

Case information

Reference/Case ID	201506627		
Scheduled Monument	Melrose Abbey and Precinct		
Index no	M90214	Grid Ref	NT543344 354300.0000 634400.0000
Date of Application	20 January 2016	Application Received	21 January 2016
Summary of proposed works	Installation of broadband internet control cabinet and associated infrastructure – retrospective.		

1. Summary recommendation

This report recommends approval of the retrospective application.

2. Background

Melrose Abbey and Precinct represents the remains of the medieval monastic settlement at Melrose. In addition to the upstanding remains of the Abbey and its lade, the designation also covers the extent of the monastic precinct that formed an integral part of the monastery.

The applicant had undertaken pre-application discussions with Historic Environment Scotland and submitted an application for scheduled monument consent, but the works were carried out before the application could be processed. Enforcement action was undertaken by HES and it was decided that retrospective consent should be sought for the works.

3. Proposals

Consented Works

Installation of broadband internet cabinet and associated infrastructure.

4. Representations received

No representations were received.

5. Report

a) Policy considerations

The application should be viewed with the following legislative and policy considerations in mind:

The Ancient Monuments and Archaeological Areas Act 1979: Part 1 2 Control of works affecting scheduled monuments.

- (1) If any person executes or causes or permits to be executed any works to which this section applies he shall be guilty of an offence unless the works are authorised under this Part of the Act.
- (2) This section applies to any of the following works, that is to say –
 - (a) any works resulting in the demolition or destruction of or any damage to a scheduled monument;
 - (b) any works for the purpose of removing or repairing a scheduled monument or any part of it or of making any alterations or additions thereto;
 - (c) any flooding or tipping operations on land in, on or under which there is a scheduled monument.
- (3) Without prejudice to any other authority to execute works conferred under this Part of the Act, works to which this section applies are authorised under this Part of this Act if –
 - (a) the Secretary of State has granted written consent (referred to below in this Act as “scheduled monument consent”) for the execution of the works; and
 - (b) the works are executed in accordance with the terms of the consent and of any conditions attached to the consent.

SHEP

3.4. Scheduled monument consent is required for any works that would demolish, destroy, damage, remove, repair, alter or add to the monument or to carry out any flooding or tipping on the monument. It is a criminal offence to carry out any of these works without consent.

3.14. Scottish Ministers include a monument in the Schedule to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in the state it has come down to us. Scheduled monuments have an intrinsic value as monuments, not related to any concept of active use. It is the value of the monument to the nation’s heritage, in terms set out in the section on Scheduling in Chapter 2 of SHEP, that is the primary consideration in determining applications for scheduled monument consent.

3.16. Works on scheduled monuments should therefore **normally** be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument.

3.18. Scheduled monument consent applications must be considered in terms of the cultural significance of the monument and the impact that the proposals would have upon this cultural significance. The more important particular features of the monument are to its cultural significance, the greater will be the case against interventions which modify these features.

b) Assessment

The works represent alterations and additions to a scheduled monument and as such, scheduled monument consent is required.

The area of the monument affected specifically excludes the top 400mm of roads and pavements. The works involve the excavation of trenches up to 800mm deep to allow the connection of cabling between the control cabinet and existing infrastructure. These cables cross Buccleuch Street, an area of the monument that has seen extensive intervention in the past in the form of road works, and existing electricity, gas, water and drainage interventions. Additional trenching in this area at a depth of 800mm is unlikely to disturb archaeological deposits relating to the Abbey.

c) Other material considerations, including impact of the works on Protected Species and Places

None

d) Conclusion

The proposals outlined in this application should not have had a substantial impact on the cultural significance of the monument. I am therefore content that they accord with section 3.16 of SHEP.

Had the works not already been carried out, it would have been desirable to undertake an archaeological watching brief of the excavations to ensure that if any features or items of interest were encountered they could be recorded, recovered or protected if necessary. However, I consider re-excavation of the cable trenches would be unlikely to reveal any meaningful information and do not consider any further archaeological intervention to be appropriate in this case.

6. Recommended decision

I recommend retrospective consent is **granted**.

The works proposed are considered acceptable in meeting the terms of national policy for scheduled monuments, and also accounting for other material considerations.

7. Conditions

None

8. Approval

Officer	Deirdre Cameron	Date	16/03/2016
Approved by	John Raven	Date	16/03/2016

Annex A – list of supporting documents

- Scheduling certificate
- Project information summary, including contact details, quality control, location plans, cabinet details, location photographs, and indicative trench layout.