

urras eaglais na h-aoidhe



eaglais na h-aoidhe
(st columba's ui church)

conservation project

report



addison conservation + design
consulting engineers

URRAS EAGLAIS NA H-AOIDHE

**EAGLAIS NA H-AOIDHE
ST COLUMBA'S UI CHURCH
AIGNISH, ISLE OF LEWIS**



CONSERVATION PROJECT

JULY 2013

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EAGLAIS NA H-AOIDHE ST COLUMBA'S UI CHURCH AIGNISH, ISLE OF LEWIS



I. INTRODUCTION

In June 2011 Addison Conservation + Design (AC+D) was commissioned by Urras Eaglais Na H-Aoidhe (The Ui Church Trust) to undertake the role of Conservation Project Manager for the Phase 1 of their project leading to the conservation of the ruinous medieval Eaglais Na H-Aoidhe (St Columba's Ui Church, Aoidhe, Isle of Lewis). The building is recognised by its category A listing and Scheduled Ancient Monument status as being one of the most important archaeological sites on the Isle of Lewis.

The conservation work started on site soon after, with a generous support from Historic Scotland, Leader, Comhairlie nan Eilean Siar, Point Community Council, The Stornoway Trust and other funders, and was completed in March 2013. As part of this phase, an assessment of the medieval grave slabs was carried out and it was concluded that due to their importance and fragile condition they, after the conservation works, should be placed in a protected environment. This would also allow the slab's unique artistic splendour to be presented.

The conclusions from the assessment of the slabs were highly unexpected and very challenging. Preserving the slabs quickly became a matter of utmost urgency. The two grave slabs are monuments to Roderick MacLeod and Margaret McKinnon and they are considered to be of the highest standard of West of Scotland monuments of their period. The slabs are of significant historical value and it is vital that they be protected.

The stones have now been placed under a temporary canopy in the west chapel adapted to accommodate them using very limited resources. The current circumstances are far from ideal and cannot be considered a long term solution. Therefore, it is of great importance to progress with all works necessary to make a permanent display of the stones in a secure environment.

The preservation of Eaglais Na H-Aoidhe was a vision for many. However, until the slabs are in a protected area the overall project cannot be considered to be fully completed.

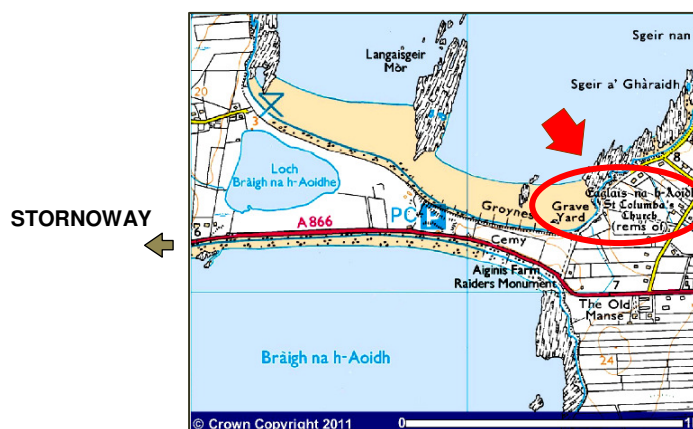
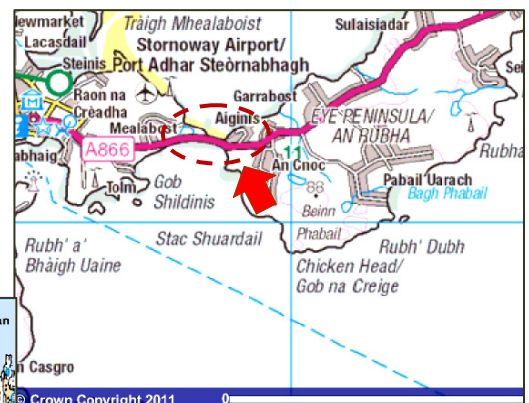
The aim of this document is to attract support to our project and funders to contribute to the preservation of this important historic place.

