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Our ref: PE1523

3 November 2014

Dear Mr Howlett

### **CONSIDERATION OF PUBLIC PETITION PE1523**

Thank you for your letter dated 3 October regarding petition number PE1523 which urges the Scottish Government to direct Historic Scotland to investigate what action can be taken to ensure the restoration and preservation of the Tinkers' Heart, Argyll. I have answered your questions in turn below.

#### **What are our views on what the petition seeks and the discussions that took place at the meeting on 30 September 2014?**

I watched the discussions at the meeting of the Petitions Committee on 30 September with great interest and agree with much of what was said. In particular, I agree with Ms Smith and Mr Russell that the Tinkers' Heart is a symbol of the important contribution made by the Traveller community to the history of Scotland. We recognise the cultural significance of the Tinkers' Heart and are aware of its significance as a place with important associations for the Traveller community.

Mr Russell referred to the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage, which is relevant here. The Convention has not been signed by the UK Government, but the Committee might like to note that some useful research on intangible cultural heritage has taken place in Scotland by Napier University, commissioned by Museums Galleries Scotland (MGS). The final report, *Scoping and Mapping Intangible Cultural Heritage in Scotland* (2008), included several relevant examples, such as Highland Council's Travellers' Tales project, grant-aided by MGS. You may also be interested to note that a website and online database has been created and can be accessed at:

<http://www.ichscotlandwiki.org>.

The importance of intangible cultural heritage is also recognised in the first ever Historic Environment Strategy for Scotland, *Our Place in Time*, which seeks to ensure that the historic environment, in its widest possible sense, is understood, valued, cared for, protected, enjoyed and enhanced. Its definition of the historic environment would certainly include the

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Tinkers' Heart, which is important because of its associations and because it symbolises the Travellers' cultural heritage. However, we know rather little about the Heart in terms of hard facts – which is also part of its fascination. Its origins and history are unknown and probably unknowable, as Ms Smith acknowledged in her presentation, and the surviving remains have seen significant disturbance. Arguably, there is currently no mechanism for recognising and protecting features which are important primarily for their associations, such as the Heart. This has been recognised as an issue in the Historic Environment Strategy for Scotland.

Another area discussed at the 30 September meeting was the possibility of developing the Tinkers' Heart as a visitor attraction and its potential contribution to the economy of Argyll. The Tinkers' Heart is owned by a private owner, whose views on what might be possible in terms of encouraging visitors are obviously important, but I thought the Committee might find it useful to hear about Historic Scotland's experience of operating some 345 sites and monuments on behalf of Scottish Ministers. The majority of the monuments we care for are unstaffed and offer free admission to the public. In remote parts of Scotland, these monuments are significant components of the historic environment, much cherished by local communities and reasonably well visited, but our research suggests that they tend to add to the visitor offering in an area rather than attract significant numbers of additional visitors in their own right.

### **What is Historic Scotland's role in preserving historic sites and monuments, and who does it engage with in relation to its role?**

Our role in preserving historic sites and monuments falls into three areas:

- statutory recognition of some of the most important and best-preserved elements of Scotland's heritage by scheduling them as monuments of national importance under the Ancient Monuments and Archaeological Areas Act 1979;
- advice and encouragement to owners, occupiers and local communities to conserve, enhance, manage and interpret their own monuments, including grant aid where possible; and
- direct conservation and maintenance of the 345 properties in the care of Scottish Ministers, including providing public access.

In carrying out our statutory functions, we always engage with the owner(s) and occupier(s) of a monument and with the relevant local authority, and wherever possible, with local community groups and other interested parties. In the case of scheduled monuments, our Field Officers undertake field visits periodically to record the condition of monuments and continue our engagement with owners and communities. Where possible, we also provide grants for monument management and to improve the condition of sites. The Committee may find it useful in this respect to refer to Scotland's Historic Environment Audit for fuller information about the condition of the nation's heritage:

<http://www.historic-scotland.gov.uk/sheareport2012-2.pdf>.

In the case of unscheduled sites, we welcome ideas and proposals to support conservation and interpretation of historic assets and we do whatever we can to advise, guide and encourage beneficial management – as we have in the case of the Tinkers' Heart.



