



Case reference	SMC-ELN-002
Application details	Installation of a metal post and wire fence around pond
Site address	On the summit of Traprain Law, East Lothian
Applicant	East Lothian Council's Countryside Ranger Service
Determining Authority	Historic Environment Scotland (HES)
Local Authority Area	East Lothian Council
Reason(s) for notification	Notification Direction 2015 – works to be granted Scheduled Monument Consent by Historic Environment Scotland go beyond the minimum level of intervention that is consistent with conserving what is culturally significant in a monument
Representations	NIL
Date notified to Ministers	30 October 2020
Date of recommendation	11 November 2020
Decision / recommendation	Clear

Description of Proposal and Site:

- Scheduled Monument Consent (SMC) is sought by East Lothian Council's Countryside Ranger Service for works to install a metal post and wire fence around the pond on the summit of Traprain Law to prevent access by grazing livestock.
- The hillfort on the summit of Traprain Law is a Scheduled Monument and is of national importance.
- The proposed works would comprise the addition of approximately 7 metal fence posts with wire strung between them to create a fenced enclosure around the pond.

Consultations and Representations:

- No representations were made during consideration of the application.
- PAD consulted the Scottish Government's Culture and Historic Environment Division (CHED) following notification. They responded that the proposal is proportionate and necessary to protect the site and does not appear to raise any specific issues of national importance.

Assessment:

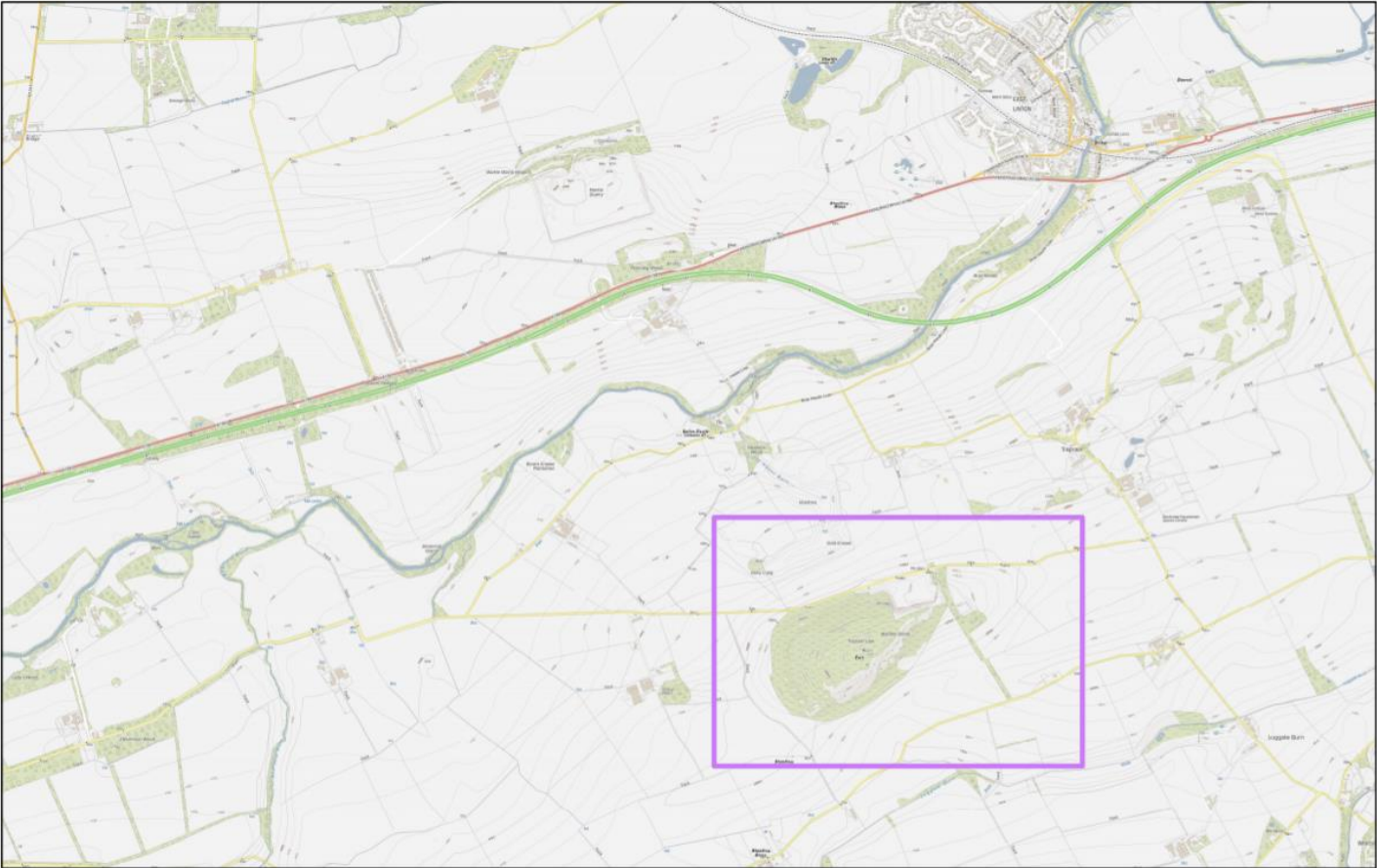
1. Historic Environment Scotland (HES) have notified Scottish Ministers of their intention to grant Scheduled Monument Consent (SMC) for the proposed works. HES have concluded that the proposal is broadly consistent with relevant policy. However, the proposal is not considered the minimum necessary consistent with conserving the cultural significance of the monument. Therefore, there was a requirement to notify Scottish Ministers as per The Scheduled Monument Consent (Notification of Applications) Direction 2015.
2. The scheduled monument is a substantial hillfort occupying the summit of Traprain Law, a large igneous hill which dominates the East Lothian plain. The fort is one of the largest in Scotland. The monument is of national importance as one of Scotland's richest and longest-lived monuments.
3. HES have considered the application and have concluded that the proposed works would have minimal impact on the cultural significance of the monument. In their report of handling HES set out that the Traprain Law has experienced several serious wildfires over the past few decades, resulting in damage to the archaeological and natural heritage interests of the site. Rank vegetation cover and the presence of a dense under layer of dead grass were identified as the main reason why these fires have been so enduring and destructive. HES explain that grazing is the only viable solution to prevent such issues developing again; and ponies have been introduced and have been effective in tackling this issue but are attracted to the pond summit.
4. In their report of handling HES have considered the proposal against SMC policy and relevant material considerations. HES sets out that the works will not be easily reversible, but the posts could be cut off at ground level in the future if they are no longer considered necessary. They consider that the proposed works would have a residual aesthetic impact on the monument, introducing a modern fence to the summit of the hill where an Ordnance Survey trig point is the only obvious modern feature. HES conclude that the works are proportionate, necessary and would have a minimal impact on the monument's cultural significance. Overall, HES assess the proposal as being broadly consistent with Scheduled Monument Policy. In terms of other material considerations, including impact of the works on Protected Species and Places, HES set out that the works would be within the Traprain Law SSSI and that SNH have confirmed that the works should not impact the SSSI.
5. The Scottish Government Culture and Historic Environment Division are content that the proposal doesn't raise any issues of national significance.
6. It is considered that the SMC application does not raise any issues of national importance that would merit intervention by Scottish Ministers.