▪ **SUMMARY OF PROJECT STATUS**

1. The ruin is now fully consolidated and stable.
2. Due to the significance of the stone slabs it is of utmost importance to progress with the next phase of the project to ensure their protection and appropriate display and interpretation.
3. Conservation work is required to two mausoleums and historic monuments within the graveyard.
4. The history of the place has been thoroughly researched; however, there is a considerable potential for further community-based projects through recording of the graveyard, its connections with the local history, families based locally and abroad, connections with the works of Mackenzie's in India, interpretation and educational projects.
5. There is an unresolved element of the protection of the chapel from the sea action. This is discussed in Appendix 2.

II. LOCATION

The ruin is located within an ancient graveyard adjacent to the coastline on the Isle of Lewis (Outer Hebrides) some three miles east of Stornoway, off the A866 road.



III. HISTORY

Eaglais Na H-Aoidhe, or the Ui (Eye) Church, dedicated to St Columba was once Lewis's primary place of worship, dating as far back as the 14th century, and used continuously until the 19th century. The present ruin appears to have been built on top of previous religious sites, possibly dating back even further.

According to W.C. Mackenzie, writing in 1919,

"the church was built on the site of a cell occupied by St Catan, who is believed to have lived in the sixth or seventh century."

Catan was a contemporary of St Columba, one of the greatest Celtic saints, and a Bishop of Bute.

The church was expanded several times with the original structure being built in the 14th century at a time when clan disputes were all too common on the Western Isles. Much of the church is believed to have been built while Lewis was held by the Norse Nicolson family, from whom the MacLeod clan later acquired the island. The MacLeods would add further features to the church, including perhaps the west chapel.

The MacLeods remain the clan most associated with the church which was their burial place. Many of this family and other notable families of the Western Isles were buried there, including the last of the MacLeod chiefs, Roderick MacLeod and his daughter, Margaret MacKinnon. Intricate stone grave slabs for these two figures have been discovered among the ruins and for many years displayed in the main church.

Since the MacLeods laid claim to the island, the church has seen many changes, from new lairds to the Reformation of the Church in the 16th century.

In more modern time, the MacKenzies became more and more associated with the church.

PHOTO SHOWING INTRICATE
DECORATION OF MARGARET MACKINNON
AND RODERICK MACLEOD SLABS



Thomas Muir (1861) provided the first architectural analysis of the ruins;

Just beyond the isthmus, and in the open and frightfully conditioned burial-ground overlooking Broad Bay, we find the not greatly dilapidated church of St Columba, erewhile the Eaglais mhor of Eastern Lewis. It is a narrow oblong, divided unequally into two by a gabled wall of great thickness with an arched way through it, the western division shorter and straighter than the eastern one, and in part seemingly of Norman date. The building, though generally plain, has some noticeable features; and lying about it are some curved slabs, good in character, and curious from being the only specimens apparently existing in all Lewis.

It is clear, then, that the church has significant value, not just in its aesthetic qualities as described by Muir above, but also as a site of cultural and social importance. The church played a large role in the history of many important families living on the island for centuries.

The church was in use until 1828, and sporadically thereafter until as late as 1845. A few years later it became a ruin but it was still in use as a burial place.

IV. HISTORY OF THE PROJECT

- In 1994, during a high storm, the sea washed out part of the ground under the foundation of the north west corner of the chapel, threatening this part of the ruin with collapse. Immediate action was taken by the council to underpin the weakened corner. Metal elements were inserted to support arches of the west chapel.
- Urras Eaglais Na H-Aoidhe commissioned a professional team led by Simpson & Brown Architects to write a conservation plan for the church with a view to restore it for community use. This conservation plan, completed in June 2004, identified the sea action still as the main threat to the ruin.
- In 2004, urgent works were carried out to prevent further erosion of the ground under the already partially underpinned church wall. Due to various circumstances, this work was only partially completed, although most of its aim was achieved.



VIEW ON THE WEST GABLE OF WEST CHAPEL
PRIOR TO PHASE 1 CONSERVATION – METAL
SUPPORTING SYSTEM WAS LATER REMOVED



COMPLETE WORKS AT THE CHURCH VIEW
TOWARDS EAST

- In 2010, the revived Urras Eaglais Na Aoidhe, decided to go ahead with - and obtained funding for - the consolidation of the ruin, treating this as Phase 1 of an overall programme of conservation of the church and the graveyard. As a first step, Simpson & Brown's conservation plan was updated to focus on this particular aspect of the place. At that stage it was not clear to whom the ground on which the buildings and graveyard stood belonged. The Urras was however able, after some time, to establish just who held the title and to obtain its transference so that the whole project could get off the starting block.
- In 2011, Addison Conservation + Design was appointed to implement Phase 1 of the project; consolidation and stabilisation of the church ruin. As part of this works, stone conservation of the most important grave slabs was commissioned. Also, access to the church and interpretation of the site was improved.