A number of actions have taken place since Ms Smith and Mr Russell first brought the Tinkers' Heart to our attention in 2012. For example, the site was comprehensively surveyed and recorded in 2012 by our sister body, the Royal Commission on the Ancient and Historical Monuments of Scotland. This record is now in the public domain and forms part of the National Monuments Record database. The Heart has also been added to the Argyll Sites and Monuments Record, curated by the West of Scotland Archaeology Service for Argyll and Bute Council, which means that it would be protected through the planning system if the site or its setting were to be affected by any development proposal in the future.

We have also liaised with Archaeology Scotland about potential improvements to the condition of Tinkers' Heart, particularly in relation to their Adopt-a-Monument Scheme which is grant-aided by us. We have stated previously that we would be pleased to consider an application from a community or Traveller group for a grant towards the costs of conserving and protecting the Tinkers' Heart. This is unusual for unscheduled monuments, but this offer was made in recognition of the special nature of this site and its cultural associations. However, we have not received any application for grant-aid and we understand that neither has the owner nor the local community taken up Archaeology Scotland's offer to include the Heart in the Adopt-a-Monument scheme. In the meantime, though, we are aware that the owner of the site and the local community has erected a new fence around the Tinkers' Heart on their own initiative and at their own expense. We are glad to have an opportunity to acknowledge the efforts made by the owner to protect the Heart and to welcome the fact that it is now less vulnerable to damage from cattle.

**What is the process for scheduling an ancient monument, and what steps would need to be taken in relation to the Tinkers' Heart of Argyll to secure its status as a scheduled ancient monument?**

The Tinkers' Heart was considered for scheduling as a monument of national importance in 2012 when it was first brought to our attention. Having undertaken a rigorous assessment, we concluded that, although the site is clearly of significant cultural heritage interest, it does not meet the criteria for scheduling as a monument of national importance under the terms of the Ancient Monuments and Archaeological Areas Act 1979. We believe that the value of the Tinkers' Heart lies in its associations, rather than in its *intrinsic* archaeological quality or its *context* – these italicised terms are technical terms set out in policy (see below).

You have asked about the process for scheduling. Monuments are assessed for scheduling against the 'Guidance on and criteria for determining national importance' as published in Scottish Historic Environment Policy 2011, Annex 1 - <http://www.historic-scotland.gov.uk/shep-dec2011.pdf>. These criteria have been developed over many years of scheduling practice and precedent and they align closely with systems for protecting important historic assets across the UK and in most of Europe. The concept of cultural significance (as determined by the Burra Charter) is laid out in Scottish Historic Environment Policy and is the first step in assessing a candidate for scheduling. It involves assessing a monument's *intrinsic*, *contextual* and *associative* characteristics, which together inform the assessment of national importance. For the interest and information of the Committee, I





enclose a copy of our summary of the cultural significance of the Tinkers' Heart – as assessed against the published criteria.

We do sometimes have to disappoint members of the public who propose monuments for scheduling: the Tinkers' Heart is not unique in this respect. A recent comparable example is the Hood Stones – a group of Royal Navy ship names created by ship's crews laying out stones to spell their vessel name on the side of a hill. The group includes HMS Hood, among other vessels lost during World War Two. These are also highly symbolic, and very important to the local community, but they also do not meet the criteria for scheduling as a monument of national importance under the 1979 Act.

It is important to note that scheduling would not of itself address the issues affecting the Heart. For example, under the terms of the Ancient Monuments and Archaeological Areas Act 1979, scheduling does not provide any specific onus on an owner to care for or provide interpretation for a monument, and neither is there any special right of public access to scheduled monuments. Instead, we strive to achieve these ends through encouragement and advice to owners, including the offer of grant-aid where appropriate (see second answer above). We would of course be happy to provide further advice on management and interpretation of the Tinkers' Heart and to work with the owner and all parties to continue to improve its condition and accessibility.

I hope that this answers the Committee's questions. If you would like further information about the scheduling process, or about the scheduling assessment of the Tinkers' Heart, please contact our Head of Scheduling, Olwyn Owen (phone 0131-6688658; email [Olwyn.owen@scotland.gsi.gov.uk](mailto:Olwyn.owen@scotland.gsi.gov.uk)).

