

SMR ND34SW0032

HISTORIC SCOTLAND

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Dr Amelia Pannett
Department of Archaeology
Gregory Building
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GLASGOW
G12 8QQ

Our Ref: AMH/435/1/1

25TH February 2004
G/C C/W 27/2
J/W 27/2

Dear Dr Pannett

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT: CAIRN REAIN,
CHAMBERED CAIRN, NORTH YARROWS, THRUMSTER
FINAL CONSENT**

I refer to your application for scheduled monument consent, on behalf of yourself, Dr Brophy and Dr Baines, to undertake a trial excavation of the above scheduled ancient monument.

You have indicated that a hearing is not requested before the Scottish Ministers determine whether or not to grant scheduled monument consent.

The Scottish Ministers are satisfied that the works summarised above can be carried out without detriment to the historic, archaeological or architectural integrity of the monument. **Accordingly, they hereby grant scheduled monument consent** for the works outlined in the application dated 15 December 2003.

Consent is granted subject to the following conditions:

1. The project shall be conducted exactly as specified in Dr Pannett's application, dated 15 December 2003.

Reason: to ensure that disturbance of the scheduled area is carried out to an appropriate standard and that all records, archives and dispositions of samples and finds are made according to established practice, therefore securing the maximum archaeological benefits from the project.



2. The project shall include a detailed topographic survey of the site as part of the proposed works.

Reason: to ensure an accurate record of the monument before and after the investigation on site.

3. No work shall take place on site until the applicant has demonstrated, to the satisfaction of Historic Scotland's Area Inspector, that sufficient funding has been secured to allow the investigation to be conducted as offered in the application.

Reason: to ensure that the investigation is conducted to an appropriate standard.

4. Historic Scotland's Area Inspector, Mr Cole Henley, shall be informed at least 4 weeks before commencement of the investigation of the start and finish dates of fieldwork.

Reason: to allow official inspection of the works in progress.

5. Upon completion of work the site shall be left in a condition not inferior to that before work commenced, and to the approval of the tenant and the landowner.

Reason: to avoid deterioration of the site consequent to completion of the investigation.

6. Within 2 months of the completion of the fieldwork a brief report shall be placed with the Council for Scottish Archaeology and in a format suitable for publication within *Discovery and Excavation in Scotland*.

Reason: to make widely available the immediate results of the archaeological work.

7. Upon completion of the formal report, the project archive shall be offered to the National Monuments Record of Scotland (or its successor body if applicable) within 1 year of the submission of the report and in such a nature as to satisfy that body's published archiving standards. Copies of appropriate report and archive material will be made available, if so requested, to the Highland Council Archaeology Service and to whichever museum the excavations finds assemblage is allocated.

Reason: to ensure the long-term survival of a full archive within appropriate institutions, both for the purposes of future research and to inform any developments or future work concerning this monument.

8. The finds assemblage from the excavation shall be declared to the appropriate authorities for Treasure Trove assessment and for determination of the appropriate receiving museum.

Reason: to ensure that the law is complied with in respect of artefactual discoveries.



Note: Should any human remains be found during these archaeological works, Historic Scotland recommends that they should be treated in accordance with the procedures outlined in Historic Scotland's Operational Policy Paper 5 *The Treatment of Human Remains in Archaeology* (published 1997). This document explains the legal situation with regard to the removal of human remains and recommends procedures which will ensure that any removal is conducted in a legal manner.

Yours sincerely

D M TULLOCH

cc. Ms Islay MacLeod, Executive Director, Thrumster Estate Ltd.
Mrs Anne Coombs, Monument Warden
Mr John Wood, Local Authority Archaeologist ✓
Mr Cole Henley, Area Inspector, Historic Scotland

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Our Ref: AMH/435/1/1

26 January 2004

CR CA 29/1
JW

Dear Dr Pannett

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT: CAIRN REAIN,
CHAMBERED CAIRN, NORTH YARROWS, THRUMSTER
PROVISIONAL VIEW

I refer to your application for scheduled monument consent of 15 December 2003, on behalf of yourself, Dr Brophy and Dr Baines, to undertake a trial excavation of the above scheduled ancient monument.

In terms of Part 1 of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979, before determining whether or not to grant scheduled monument consent the Scottish Ministers must provide you, Dr Brophy and Dr Baines with an opportunity to appear before and be heard by a person appointed for that purpose. This right to a hearing can also be extended to any other person whom the Scottish Ministers consider has an interest.

To enable you, Dr Brophy and Dr Baines to decide whether or not to exercise your statutory right to a hearing, which would normally take the form of a public local inquiry, I can advise you that on the basis of the information at present available and the advice given to the Scottish Ministers, **they are minded to grant scheduled monument consent** subject to the following conditions:

1. The project shall be conducted exactly as specified in Dr Pannett's application, dated 15 December 2003.

Reason: to ensure that disturbance of the scheduled area is carried out to an appropriate standard and that all records, archives and dispositions of samples and finds are made according to established practice, therefore securing the maximum archaeological benefits from the project.



2. The project shall include a detailed topographic survey of the site as part of the proposed works.

Reason: to ensure an accurate record of the monument before and after the investigation on site.

3. No work shall take place on site until the applicant has demonstrated, to the satisfaction of Historic Scotland's Area Inspector, that sufficient funding has been secured to allow the investigation to be conducted as offered in the application.

Reason: to ensure that the investigation is conducted to an appropriate standard.

4. Historic Scotland's Area Inspector, Mr Cole Henley, shall be informed at least 4 weeks before commencement of the investigation of the start and finish dates of fieldwork.

Reason: to allow official inspection of the works in progress.

5. Upon completion of work the site shall be left in a condition not inferior to that before work commenced, and to the approval of the tenant and the landowner.

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6. Within 2 months of the completion of the fieldwork a brief report shall be placed with the Council for Scottish Archaeology and in a format suitable for publication within *Discovery and Excavation in Scotland*.

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Reason: to ensure the long-term survival of a full archive within appropriate institutions, both for the purposes of future research and to inform any developments or future work concerning this monument.

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Reason: to ensure that the law is complied with in respect of artefactual discoveries.



Note: Should any human remains be found during these archaeological works, Historic Scotland recommends that they should be treated in accordance with the procedures outlined in Historic Scotland's Operational Policy Paper 5 *The Treatment of Human Remains in Archaeology* (published 1997). This document explains the legal situation with regard to the removal of human remains and recommends procedures which will ensure that any removal is conducted in a legal manner.

If you, Dr Brophy or Dr Baines wish to contest the above advice you may use your statutory right to a hearing as set out above. Any request for a hearing should be made within 28 days of the date of this letter. Alternatively, instead of a hearing you may wish to submit written representations in support of your application.

If I do not have a reply from you within 28 days either requesting a hearing or making representations, the Scottish Ministers shall proceed to a final determination of the matter and their decision will be notified to you.

A form of reply and a pre-paid self addressed envelope is enclosed for your use.

I must remind you that no works may be undertaken without a formal grant of scheduled monument consent.

Yours sincerely

Pamela Wood

MRS P WOOD

- cc. Ms Islay MacLeod, Executive Director, Thrumster Estate Ltd.
Mrs Anne Coombs, Monument Warden
Mr John Wood, Local Authority Archaeologist
Mr Cole Henley, Area Inspector, Historic Scotland