Main elements of the Phase 1:-

- (1). Consolidation of the masonry using traditional techniques was carried out on all the exposed walls of the chapel
- (2). Further stabilisation of the west chapel through system of ties/struts installed at ground level. This allowed the temporary shoring to be removed from the archways
- (3). Specialist stone conservation was carried out on seven graveslabs identified as of particular age and importance. Four of these slabs were placed under the temporary canopy as recommended by the Stone Conservator and the remaining stones were left in situ on the specially prepared gravel base
- (4). Access to the church has been improved and the surface management within the main church.



COMPLETE WORKS AT THE CHURCH VIEW
TOWARDS WEST



INSTALLATION OF TIE/STRUTS SYSTEM AT WEST
CHAPEL



SLABS OF RODERICK MACLEOD (ON THE LEFT)
AND MARGARET MACKINNON (ON THE RIGHT)
UNDER THE CANOPY

V. DESCRIPTION OF PROPOSED PHASE 2 OF CONSERVATION PROJECT

The proposed Phase 2 conservation project aims to focus on:

- The method of protection and interpretation for the grave slabs identified in Phase 1. This could range from adaption of the canopy to restoration of the west chapel.
- Conservation of two mausoleums on the south side of the west chapel and their interpretation
- The recording and interpretation of the graveyard.

Slabs

The conclusion from Phase 1 is that the grave slabs have to be placed under a permanent roof to protect them from the weather. It has been established that the slabs should remain within the church rather than be relocated. In first instance, a feasibility study has to be carried out to determine how to provide a protected space for the stones. There are several options here;-

- To adapt the current canopy to a permanent structure.
- To erect a new, modern pavilion within the west chapel.
- To erect a new roof using the historic masonry for support as a “restoration.”

These options must be assessed with regard to the impact on the historic fabric of an ancient monument, aesthetics, the level of cost involved regarding fundraising potential, the potential for interpretation and display (i.e. lighting to expose artistic detail of slabs, future maintenance requirements, etc.)

The temporary protective canopy, although slightly adapted for the stones, in its current state, cannot be treated as a long term solution.

Mausoleums

Two mausoleums are located on the south side of the west chapel. One of them, dedicated to MacKenzie family, retains a monument dedicated to Colonel Colin MacKenzie, First Surveyor General of All India, a personality of great historical importance, and one of all too few Britons still recalled with a degree of fondness by the Indians.

Both structures require extensive consolidation and partial rebuilding of the wallheads. The majority of the ashlar stones to do this can be recovered as they fell after being displaced by vegetation. It is anticipated that some conservation work should be done to the stone monument.



ONE OF THE MAUSOLEUMS CONTAINING
COLONEL COLIN MACKENZIE'S MONUMENT

VI. ESTIMATED COSTS OF PHASE 2 PROJECT

1. ESTIMATED COSTS OF THE PROJECT

Protective spaces for the gravestones

It is not possible to estimate any costs for establishing a permanent enclosure or presentation elements before feasibility studies are done to allow the Client to define requirements and expectations. At this stage therefore, a feasibility study should be commissioned as a matter of urgency. It is anticipated that a budget of £3,000 + VAT is required to assess various options for the protection of the slabs, together with cost estimates for each option.

As a very broad guide the range of costs could be from some £50,000 for adapting the existing canopy to £150k for the “restoration” of the west chapel.

Mausoleums

The cost for the masonry works and conservation works to the Mausoleums is anticipated to be £55,000 + VAT. This includes the professional fees for the design and site supervision, and stone conservation of the monuments in situ. This conservation work can be carried out as a separate phase of work

Other graveslabs

It is anticipated that during the recording of the graveyard, some monuments may be found to require repairs or stabilisation. It will be prudent to allow a budget of £5,000 for this. This does not allow for any professional conservator’s input which would be required if a slab of great importance was found.

