

**WEST DUNBARTONSHIRE COUNCIL****Report by the Chief Officer - Regulatory and Regeneration****Planning Committee: 10 November 2021**

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**Subject: Scheduled Monument Consent: Sheephill Fort Sheephill Quarry, Milton, Dumbarton**

**1. Purpose**

- 1.1** To agree the Council's response to a Scheduled Monument Consent for Sheephill Fort Sheephill Quarry Dumbarton.

**2. Recommendations**

- 2.1** It is recommended that the Council submits the comments contained in paragraph 4.1- 4.3 as the Council's response to the Scheduled Monument Consent.

**3. Background**

- 3.1** The Council agreed to accept the conditions of the Review of Minerals permission (ROMP) for Sheephill Quarry in March 2020. The conditions of ROMP are only finally determined once an appeal has been determined or the right to appeal has expired which is 1<sup>st</sup> January 2022. The planning permission granted in 1949 for Sheephill Quarry allows the full excavation of the whole site, which includes the rock under Sheep Hill Scheduled Monument and the agreed ROMP includes this area. The vitrified fort of Sheephill was designated as a Scheduled Ancient Monument by the Secretary of State in 1970. Scheduled Monument Consent (SMC) was granted in 2002 by Historic Scotland subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. Although the 2002 SMC has since lapsed, the principle of removing the fort has been established. Historic Environment Scotland have suggested previously that it would not seem reasonable to recommend refusal of any subsequent application for SMC at this stage. As the 1949 planning permission pre-dates the scheduling of the Sheep Hill Scheduled Monument site, if the Scottish Government were to refuse SMC then the Scottish Government would under the Ancient Monuments and Archaeological Areas Act 1979 be liable to pay compensation to the operator.

**3.2** An application for Scheduled Monument Consent was submitted in September 2021 to Historic Environment Scotland. [Sheep Hill, fort, Auchentorlie - Quarrying operations. \(300053942\) \(historicenvironment.scot\)](#) Historic Environment Scotland have up to 8 weeks to process an application for consent or more time by agreement between Historic Environment Scotland and the applicant. Historic Environment Scotland notified the Council on 18th October and requested a response by 29<sup>th</sup> October 2021. Officers responded that it would not be possible to submit comments in this short timescale. Historic Environment Scotland has subsequently agreed a 2 week extension with the applicant and are required to determine the application by 17 November 2021. They have indicated that they would require any comments from the Council by 14 November 2021. The case would also be referred onwards to Scottish Ministers for review and final decision.

#### **4. Main Issues**

**4.1** The Sheephill Fort is situated at the summit of Sheephill, steep sided spur that falls away steeply on all sides except the North East. The defences comprise three elements: a small oval enclosure occupying the rocky boss that forms the summit; an irregular enclosure taking in additional ground on the South and West; and an outer rampart enclosing a triangular terrace on the South. Scheduled Monuments are legally recognised as being of national importance and should therefore be recognised when considering changes to them. In terms of the application for Scheduled Monument Consent this has been submitted by the quarry operator to Historic Environment Scotland. The proposed works are to undertake quarrying operations that will encompass tree felling, removal of soil and drift deposits, blasting, excavating crushing, screening, processing and storage of rock, siting of temporary plant as well as the forming of haul roads, benches and temporary works. In addition to all other incidental activities. No details have been provided of the archaeological excavation works to be carried out if the fort is removed despite being previously advised that detailed plans for the necessary archaeological works, a project design with appropriate supporting documentation and agreements would form part of the application for consent.

**4.2** During the consideration of the ROMP there was a lot of interest in the retention of Sheephill Fort and a number of representations to the ROMP raised the issue of the future of the Scheduled Monument including Bowling and Milton Community Council and Silvertown and Overtown Community Council. They indicated that the historic remains of the vitrified fort should not be destroyed until a proper professional archaeological exploration and documentation is carried out. Historic Environment Scotland also have a number of Scheduled Monument policies which protect a monument in order to secure its long term protection in the national interest in situ and overarching principles, aims and policies applied to all consents decisions in regard to proposals for work at scheduled monuments. Works on scheduled monuments should normally be the minimum level of intervention that is

consistent with conserving what is culturally significant in a monument and this aim is supported by Policies SMP1, SMCP1, SMCP2, SMCP3 and HEP 1 and 2 of the Scheduled Monument Consent Policy of Historic Environment Scotland. Policy SMCP2 in particular states that extensive intervention at scheduled monuments will not normally be permitted.

- 4.3** The Council recognises the long complex history of Sheephill Fort and the previous grant of SMC however Sheephill Fort is an important archaeological site which should be retained and the SMC should be refused. The Council advise that when assessing the application for SMC consideration should be given to their own policies relating to Scheduled Monuments and in particular the Scheduled Monument Consent Policy. If Historic Environment Scotland are minded to grant consent the Council would recommend that a strict Written Scheme of Investigation of the loss of the fort is required to mitigate by the excavation, recording and publishing of the findings.

## **5. People Implications**

- 5.1** There are no personnel issues.

## **6. Financial Implications**

- 6.1** There are no financial implications for the Council. The granting of SMC lies with Historic Environment Scotland and the Scottish Ministers.

## **7. Risk Analysis**

- 7.1** A risk assessment is not required.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** There are no equalities issues identified.

## **9. Consultation**

- 9.1** No consultation required.

## **10. Strategic Assessment**

- 10.1** The proposal supports the Councils strategic priorities of the Council.

**Peter Hessett**  
**Chief Officer – Regulatory and Regeneration**  
**Date: 10<sup>th</sup> November 2021**

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**Appendices:** None

**Background Papers:**

1. WP98/076: Review of Minerals Permission
2. Historic Environment Scotland –Scheduled Monument Consents Policy – April 2019

**Wards affected:** Ward 3 (Dumbarton)