



## Case Information

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|----------------------------|---|----------|----------------|
| Reference/Case ID          | 300018596   |          |                |
| Scheduled Monument         | Caledonian Canal, Dochgarroch Lock - Muirtown Locks                   |          |                |
| Index no                   | SM6499  | Grid ref | NH 61900 40400 |
| Date application validated | 14 October 2016   |          |                |
| Summary of proposed works  | Upgrade of existing unmade towpath from Burnfoot Cottage to Kinmylies |          |                |

### 1. Summary recommendation

This report recommends that consent be granted without conditions.

### 2. Background

The monument is of national importance as a major component of the Caledonian Canal, built between 1803 and 1822. The relevant section of the monument comprises the stretch running north-eastward from Dochgarroch Lock to the flight of locks at Muirtown, in Inverness. The west bank (where these works are proposed) is formed by a wide level area and a slight outer embankment, while the east bank is a full earthen embankment falling to lower ground. The works are proposed on the offside (ie, non-towpath) side of the canal, where there is an existing informal pathway.

The west bank of the canal between the concrete slipway at Kinmylies and Burnfoot Cottage (at rear of the boatyard) is an informal pathway through the grassy canalside vegetation. This pathway has developed because the road from Muirtown to Tomnahurich Bridge is a popular part of a circular route for pedestrians and cyclists, with a return leg on the east (towpath) side of the canal.

The applicant and HES held a site meeting in early Autumn to discuss the proposed works, and subsequently received formal pre-application advice from Heritage Directorate. This advice has been incorporated into the final application. It was noted at the site meeting that the present informal pathway was very busy on a Friday afternoon.

This part of the canal has seen very few works since 2009, but the towpath opposite the site of the proposed works has recently been resurfaced in bitumen (SMC granted February 2016, case ID 201506794).



### 3. Proposals

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Upgrade of existing unmade 1.5m wide towpath from Burnfoot Cottage to Kinmylies Slipway to 2.5m wide bitumen macadam surfaced footpath/cycle track, for a total length of approximately 250m.

The applicant proposes to formalise the unsurfaced pathway from its present 1.5m width to a bitumen macadam surface of 2.5m width. This will involve vegetation & topsoil stripping, formation widening, filling, cambering, compacting, then bitmac surfacing. This will involve the loss of approximately 150mm of ground surface to a width of 2.5m for a total length of up to 258m within the scheduled area. The surface of the new path would match that of the recently resurfaced towpath on the opposite bank. The increase in width is proposed to increase the safe passing distance for two cyclists, or for a pedestrian and a cyclist.

The works would be carried out by hand and by a mini-digger accessing the bank by the Kinmylies (south) end. The path would then be continued northwards outwith the scheduled area to link with the surfaced road at the boatsheds.

### 4. Representations received

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No representations have been received.

### 5. Report

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#### 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 scheduled monuments

[Historic Environment Scotland Policy Statement June 2016](#)

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.

#### b) Assessment

*The impact of the proposals*

The impact of the proposals can be defined as:

- The loss of a 258m length of surface makeup, to a width of 2.5m and a depth of 150mm



- The creation of a surfaced path on the opposite bank to the towpath, and of a similar appearance to the towpath

Historic mapping regression shows no evidence of historic features on this part of the canal, and this has been confirmed by the applicant's heritage advisor. Inspection of the vegetated surface adjacent to the informal pathway demonstrated it to be a level area with no obvious features associated with the canal's function. This is not an area where boats have been pulled up in the past, due to the lack of road access to this section historically. Therefore, the likely direct impact on historic features associated with the canals construction and use would be slight to negligible

The creation of a tarmac path on the side opposite to the towpath has some potential to create confusion about which path is an original towpath and which is an additional feature. However, this is not likely to be a substantial impact, as the towpath runs along the whole length of the canal on one side only, and this path would only parallel it for about 250m and would clearly deviate away from the canal at each end of the path. On balance, it is likely that the potential indirect impact would be of a negligible nature.

The increased width of the path has been proposed so as to allow safe passage for two cyclists, or a cyclist and a pedestrian. It was noted on the site meeting that this was not presently possible within the 1.5m path. A 2.5m path width would allow this to become possible, and would match the width of the towpath on the opposite bank.

#### *The present condition of the scheduled monument*

The informal pathway is steadily eroding the surface makeup of the west bank at this location, and with time it would be expected to create a hollow track. A hollow track would create a feature that might be confused with a toe-ditch or other historic feature. Creating a surfaced path at this point would cause some disturbance to the monument, but would prevent erosion becoming a problem in the future.

#### *The impact on the cultural significance of the monument*

The proposed works would create a path which would have negligible adverse impact on archaeological remains or on the ability to understand and appreciate the historic form of the monuments. These works would also reduce the risk of further erosion as a consequence of continued use of the informal path. As the most important elements in the cultural significance of the monument would be unaffected, it is concluded that this significance would not be materially affected by the proposal.

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

Otters are present on this section of the canal, and are very likely to forage along the banks during the night. Open excavations could lead to an animal becoming trapped and suffering exposure or death. Open excavations will be covered overnight, and no earthfast fencing is proposed so as to allow the animals to traverse the site as required. This mitigation would be sufficient to avoid any nocturnal issues for otters, and they would not be present during the day on such a busy section. On that basis, there would be no impact on otters from these works.



## d) Conclusion

The proposed works would have a negligible impact on the cultural significance of the monument, as set out above. Therefore, the works can be considered to not conflict with HES Policy Statement paragraph 3.16. On that basis, it is recommended that consent be granted in the terms set out below.

The applicant intends to commence this work as soon as possible, and no reporting has been proposed. It would not be appropriate or reasonable to impose a notification condition, as the works are unlikely to raise significant concerns for our historic environment remit and the applicant will notify us when works are complete. No reporting condition is necessary as no archaeological works associated with this consent are being proposed.

## 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> | John Malcolm | <b>Date</b> | 07 November 16   |
| <b>Approved by</b>  | John Raven   | <b>Date</b> | 08 November 2016 |

## Annex A – list of supporting documents

- Proposed Towpath Surfacing, Burnfoot Cottage to Kinmylies Slipway, Inverness - Location Plan (A01065-01)