Exclusions

These estimates are based on the current rates and do not allow for inflation. It is also based on the current VAT rate of 20%.

VII. MANAGED BY THE TRUST

From its initial vision of a restored chapel, the Trust has been clear minded and dedicated in its approach to this first phase of the conservation of the chapel. It has demonstrated a commitment and an involvement in the project at a level we rarely experience. This augurs well for the future.

It has succeeded in "making a difference" by taking the solutions to all the challenges to a new level and other aspiring building conservationists on the Isles should take note of how it was done.

Its organised efficiency and hard work throughout the conservation work has made the Trust an informed and a highly effective body most capable of seeing this work to a conclusion and carrying on into the future to manage and safeguard the place with all that is in it.

All the significances that have been constructed by them will be preserved and new ones discovered.

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CONSERVATION PROJECT

REPORT

APPENDIX 1

PAPER BY PETER BURMAN AND NICOLAS BOYES

St Columba's Church, Point, Island of Lewis

A contribution to the debate about the future treatment, location and interpretation of the ancient memorials

Following a visit together on Thursday 27 July 2012 we offer the following remarks as part of the ongoing debate. Nicolas Boyes is a stone conservator who founded Nicolas Boyes Conservation [Nicolas Boyes Stone Conservation Ltd] twelve years ago. Peter Burman is an art historian who has been a university professor in England and Germany, before that ran the Council for the Care of Churches in London for twelve years, and since then has been Director of Conservation of the National Trust for Scotland and then an independent writer and consultant on heritage matters and a member of a number of committees including the ICOMOS International Committee on the Theory & Philosophy of Conservation and the UK ICOMOS Committee on World Heritage.

St Columba's is a largely 14th century church on a much more ancient sacred site which consists today of a roofless nave and chancel, relatively narrow, with a distinctive western chapel thought to be of around 1500. Close by on the south side are two significant burial enclosures which are part of the post-Reformation story of the church and churchyard. The history of the evolution of the church fabric appears to be quite complex, including a number of 17th century features, and part of the excitement of the present project to conserve, repair, record and investigate is that our knowledge and understanding of the place is being extended. Moreover, international opinion does not hesitate to advocate that in certain circumstances it is perfectly legitimate to add a layer of beauty, interest and significance of our time: such circumstances include steps taken to mitigate decay of key features and steps taken to prolong the life of the building and to give it a social purpose – such purpose being as a continuing sacred place which is the repository of the memories and stories of the local community (in this the kirkyard plays an important subsidiary part) and at the same time a place where the antiquity and history of the place and its treasures can be safely seen, explained and enjoyed by educational groups large and small, by members of the local community, and by the tourists who come to experience not only the church but the physical nearby reminders of other aspects of local history including the tragic events of 1888 and 1918. There is also the powerful link with the MacLeod family of Lewis evidenced by some of the artefacts and something of the international sweep of the place can be grasped by studying the memorials and their inscriptions including the long and interesting inscription to Colonel Colin Mackenzie who lived in India for forty years and was 'Surveyor General of all India', as well as a passionate scholar of the art, literature and antiquities of that country. The social purpose of the building (as well as protection of the fabric of the western chapel) is potentially enhanced hugely by the insertion of an elegant timber structure, semi-temporary but capable of being permanent, which has been designed and executed with exquisite tact by John Addison & Partner: it will be referred to here as the new pavilion.

It is against that background that we give the following opinion about the short-term to long-term preservation, conservation and interpretation of the memorials in and around the church starting with the two iconic memorials: (i) on the north wall of the chancel to Margaret MacLeod, *d.*1503, carved with foliage and animals and (ii) on the south wall of the chancel the life-size figure of a characterful knight, late 14th or early 15th century. These two deserve to be considered together because they have been treated almost as a pair from the time of a major intervention about a hundred years ago when they were placed, for their safety, on low plinths with simple explanatory texts, upright (which Margaret MacLeod would hardly have been originally and the knight may or may not have been), and with repairs and fixings in strong Portland cement-based mortars. They cry out for conservation and re-presentation and this process, which should be allowed to take some time and through adequate and committed

consultation, is to begin with a fortnight of emergency repairs during the middle fortnight of August. They will be disassembled, the process will include archaeological recording and the customary recording of the conservation team, and they will then be safely stored while the debate continues.