**IAN WALFORD**



**Assessment of cultural significance and national importance for scheduling purposes: Tinkers' Heart, Argyll & Bute**  
(in line with criteria for determining national importance in SHEP 2011)

This assessment is undertaken on the basis of the available evidence and the potential for the monument to contribute to our understanding of the past. **Red text = detracts from cultural significance. Green text = adds to cultural significance**

Characteristic	Assessment
<b>Intrinsic</b>	
Condition in which monument survives	<ul style="list-style-type: none"> <li>The monument is a <b>reinstated</b> heart-shaped setting comprised of 26 quartz pebbles. In 1928 the pebbles were <b>removed and then reinstated</b> during roadworks and so any <b>archaeological context is likely to have been lost</b>. A mid 20<sup>th</sup>-century photograph indicates that, previously, more stones may have been placed around the edge of the heart-shaped setting, but these are no longer visible. The stones are now embedded in a small island of tarmac, from the period when they were located at the junction of two roads. The road junction has been moved and the monument is now surrounded by agricultural land.</li> </ul>
Archaeological, scientific, technological or other interest or research potential of the monument	<ul style="list-style-type: none"> <li>The <b>choice of stone type (quartz pebbles)</b>, the <b>form of the stone setting (in a heart shape)</b> and <b>the location</b> of the monument (at a route junction overlooking Loch Fyne) collectively indicate the interest of the site – and its potential to enhance our understanding of the connections between place, people and events (in this case, especially commemorative events).</li> </ul>
Apparent developmental sequence of monument (either long or short may provide insights of importance)	<ul style="list-style-type: none"> <li>The <b>development sequence here seems to be represented by unrelated events</b> – the original character and placing of the stone setting <i>versus</i> the relocation of the road junction and the temporary removal (and relaying) of the stones. Currently, there is <b>no known evidence</b> for the original act of laying these stones, the original purpose of the stone setting or the events that may have taken place here.</li> </ul>
Original or subsequent functions of the monument and its parts	<ul style="list-style-type: none"> <li>Oral history has suggested that the original purpose of the monument (to commemorate individuals from the traveller community who took part in Jacobite Rising of 1745) is different from its more recent use (as a venue for wedding celebrations among the traveller community). The only physical evidence for its function lies in its heart shape and its association as a place for traveller weddings. The site continues to attract interest and activity, as indicated by coins which are occasionally left at the centre of the setting.</li> </ul>

<b>Contextual</b>	
Present rarity or representativeness of all or any part of the monument, assessed against knowledge of the archaeology of Scotland and of the region in which the monument occurs	<ul style="list-style-type: none"> <li>• An interesting <b>example of a reportedly commemorative monument</b>, located at a <b>once-significant route junction</b> and at a <b>significant point in the local landscape</b> (overlooking the upper N shore of Loch Fyne).</li> </ul>
Relationship of the monument to other monuments of the same or related classes or period, or to features or monuments in the vicinity. (Particularly important for monuments forming part of a widespread but varied class)	<ul style="list-style-type: none"> <li>• A <b>rare example of a commemorative monument associated with the traveller community</b>.</li> <li>• Paradoxically, the monument links the heritage of an essentially transient community to a particular place, through its use of enduring materials and reported history of repeated use of the site.</li> <li>• The site represents a rare tangible remnant of traveller communities in this part of Scotland and the events that took place at specific locations. It has no known relationship with other monuments of the same class or period and may be unique.</li> </ul>
Relationship of the monument and its parts with its wider landscape and setting	<ul style="list-style-type: none"> <li>• The <b>location</b> of the stone setting indicates that both a <b>route junction and views over Loch Fyne</b> were important in its siting here.</li> </ul>

