



## Case Information

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Reference/Case ID	300018533
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Scheduled Monument	Union Canal, River Almond to River Avon		
Index no	SM8954	Grid ref	NS 96800 75700

Date valid application received	17 August 2016
Summary of proposed works	Upgrade of section of canal towpath

## 1. Summary recommendation

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This report recommends that consent for upgrades to the towpath at the Union Canal from soft to hard surface be **granted without conditions**.

## 2. Background

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The monument comprises that stretch of inland waterway, 13 miles (20km) long, forming part of the Union Canal falling within the bounds of the former county of West Lothian. The monument runs from the west end of the Lin's Mill Aqueduct over the River Almond (on the east) to the east end of the aqueduct over the River Avon (on the west).

The monument includes the entire length of canal in water together with the banks on either side, the towing path running along one side, all overflows, distance markers and kicking stones. This application relates to the section of the Union Canal between Broxburn and Bonnington.

The physical fabric of the canal makes varying contributions to its cultural significance, depending on its age and condition. In general, the towpath surfaces and the adjacent grassy verges are of modern derivation. Therefore, the areas affected by this proposal do not make a significant intrinsic contribution to the national importance of the monument. However, they do represent a contextual contribution as views along the towpath and channel are key to understanding and



appreciating the form of the monument and the manner in which it functioned as a piece of industrial infrastructure.

No pre-application discussions have taken place but canal towpath upgrades similar to this proposal have previously been conducted many times in the last 13 years, and similar proposals have received scheduled monument consent.

### 3. Proposals

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Consented works - upgrade the surface of the towpath from a soft to hard surface along the stretch of the canal from Broxburn to Bonnington

A strategic overview of towpaths commissioned by Scottish Canals has suggested that hard towpaths have resulted in an increase in usage in several areas across the canal network and that soft surface towpaths have deteriorated badly in many areas. Hard surfacing is suggested as an improvement to the paths which allows for allweather access and may contribute to their wider use.

The works will not widen the path. The final finish will be comprised of a bitumen emulsion layer incorporating grey stone chips with are intended to match the colour range across the towpath network.

The proposals comprise:

- Scarifying towpath to a depth not exceeding 100mm
- Removal of vegetation encroachment' Regulating scarified towpath to introduce 1:40 cross fall
- Applying bitumen, upper layer containing stone chip to match existing towpath colour range
- Placing soil along towpath edges and seeding grass.

### 4. Representations received

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No third party representations have been received for this application.

### 5. Report

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# Scheduled Monument Consent: Report on Handling



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## a) Policy considerations

The application should be viewed 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 (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.

3.16. 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.

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Scottish Charity No. **SC045925**

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## **b) Assessment**

The proposals would involve scarifying and regrading the topmost 100mm of the existing towpath surface and the introduction of layers of bitumen above, the upper layer being dressed with stone chip to match existing towpath colour range. Because the works would be restricted to the upper surface of the towpath, it is likely that they would only impact on recent layers; it is very unlikely that there would be any impact on deposits or structures associated with the original canal or with 19th or early 20th century path surfaces.

The proposals envisage matching the existing colour range of the towpath. However, it is likely that there would be a cosmetic change to the appearance of the path, its surface becoming harder and smoother. Although noticeable, this change would not negatively affect key views along the canal or views which link the canal and its associated structures. It would therefore be unlikely to have an appreciable impact on the cultural significance of the monument. It is therefore to the benefit of the long term preservation of the monument that the upgrades are undertaken, and I consider that the prescribed methodology will not have an impact on the monument.

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

None predicted. Information from Scottish canals suggest the work will cause no negative impacts on the SSSI, SAC, and EPS in the area.

## **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 application, comprising the upgrade of the towpath are the minimum necessary to conserve what is culturally significant in this scheduled monument. The works are being done to elements of the monument in such a way that their impact on the cultural significance of the monument is minor, and as such the application is compliant with paragraphs 3.16 and 3.18 of the policy statement.

The application meets paragraph 3.20 which demonstrates/sets out that the works are carefully considered, based on good authority, sensitively designed and properly planned.

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From the information provided with this application further conditions as outlined in paragraph 3.22 to ensure the works are undertaken in an appropriate manner are not required

## 6. Recommended decision

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

I recommend consent is **granted without conditions**.

## 7. Conditions

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No conditions have been attached to this decision.

## 8. Approval

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<b>Case officer</b>	Hazel Johnson	<b>Date</b>	10 October 2016
<b>Approved by</b>	George Findlater	<b>Date</b>	10 October 2016

### Annex A – list of supporting documents

- Location plan Scale
- Methodology
- Towpath Support Statement