Recommendation

- The application should be cleared back to Historic Environment Scotland to determine.

Location Plan and visuals

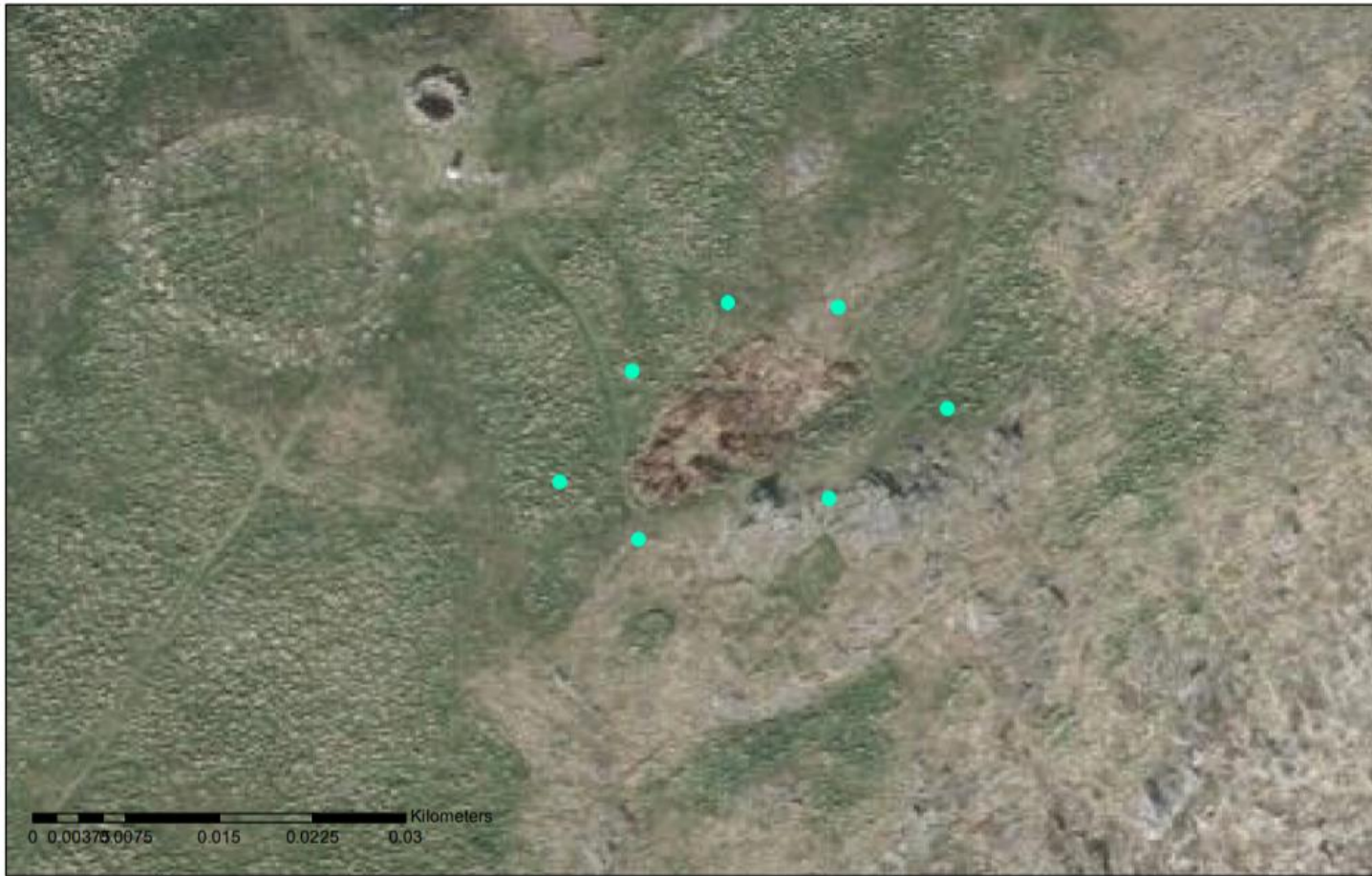
Location Plan showing Traprain Law to south west of East Linton



Location of summit pond



Approximate location of fence posts



Approximate locations for pond fencing posts

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