Scheduled Monument Consent with conditions.

ANNEX B - Location Plan and 2014 aerial photograph





<https://canmore.org.uk/collection/1420464>