<b>Associative</b>	
Historical, cultural and social influences that have affected the form and fabric of the monument, and vice versa	<ul style="list-style-type: none"> <li>• The significance of the heart shape is easy to understand given its traditional use as a site for the celebration of travelling people's weddings (at least from the mid 19<sup>th</sup> century onwards).</li> <li>• However, the significance of the present heart shape to its suggested original use (as a commemorative place to remember tinkers who took part in the Jacobite Rising) remains unclear.</li> <li>• <b>There is no surviving evidence linking the stone setting to the role of travellers in the Jacobite Rising</b>, beyond the recorded oral tradition published by a researcher of the place of tinkers in Scottish history.</li> </ul>
Aesthetic attributes of the monument	<ul style="list-style-type: none"> <li>• The aesthetic attributes of the monument derive from the combination of the use of white quartz pebbles in a heart-shaped stone setting, but these are only visible from close proximity.</li> <li>• The aesthetic quality also relates to the views from the site across Loch Fyne.</li> </ul>
Significance in the national consciousness or to people who use or have used the monument, or descendants of such people	<ul style="list-style-type: none"> <li>• The site is <b>well known among the traveller community and descendants</b> and relatively well known locally. Publications about the traveller community in this area and Scotland more widely refer to the wider context of the monument.</li> <li>• The strength of feeling about this monument among the traveller community is reflected in the concerns expressed about the lack of wider recognition of the site.</li> </ul>
Associations the monument has with historical, traditional or artistic characters or events	<ul style="list-style-type: none"> <li>• The significance of this monument lies in the <b>its traditional associations and anecdotal reports</b> which tie it to nationally important historical events (of Scotland-wide significance: the Jacobite Rising) and weddings associated with the traveller community.</li> <li>• The basis for current evidence regarding the function and significance of the site lies primarily in the oral tradition of its origins and function recorded by a researcher of the place of tinkers in Scottish history.</li> </ul>

### Assessment of national importance

Criteria	Assessment
Its inherent capability or potential to make a significant addition to the understanding or appreciation of the past	<ul style="list-style-type: none"> <li>• This monument is the remains of a <b>rare, possibly unique, example</b> of a little known aspect of Scotland's cultural heritage, reflecting events and a place associated with the activities of the traveller community.</li> <li>• It is an <b>important reminder of the cultural heritage of the travelling community</b>.</li> <li>• Although the site has been disturbed in the past, it remains a <b>symbolic manifestation</b> of a way of life which has now largely died out.</li> <li>• However, it has <b>little inherent potential to make a significant addition to understanding of the past</b>.</li> </ul>
Its retention of the structural, decorative or field characteristics of its kind to a marked degree	<ul style="list-style-type: none"> <li>• <b>The heart-shaped setting of stones that survives is of limited (low) archaeological significance as the setting has been removed and re-laid, thereby losing its primary context.</b></li> <li>• <b>It is unlikely that any physical evidence survives of the original date, form or function(s) of the stone setting.</b></li> </ul>
Its contribution, or the contribution of its class, to today's landscape and/or the historic landscape	<ul style="list-style-type: none"> <li>• <b>The stone setting's contribution to today's and the historic landscape is relatively limited.</b> The significance of this site lies mainly in its context as a place-marker for the travelling community – at the junction of two routes and as a place from which to view the landscape.</li> </ul>
The quality and extent of any documentation or association that adds to the understanding of the monument or its context	<ul style="list-style-type: none"> <li>• There <b>is no known historical record or documentation of the establishment of the site or its (possibly changing) functions</b>.</li> <li>• The only known documentation relating to the site is very recent: the RCAHMS record (2012) and an online wiki entry (<a href="http://www.SecretScotland.org.uk">www.SecretScotland.org.uk</a>).</li> <li>• Our understanding of the site is based on oral history and its reported associations with the traveller community.</li> </ul>
The diminution of the potential of a particular class or classes of monument to contribute to an understanding of the past, should the monument be lost or damaged	<ul style="list-style-type: none"> <li>• The remains of the stone setting and its context have been fully recorded by RCAHMS and the information has been deposited in the National Record (Canmore) and the local Sites and Monuments Record (WoSAS pin 66676). The record stands as a lasting reminder of the significance of the stone setting in this location.</li> <li>• The site is recognised as an important place for the traveller community, but <b>its associative characteristics are of much greater significance than its intrinsic archaeological characteristics</b>, not least as the stones have been disturbed and reinstated.</li> <li>• If possible, the setting should be preserved as a tangible reminder of the cultural heritage of the traveller community, but <b>its loss would not significantly reduce our understanding of the past</b>.</li> </ul>
Its place in the national consciousness [a factor that may be considered in support of other factors]	<ul style="list-style-type: none"> <li>• The site has an important place in the consciousness of the traveller community.</li> </ul>