Section 42 Consent:
Report on Handling

Case Information

Reference/Case ID	300018961

Scheduled Monument	Tuquoy, settlement W of Cross-Kirk, Westray		
Index no	SM8208	**Grid ref**	HY 45400 43100

Date application validated	22 December 2016
Summary of proposed works	Geophysical Survey

1. Summary recommendation

This report recommends that approval for Geophysical Survey at Tuquoy settlement be **granted with conditions**.

2. Background

The monument comprises the remains of a high-status settlement of the Norse period on the island of Westray in Orkney.

The monument is of national importance as a good example of a high-status settlement of the Norse period of which comparable examples, also associated with a 12th-century church, are known from elsewhere in Orkney, notably at Cobbie Row's Castle on Wyre and Orphir on Mainland. Its importance is enhanced by the potential of its below-ground remains for shedding further light on the social and economic history and material culture of the pre-Norse, Norse and medieval periods.

The site is under severe threat from coastal erosion.

The work is funded by the HES Archeology Programme as part of the Tuqouy project.

3. Proposals

- Magnetometer survey at 0.25m intervals across the scheduled area.
- Targeted resistance survey at intervals of 1m in selected areas

Geophysical Survey across a 2 hectare area which includes the entirety of the scheduled area and a buffer zone around it to the north, east, and west.

The survey is intended to inform a wider programme of research and excavation which will be completed in 2019. It will be undertaken toward the end of February 2017. The work will be managed and undertaken by appropriately qualified and experienced surveyors.

4. Representations received

No third party representations were 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 3 Section 42: Restrictions on use of metal detectors.

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.

3.21. Where unavoidable circumstances, such as coastal erosion, threaten the survival of a scheduled monument, it should, where possible, be excavated and/or recorded in detail before its destruction.

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 magnetometer and resistance survey across the scheduled area. This is intended to inform a wider programme of research that will aid understanding and recording of a monument which is under severe threat from coastal erosion.

The physical impacts of the proposed works would be negligable and make no lasting changes to the monument. It therefore has no potential to impact negatively upon the cultural significance of the monument.

It is clear the project responds to a nationally, and internationally, important research issue. The WSI includes for making a record of the work publicly available. This would advance our understanding of the site and the creation of such a record is assessed as a considerable benefit

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

No impact on Protected Species and Places considered likely – see PP&S assessment.

d) Conclusion

The work will have no potential to impact negatively on the monument. The outcome of the research may improve understanding of the monument and will contribute to the recording of a site which is under threat from coastal erosion. The proposals do not, therefore, conflict with paragraph 3.15 of the policy statement.

However, there is no provison within the project outline for reporting the findings to Heritage Directorate, the other related archaeological authorities, or the NMRS. A related condition has therefore been added.

6. Recommended decision

Subject to compliance with the schedule of conditions, 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, subject to the conditions detailed below**.

7. Conditions

1. Within 3 months of the end of fieldwork the applicant shall submit a copy of the technical report of the results to Historic Environment Scotland's Heritage Directorate.

   Reason: to maintain an accurate record of the monument and ensure the results are appropriately disseminated.

8. Approval

Case officer	Kevin Grant	**Date**	06 January 2017
Approved by	John Raven	**Date**	09 January 2017

Annex A – list of supporting documents

- Written Scheme of Investigation
- Plan showing area of survey
- Written confirmation of land-owners permission.