

Scheduled Monument Consent: Report on Handling



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Case information

Reference/Case ID	201601804		
Scheduled Monument	Union Canal, Fountainbridge to River Almond		
Index no	M11097	Grid Ref	NT205702 320500.0000 670200.0000
Date of Application	05 July 2016	Application Received	05 July 2016
Summary of proposed works	Canal edge treatment from Gibson Terrace to Viewforth Bridge.		

1. Summary recommendation

This report recommends approval for the above works with conditions.

2. Background

The monument is of national importance as an integral part of the Union Canal, and an important piece of Georgian civil engineering. Designed by a noted Scots Engineer, Hugh Baird, and built 1818-23, its continuous watercourse was without need of a single lock, and was graced by three major aqueducts inspired by another great Scottish civil engineer, Thomas Telford.

The proposed location of the works lie on the north side of the union canal, west of the Viewforth Bridge. Historic mapping indicates that the line of the towpath is still in its original position.

There have been a considerable number of previous consents and planning applications relating to this location since the introduction of our Casework Management System in 2009. This region of the canal has seen a significant amount of regeneration and development. The works outlined in this application are a continuation of earlier consented works to the towpath (case 201506485) and reflect a consistent approach to the canal edge in this location.

Pre-application discussions took place with East Team in June 2016 regarding the specific requirements of this application and a site meeting was conducted on 23/06/2016. This application accords with those discussions.

3. Proposals

Consented Works: Canal edge treatment from Gibson Terrace to Viewforth Bridge.

Description of works:

Canal Wall Treatment:

- **Canal edge:** The installation of new sheet metal piling for a length of 120m, and concrete copes to create a new canal edge. This would represent additions to the monument. The edge would bring a consistent treatment to this section of the Union Canal and will tie into the larger redevelopment project occurring at this location. The existing canal edge at this location has significant voiding and is susceptible to the increased boat and pedestrian traffic. This situation has led to canal edge collapse at other locations. The piling will address these issues, while maintaining the historic canal edge in situ. Repairing the historic canal edge would necessitate the dewatering of this section of the canal, which would represent a significant cost and create a health and safety risk. In order to minimise the impact on the historic fabric a membrane barrier will be placed between the piling and historic canal wall, this will stop the concrete from binding with the historic wall.
- **Towpath work:** The upgrade of the towpath has already been consented (case: 201506485), this application includes the extension of the towpath granite setts to the canal edge. This would include the removal of vegetation along the canal edge, between the towpath and canal wall. The granite setts and concrete copes would maintain a consistent canal edge treatment for this section of the canal.
- **Recording:** The upper section of the historic canal wall will be subject to archaeological recording before the consented works are carried out. This has been detailed in the archaeological mitigation section of the project design document. The survey will consist of a photographic survey, scaled drawing, and a description of the wall. No detailed method-statement was provided.
- **Three service bollards:** Installation of three service bollards to facilitate the consented (case 201506485) moorings along this stretch of the canal. There are 10 consented mooring rings for this section of the canal. The three service bollards would service these moorings.

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.

(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.

(4) Scheduled monument consent may be granted unconditionally or subject to conditions (whether with respect to the manner in which or the persons by whom the works or any of the works are to be executed or otherwise).

Historic Environment Scotland Policy Statement (June 2016)

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. A monument is included 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 this policy statement, that is the primary consideration in determining applications for scheduled monument consent.

3.15. Monuments are subject to decay and the threat of destruction, from natural and human causes. Conservation work is normally needed to prolong the life of a monument, but there is a risk that this can be so invasive that it irreversibly modifies the monument’s character and affects the special interest or features that made the monument important in the first place.

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.

3.17. As each monument will require treatment specific to its individual nature, characteristics, significance and needs, any proposed change to it must be fully and explicitly justified.

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.

3.19. Extensive intervention will only be allowed where it is clearly necessary to secure the longer-term preservation of the monument, or where it will clearly generate public benefits of national importance which outweigh the impact on the national cultural significance of the monument. Such public benefits could come from, for example, interventions which make public access to scheduled monuments easier, or assist public understanding, or will produce economic benefits once the works are completed.

3.20. Where change is proposed, it should be carefully considered, based on good authority, sensitively designed, properly planned and executed, and where appropriate in the context of an individual monument, reversible.

3.22. Where consent for the range of works set out in paragraph 3.4 is granted, conditions are normally applied to ensure the works are undertaken in an appropriate manner. Common requirements are:

- a. the use of appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
- b. the avoidance of irreversible change particularly wherever its effects cannot be adequately assessed;
- c. that where change is necessary, strategies should be adopted to mitigate its impact and limit intervention;
- d. that the management and execution of alteration, including remedial work, is sympathetic to the historic character;
- e. that appropriate skills and techniques, materials and construction techniques are specified where appropriate;
- f. that an appropriate level of record is made before, during and after any work and deposited in local and national archives, and, where appropriate, published;
- g. that it is possible, on close inspection, to differentiate new work from old particularly on masonry structures;
- h. that any archaeological excavation or other intrusive investigation should be based upon a detailed research strategy, with adequate resources, using

appropriately skilled and experienced archaeologists with a satisfactory record of the completion and publication of projects (see Note 3.10); and,
i. that the design, planning and execution of works on scheduled monuments are undertaken by people with appropriate professional and craft qualifications, skills and experience.

b) Assessment

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

Wider context: The proposed works continue the establish canal edge treatment and bring a consistent look and feel to the canal in this area. The works form part of the larger redevelopment of this area, and will facilitate increased public use of the canal. Most of the surface treatments involved refinishing features that have been resurfaced in the past.

