

Repair of Castle Garden Wall Ancient Monument

Business Case

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1. Background

Ryedale District Council acquired the freehold interest in the castle garden site during 1996 with responsibility for some of the walls becoming the responsibility of the council but on the understanding that the wall bounding St Leonard's Grave yard was the responsibility of the Catholic Church.

Within the site acquired by the council is a section of the ancient wall that is wholly the responsibility of the council as owner, which divides the Castle Garden Project from the area of land classified as allotments. The castle garden project site is an area of land located behind the Old Lodge Hotel on Old Maltongate and is the subject of a lease to Derwent Riverside Project Group" registered Charity 1107237.

The whole of the site is a Scheduled Ancient Monument and has remains from Malton castle, Roman Fort and a Jacobean mansion underneath.

The purpose of the project is to carry out repairs to and close to Monument No's 285 and 1261 in accordance with the requirements of the Ancient Monuments and Archaeological Areas Act 1979.

2. Why the project is needed

The council as owner of the site has a responsibility under the Act to repair and maintain all structures that are of Ancient Monument or Listed status and in addition as a Local Authority have duties and powers to take action where the preservation of a building or structure may be at risk.

As a result of the investigations and the removal of various structures covering the wall a section of the wall has been found to be unstable and potentially in danger of collapse. Temporary shoring structures have been put in place to minimise the danger of collapse whilst structural solutions were being sought for the long-term stabilisation of the wall. In addition a further section of the wall is in need of repair to prevent further deterioration of the Ancient Monument.

3. Options

In conjunction with English Heritage various solutions to the stabilisation, repair and future maintenance of the wall were investigated including the construction of supporting structures and the repair of the wall which involved carrying out trial bore holes in the surrounding area in order to ascertain the reason behind the failure of the wall closest to Castlegate stairs.

The final conclusion was that in order to minimise future liability the most beneficial solution was to rebuild approximately 8 metres of the wall including the installation of a foundation and to repair to a minimum standard the balance of the wall within the council's ownership.

4. Benefits

The benefits would be the full use of the Castle Gardens by the public.

4. Benefits realisation

Benefits realisation immediate upon completion of the project.

5. Costs/timescales

It has been necessary to carry out temporary buttressing of the section of wall, which has shown to be in danger of collapse. Approximately 8 metres of the wall running from the Castlegate stairs has been fully investigated and as a result it has been found that the roots from one of the trees is pushing over the wall. Agreement has therefore been reached to fell the offending tree and English Heritage have approved a scheme to install foundations and to rebuild an 8 metre length of the wall. The specification for this has been completed and is currently being amalgamated with the specification for the remaining section of the Council's wall.

In connection with this an exchange of correspondence has taken place with the Diocese of Middlesbrough to the effect that no formal deeds exist and consequently information on a separate part of the walls ownership is therefore non-existent. Consequently as the church has in the past inserted memorial stones into the structure of the wall it is now clear that this wall is a party wall and the liability for any repairs are not wholly the legal responsibility of the council.

Based upon the current information there are four different proposals for the future of this wall, these being:

- 1) To obtain tenders for rebuilding the 8 metre section of wall fully repairing the remaining 35 metres of the council's wall and repairing one badly damaged section of the church party wall and leaving the remainder on condition that the Church contribute to the cost of the work attributable to the party wall.
- 2) To obtain a price for rebuilding the 8 metre section of wall carry out these works and to do minimum works to the remaining section of the councils wall approximately 35 metres in order to stabilize and do no works to the church section of the wall.
- 3) To obtain a price for rebuilding the 8 metre section of wall carry out these works and to do minimum works to the remaining wall, including the party wall, on condition that the Church contribute to the cost of the work attributable to the party wall.
- 4) To obtain a price for carrying out a full repair to the total length of the wall, approximately 75 metres and carrying out all the works, on condition that the Church contribute to the cost of the work attributable to the party wall.
- 5) To apply to English Heritage for consent to erect a permanent fence approximately three metres back from the wall and to carry out minimum repair works and making good only of the councils section of the wall. There is a slight risk with this approach in that English Heritage through the council's conservation officer may wish to enforce more detailed repair work. This however could be investigated prior to this proposal being progressed.

It is the intention to obtain separate prices for each section of the wall when the work is tendered. At this stage it is only possible to provide an estimated price for each element, however due to the complexity of this work these estimates cannot be guaranteed.

- 1a) The full cost of rebuilding 8 metres of wall, felling the tree and fully repairing 35 metres of wall but including for one small section of church wall is estimated as being in the order of £ 115,000 exclusive.

Project Management Templates

- 2a) The cost of rebuilding the 8 metres of wall carrying out minimum works to the remaining 35 metres including the felling of one tree is estimated as being in the order of £ 90,000.
- 3a) The cost of rebuilding the 8 metres of wall and carrying out minimum works to the remaining wall including the party wall and the felling of one tree is estimated as being in the order of £102,000.
- 4a) The total cost of carrying out all works is estimated as being in the order of £145,000.
- 5a) To supply and erect a palatine fence to prevent access to the wall except by an installed gate would be in the approximate sum of £5,000 plus VAT.

In connection with all the proposals it is recommended that the area of land currently occupied by Mr Hampshire should be permanently fenced off so as to prevent any attachments of future damage occurring to the wall. The cost of the fence to the section occupied by Mr Hampshire would be £5,000 plus VAT.

6. Summary of Key Risks

The wall, which is sited within the council's ownership is a Scheduled Ancient Monument and owners have a duty to repair and maintain such structures. As mentioned above the authority also have a duty to ensure the preservation of such structures