Questions which have arisen in our minds include:

- (i) Should they be disassembled? We would say yes. There is no other way in which they can be safely preserved for the future. Harmful deposits, both organic and inorganic need to be removed, and the result will be both a better condition and much greater legibility.
- (ii) Should they be placed back in the same position? There is no absolute right or wrong in such matters but there are options. The plinth of Margaret MacLeod's grave slab has reached the end of its useful life and the plinth of the knight also requires extensive repair or replacement. There is the argument that by them being in their current positions they have become hefted to that part of the church, but against that they are not in their original positions and have clearly been placed as they are for what was then understood a hundred years ago to be for their safety and for the enjoyment of visitors. We are quite clear that the new pavilion offers a new solution for them and our recommendation would be that they should be placed on the west wall of the west chapel, at a suitable height but fixed with stainless steel rather than on plinths. The environment of the new pavilion can be planned around them but it should be well ventilated, there is the opportunity for well-designed but subtle supplementary lighting, and there should be interpretation to the highest modern standards. We, as members of the team, would be delighted to contribute to the evolution of the process and to provide ideas and information for all the elements which would fall to be written and designed.

There are other memorial stones in both chancel and nave and as part of the same programme they should be further investigated, cleaned by the conservators, and simple straightforward actions taken so that they read more clearly as aspects of the history and sacredness of the place. Like the magnificent grave slab of Margaret MacLeod they are of the kind referred to as 'ledgers' and though their details is to a large extent lost they are quite likely still to be in situ over the burials they commemorate and so should remain where they are and be disturbed as little as possible, but cleaned and conserved, recorded and studied.

There are also memorial stones of great antiquity (though covering perhaps as much as thousand years of history) in the kirkyard, and we would advise that the project should allow them gradually to become more visible and more appreciated for the remarkable evidences they provide for the long-term continuity of the community.

We would like also to emphasise how important it is, in our view, that the two Late Georgian burial enclosures should be studied, conserved and repaired. In addition to their Picturesque and historical qualities they embody something of the wide and deep history of Lewis's (and Scotland's) relationships with other regions and countries of the world including most notably China and India.

Returning to the fabric of the church we are full of admiration for the way in which the 'soft capping' of the walls has been respected in the recent repairs, including repointing with a much more suitable mortar, and by the skilful and reticent ('less is more') way in which the repairs have been carried out.

From first to last a visit to St Columba's Church is a magical and deeply moving experience, in which we encounter a place of great antiquity and beauty, which are the values which the present project seeks to retain and enhance while at the same time putting all aspects of the place into a better state of repair for the future and giving it an additional layer of focus and usefulness for both local people and visitors.

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CONSERVATION PROJECT

REPORT

APPENDIX 2

**COASTAL EROSION AT THE UI CHURCH
SUMMARY OF THE CURRENT SITUATION**

COASTAL EROSION AT THE UI CHURCH

SUMMARY OF THE CURRENT SITUATION

(1). INTRODUCTION

In consideration of the national and local importance of the Ui Church, the significant amounts of public money spent on the chapel so far and the investment in time and effort by the Trust and other bodies to preserve this ancient monument, an old but very important question has to be revisited.

Given its location, and the work done to it recently, just how safe is the church now from the effects of the sea?

From recent experience of severe damage to the defences near the chapel, the coastal erosion forces are still very active and potentially are increasing in severity and frequency. Previous assessment guidelines might no longer apply as storms and rainfall are changing the way we look at risk.

The wearing away of the land was halted several years ago by a designed revetment extending between the natural cliffs on one side and the large concrete sea wall further along. Some of the original revetment was replaced by armourstone after it had been damaged by storms. By these means, the mass removal of the land, the beach, and the dune sediments further along, had been halted. However the wave actions, tidal currents and wave currents have not been halted. Large waves, generated by storms and high tides, continue to damage the existing protection from the revetments and threatens to cause erosion directly at the chapel despite the introduction of some additional precautions to preserve the ground under it.

In the relatively recent past, prior to the recent conservation work there had been several incidents of threatened instability caused by wave action at the church itself and the adjacent sea defences. Several attempts were made to address the ground instability.