Canal edge: This is the most invasive element of the proposal and involves the installation of new sheet metal piling and concrete copes to create an even canal edge, an even edge is necessary to facilitate the mooring of canal boats. The works would be an addition to the monument, rather than a removal, as the existing canal wall will be left in situ. While the works will be beneficial for the overall monument they will led to the original fabric of the canal wall being obscured permanently. In order to mitigate this a detailed recording of the wall will be necessary before the works are undertaken. In addition, in order to minimise the impact on the historic fabric, a membrane barrier will be placed between the piling and historic canal wall, this will stop the concrete from binding with the historic wall. The canal edge will be resurfaced but it will remain on its original alignment in its original location. The works, while not reversible, will be easily distinguishable from the original canal fabric. I consider these changes to conform with policy in that they are well designed and lead to public benefit and would not have a negative impact on the cultural significance of the monument.

Towpath work.

The works to the towpath are negligible as they comprise the extension of the granite sets to the canal edge and will not change the overall relationship between the towpath and canal. The towpath will continue to be easily defined and its relationship with the canal will not be compromised, this is a key aspect of the cultural significance of the monument. I am content that the works will maintain our ability to understand the relationship between the towpath and the canal.

Three service bollards:

Installation of three service bollards to facilitate the 10 consented mooring rings for this section of the canal. The three service bollards are small additions to the monument that would have a negligible impact on the cultural significant of the monument, in that they do not require ground breaking works and would not interfere with the overall appreciation of the canal at this location.

Recording:

The upper section of the historic canal wall will be recorded fully before the consented works are carried out. The project design details the specification of the recording in section 5 which details the archaeological mitigation strategy. I am content with the suggested mitigation strategy. However, no written scheme of investigation has been supplied and it will therefore be necessary to approve the exact method of recording and reporting before the works begin on site.

Summary:

The proposed works continue the establish canal edge treatment and bring a consistent look and feel to the canal in this area. The proposed works include slight modification of an area of the canal that has seen resurfacing in the past. The towpath will continue to be easily definable and its relationship with the canal will not be compromised, this is a key aspect of the cultural significance of the monument. These works should be seen as the minimum necessary for conserving what is culturally significant in a monument.

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

None

d) Conclusion

The application should be viewed as works as set out in both Part 1 Section 2 of the AMAA Act 1979 and section 3.4 of the HES policy statement.

I am content that the canal edge treatment proposed can therefore be considered as the minimum level of intervention that is consistent with conserving what is culturally significant in a monument, and thus compliant with 3.16 of the policy statement. The application contains sufficiently detailed information explaining both the reasoning behind the application and the methodology to be used to be considered to be consistent with 3.17 and 3.18 of the policy statement. The works detailed in the application build upon previous consented works, and they are designed in such a way as to be reversible (where relevant), are well planned with identified funding, and as such the application is compliant with 3.20 of the policy statement.

The proposed works will have no impact upon the cultural significance of the Union Canal. The works are contained entirely within the canal edge and the towpath surface and will be viewed from that standpoint. This section of the towpath has been upgraded previously so these works will appear as a modern addition to a modern surface.

In order to ensure that the works comply with 3.22 of the policy statement, it is necessary to condition a written scheme of investigation for the archaeological recording that will be carried out before the works commence.

6. Recommended decision

I recommend consent is **granted** with conditions.

Subject to compliance with the schedule of conditions, 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

1. Work shall not start on site until the applicant has commissioned a programme of archaeological investigation in accordance with a written scheme of investigations approved, in writing, by Historic Environment Scotland. This scheme shall be fully implemented during the course of the canal edge treatment.

Reason: to ensure that archaeological information relating to the affected areas of the monument is recovered and recorded to a satisfactory standard.

8. Approval

Officer	James Bruhn	Date	18/07/2016
Approved by	George Findlater	Date	18/07/2016

Annex A – list of supporting documents

- Canal Wall Treatment, Provision of Moorings and Landscaping. Gibson Terrace to Viewforth Bridge, Union Canal
- Fountainbridge development context and strategy December 2015
- Fountainbridge Towpath Strategy
- 140714-Canal-View-EDI site (image)
- Boroughmuir High (image)
- Hotel_and_Residential_view_freer street (image)
- Public-Realm-Email_EDIsite (plan)
- 1504.L.D(94)001 Detailed Layout Plan (plan)
- 1504.L.D(94)002 Details (image)
- 1504.L.G(92)000 Down Takings Location Plan (plan)
- 1504.L.G(92)001 Overall Landscape Layout Plan (plan)
- 1504.L.G(92)002 Edging Layout Plan (plan)