



Case Information

Reference/Case ID	300018521		
Scheduled Monument	Castledykes, castle earthworks		
Index no	SM2472	Grid ref	NX 97700 74600
Date valid application received	29 September 2016		
Summary of proposed works	Excavation of trench for fibre optic cabling undertaken with archaeological monitoring		

1. Summary recommendation

This report recommends that approval for excavation of a trench for fibre optic cabling is granted with one condition.

2. Background

The monument comprises the earthwork and sub-surface remains of the former medieval royal castle of Dumfries and a possible earlier motte that may have been constructed in 1173. The area was transformed by landscaping in the later 18th Century when a mansion and associated gardens were built. The mansion was demolished in 1952 and the gardens landscaped again as a public park.

The scheduled area is divided into two discrete areas, the western is understood to include the former motte (sometimes called 'Paradise') and the eastern around the later medieval castle (called 'Castle Hill').

The monument is of national importance because it includes fortifications associated with medieval Kings of Scotland from William I onward. During the medieval period it was of key strategic importance in southwest Scotland and played an important role during the wars of that period. The archaeological remains associated with the monument have the potential to inform our understanding of important events, medieval Dumfries and the development of castles in Scotland.

The application is for excavation of a duct trench for a fibre optic cable that forms part of a joint project between NHS Dumfries & Galloway and Dumfries & Galloway

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Council. The proposed duct trench runs through the eastern part of the scheduled area below an existing footpath.

There has been pre-application consultation with HES Heritage Management and the application has been accompanied by an archaeological WSI in line with our advice. The potential impact of the excavation was assessed during consultation and was informed by supplementary information supplied by the Dumfries & Galloway Council Archaeologist, who had undertaken archaeological monitoring on a similar route to the proposed duct in 2003.

The application has been submitted by Asher Associates acting on behalf of NHS Dumfries and Galloway.

3. Proposals

The proposed work forms part of a joint project of NHS Dumfries & Galloway and Dumfries & Galloway Council to install a fibre optic ring around Dumfries. It would link computer data servers in the New Dumfries Hospital Site and provide critical IT infrastructure to both the Council and NHS.

The proposals are as follows:

- Excavation of a trench for the laying of the cable
- Backfilling of the trench with suitable material and resurfacing.
- Excavation of a trench for the cable

The trench would be around 0.35m wide and 0.5m deep. It would be dug beneath existing footpaths to minimise the dig depth, and to minimise the chance of inadvertent damage in the future, for example through planting. For these reasons it is not possible for the trenches to avoid the scheduled areas completely.

Archaeological monitoring during the erection of a lighting system alongside the path in 2003 recorded the nature of archaeological deposits at a number of discrete locations along the path. Probable 18th or 20th Century landscaping deposits were recorded to a depth of at least 0.8m in all the holes; the only deposit possibly related to earlier remains was some possible collapsed walling at a depth of 0.68m in one hole. These results suggest that the trench is most likely to be excavated through post-medieval landscaping deposits of limited archaeological interest. However, the previous work did not monitor a sufficient sample to be confident in this prediction. Consequently, the application includes a Written Scheme of Investigation for archaeological monitoring.

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The trenches would be dug by a machine equipped with a toothless bucket under archaeological supervision. The supervising archaeologist would halt the excavation should an archaeologically significant horizon be encountered. If extensive or significant potential features were identified they would be protected *in situ* and further consultation undertaken with HES and the applicant to determine an appropriate course of action. If minor or no archaeological features were uncovered the monitoring archaeologist would record the exposed deposits to a professional standard and issue a report following the completion of site works.

- Two cables would be laid side by side in the trench
- The trench would be backfilled with suitable material and resurfaced.

The application is not accompanied by a timetable.

The archaeological monitoring would be undertaken by the Dumfries & Galloway Council Archaeologist.

4. Representations received

No representations have been received.

5. Report

a) Policy considerations

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

Ancient Monuments and Archaeological Areas Act 1979

Part 1 Section 2 - Control of works affecting an ancient monument.

Historic Environment Scotland Policy Statement June 2016

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.



3.16. 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.