The first ones involved the Council and the more recent one when John Addison was with Peter Stephen and Partners. However the scheme at that time was of an interim nature and never reached a final engineering state. The ideas stopped for funding reasons with the introduction of a row of steel sheet piling funded by the Council. The piling is as much a device to prevent loss of ground under the chapel from erosion from water running down to the beach as underground secondary protection from the sea, the first line of protection being the Council's revetments.

The purpose of this short report is to summarise our knowledge of what has been done on this subject and to provide a starting point for the consideration of further works.

(2). HISTORY OF SEA RELATED EROSION AND REMEDIAL WORK AT THE CHURCH

- Over the centuries of the church's existence, a significant part of the land to the north of its footprint had been lost to the sea. This had left the church structure directly exposed to the wave and tidal action and so revetments were built. We do not know the history of them but they have been there long enough for the path to have been created and a mass concrete wall built to hold the cemetery up.



- In 1994, during a high storm, the sea washed out part of the ground under the foundation of the north west corner of the chapel, threatening this part of the ruin with collapse. Immediate action was taken by the council to "underpin" the weakened corner with concrete and to put in metal elements to support the arches of the west chapel
- In 2001 Urras Eaglais Na H-Aoidhe commissioned a professional team led by Simpson & Brown Architects to write a conservation plan for the church which identified the sea action still as the main threat to the ruin
- Addressing the Conservation Plan main concern, in 2004, urgent works were carried out to prevent further erosion of the ground under the already partially underpinned church wall.
Due to various circumstances, this work was only partially completed, and it was limited to installation of one row of sheet piles along the north west corner.
- In 2012, as part of the Phase 1 Conservation Works a tying/strutting system was installed in the foundations of West Chapel to improve its structural performance in consideration of the vulnerability created by the constant battering of the revetment and the incomplete state of the additional protection work.

(3). OUR GENERAL UNDERSTANDING OF GROUND CONDITIONS

Our knowledge of the ground support and its associated archaeology is based on the ground assessments using deep boreholes carried out under John Addison's instructions in 2004 and repeated in more detail inside the chapel in 2012. At both times the investigation work was done by Holequest Ltd, specialist site investigation Contractors.

From the work in 2004, fundamental weaknesses had been discovered at the north-west corner explaining why there has been settlement here relative to the rest of the structure. Here, very soft peaty layers were encountered below the chapel. These layers were saturated with water. A soft layer occurs approximately at mid-depth between the stone foundations and the more solid underlying conglomerate at a depth of roughly 4-5 metres below ground. Also, this same peat is evident on the beach below the seawall. In addition to the peaty layers there are also layers of clay in the strata. The ground conditions are fairly complex therefore.

These soft layers are much more vulnerable to settlement, slippage and subsidence on exposure to water from any source including land drainage.

From photographs taken in 1994 after the ground was damaged by a storm and a void had opened up next to the chapel, it is evident that there had also been a subsidence of the ground local to the north-west corner. This had been caused by a 'blow' from underneath (wave of trapped air pressure). This created a void which was subsequently filled with concrete by the Council. There remained a question about the possibility of other voids and how they interconnected with the sea wall defences.

In this regard, at the base of the sea wall there is a horizon of peat underlain by dense gravel. It is possible that a conduit has been created under this wall by the sea allowing it to pressure the soft soil behind the wall and under the church.

Some probing carried out recently during the conservation work did not reveal any voids under the chapel itself however.

(4). ASSESSMENT

Although we are reasonably satisfied that the existing protective measures are adequate to deal with the immediate risks from the sea, we are fully aware of weaknesses in the defences because the piling and other measures were never extended to complete the engineered concepts created with the original Conservation Plan.

It is not yet within the Trust's capacity to commission such an assessment. That said, the knowledge of all the issues are already in the team and a revisiting of the Conservation Plan and updating its "Risks and threats to the Monument" is one way of moving it forward.

The importance of the monument and the recent damage to the sea walls nearby, in our opinion, calls for a co-ordinated review of all these risks leading to an assessment of what further practical protective measures are required within the framework of the Ancient Monuments Act. SNH gives guidance on the role of Government, Councils and owners and a note of this is given in an Appendix 3.

Messrs Wallingford looked at this years ago for the Council and we think that it was concluded that a separately founded new sea wall might not be practical given the highly variable sub-soil strata and the need for very deep foundations.

Alternatively, wave protection in the form of rockwork would be a short/medium term answer and could not be regarded as a permanent solution consistent with the importance and long future life expectancy of the church.

We do not want to get ahead of ourselves without an engineering study, however perhaps there is a case for reviving the idea of the double row piled system as suggested in the Conservation Plan (2004). Part of it has already been installed.

Even in its "unfinished" state, the method has proven to be effective. It was economic to install which is a not insignificant factor. It already created minimal disturbance of the scheduled ground.

We would be happy to assist with this further, the first step being an assessment of the current situation using the Conservation Plan. The costs of doing this, and revisiting the ideas in it would be about £2500+VAT

The aim would be a document which would alert the authorities to an ongoing risk to their funding and the likely cost of securing it within the guidelines already set out for coastal defence and funding.

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REPORT

APPENDIX 3

**COASTAL EROSION AT THE UI CHURCH
REFERENCE TO SNH GUIDELINES**

COASTAL EROSION AT THE UI CHURCH REFERENCE TO SNH GUIDELINES

<http://www.snh.org.uk/publications/on-line/heritagemanagement/erosion/3.1.shtml>

A GUIDE TO MANAGING COASTAL EROSION IN BEACH/DUNE SYSTEMS

3.1 Coast Protection Legislation in Scotland

3.1.1 Introduction

A broad range of legislation governs the approval and implementation of coast protection works - that is schemes intended to manage or prevent coastal erosion - and all works outlined in this guide will require certain consents or licences before they can be implemented.

The nature of the consents required depends largely upon the precise location of the works relative to high and low water marks, the type and scale of the works and the nature conservation interest of the area concerned.

Table 3.1 provides a detailed breakdown of the consents and approvals typically required of coast protection schemes in Scotland.

It should be noted that in the exceptional case of listed buildings or scheduled ancient monuments being affected by the works under consideration, other, additional consents may also need to be sought.

3.1.2 Summary of Legislation

The Coast Protection Act 1949 (part I) empowers Local Authorities with coastlines (termed 'Coast Protection Authorities' in the Act) to carry out coast protection work inside and outside their area as necessary, subject to the approval of the Scottish Executive. Capital works may, if approved, be eligible for grant aid from the Executive, ranging from 20-80% of eligible costs, depending upon the Authority concerned.

Proposed schemes, other than maintenance or emergency operations, must be advertised by the Coast Protection Authority and notice of the works served upon a number of bodies, including SNH and the Scottish Environment Protection Agency (SEPA).

The powers given to the Coast Protection Authorities under the Act are permissive, i.e. Authorities are not obliged to protect eroding coastlines. Instead responsibility for management and prevention of erosion rests with the landowner of the site concerned. ##

Schemes proposed by landowners require the consent of the Coast Protection Authority and are not eligible for grant under the Act. Road, rail and harbour authorities, and certain other bodies with special powers, are exempt from the requirement to gain such consent but must instead give notice to the Coast Protection Authority of any works they propose to carry out.

Further to these requirements, because coast protection works below MHWS might, in theory, affect or interfere with marine transport or navigation, consent is also required for these under part II of the Act from the Scottish Executive Transport Division².

The Food and Environment Protection Act 1985 (FEPA) regulates activities involving construction or deposition of materials upon the seabed. Under FEPA, all operations, including coast protection works, entailing movement of beach sediment or the erection of structures below HWMOST require a licence, in this case from the Scottish Executive Marine Laboratories³.

Depending upon the nature and scale of the works, most coast protection schemes proposed by individuals or Local Authorities also require planning permission under the Town and Country Planning (Scotland) Act 1997 (TCPA), assuming they extend above LWMOST.

For major schemes this is the case even where it is the Local Authority itself which proposes the works.

Naturally, the permission of the landowner will need to be sought prior to commencement of works. For foreshore and seabed below HWMOST this will typically be the Crown Estate.

Local Authorities retain the power, under the Coast Protection Act, to carry out works even where landowner permission is not given.

Such schemes, however, require Ministerial approval following consideration of any objections which the landowner may have.