3.20. 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; 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 proposed works involve the excavation of a duct trench and laying of fibre optic cables. The cables are critical IT infrastructure for Dumfries & Galloway Council and Dumfries & Galloway NHS. The route of the duct has been considered carefully and it has been proposed to follow footpaths to limit the excavation depth and offer additional protection from inadvertent damage in the future. The route runs under a footpath in the northern part of a scheduled monument.

The excavation of the duct trench has the potential to adversely impact sub-surface archaeological deposits. An assessment of the physical impact of the proposed works has been informed by the results of archaeological monitoring along the path in 2003. The trench is most likely to disturb only 18th or 20th Century landscaping deposits. These deposits are likely to cover substantial areas of the monument and are of limited archaeological interest. The excavation of the duct trench would leave the vast bulk of these deposits intact and cause no loss of significant archaeological information. Disturbing a relatively limited proportion of these deposits would have no material effect on the monument's cultural significance, which principally derives from its use as a medieval motte and castle.

Previous monitoring in the park has been limited in scope and hence there remains some potential for other, more significant remains, to be exposed. Hence the excavation would be archaeologically monitored. This would ensure an appropriate level of archaeological recording and reporting of the excavated trenches. If extensive or significant remains were encountered work would be halted and further consultation undertaken with HES to determine an appropriate course of action.

With these safeguards in place, and given the restricted nature of the proposed excavations, the proposed works are not likely to have a material effect on the monument's overall archaeological value. The site would be returned to its former state at the end of the proposed work. It is concluded that the work is not likely to have a detrimental effect on the cultural significance of the monument, so are not inconsistent with policy statement paragraphs 3.14 and 3.16.

The work would create critical IT infrastructure for the NHS and local government. These are important public benefits and the work is considered to be fully and explicitly justified.

The application has been accompanied by a detailed WSI that sets out a well-considered, appropriate and careful methodology. The WSI sets out a suitable method and timetable for reporting and process for designing post-excavation analyses and reporting if required. HES Heritage Management would have the opportunity to review draft reports and post excavation designs. The project team are highly experienced and have an established track record of successful delivery of archaeological projects through to publication. Accordingly, the specified method of



the work is appropriate and it would be undertaken to a professional standard, including post excavation, reporting and archiving. It reflects all professional expectations.

The application has not been accompanied by a timetable for site works. It is important that HES are informed of the start of site works in order to ensure we have an opportunity to monitor the work to ensure it is being undertaken as set out in the application. Consequently, in accordance with paragraph 3.22 of the policy statement, it is recommended that a condition be attached to consent requiring written notice of the commencement of site works.

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

The proposed works would not have any impact on Protected Species and Places and there are no other material considerations.

d) Conclusion

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

The proposed works, comprising excavation of a duct trench and installation of fibre optic cables, are being done in such a way that they will have minimal impact on the cultural significance of the monument. They do not, therefore, conflict with paragraphs 3.16 and 3.18 of the policy statement.

The objectives of the proposed work have been clearly set out and have considerable public benefits. The works have therefore been justified in accordance with paragraph 3.17 of the policy statement.

The application meets paragraph 3.20 because it has demonstrated that the works have been carefully considered, based on good authority, sensitively designed and properly planned. However it does not contain a timetable for the site works. Notification to HES regarding timing of the works is required so that monitoring is possible. It is recommended that a condition requiring this is attached to consent as outlined in paragraph 3.22.

6. Recommended decision

Subject to compliance with a condition related to notice of site works to allow for monitoring, the application is considered acceptable in meeting the terms of national policy for scheduled monuments, and also accounting for other material considerations.



I recommend consent is **granted, subject to the condition detailed below.**

7. Conditions

1. Not less than 2 weeks before any of the works to which this consent relates are begun on site, Historic Environment Scotland shall be informed in writing of the timetable for the proposed works. Historic Environment Scotland shall be informed in writing of any changes to the timetable prior to the works being carried out.

Reason: to enable a representative of Historic Environment Scotland to visit the site and monitor the works in progress.

8. Approval

Case officer	Simon Stronach	Date	04 October 2016
Approved by	John Raven	Date	07 October 2016

Annex A – list of supporting documents

- Dumfries fibre optic ductwork ring - archaeological investigations in Castledykes Park, Dumfries: written scheme of investigation (August 2016)
- Drawings: AA3960/EW/07A (Ductwork Details), AA3960/EW/251B (Existing Layout), AA3960/EW245 (Proposed Duct Route).