

**Bigbreck Cottage, Birsay,  
Orkney, KW17 2LZ**

**Written Scheme of  
Investigation for  
Archaeological Monitoring**

**Project No: 735**

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**Client: Gavin Barr**

**Date: September 2017**

This documents has been prepared in accordance with ORCA standard operating procedures and ClfA standards	
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Authorised for distribution by: Pete Higgins, MCIfA
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Date: 28/09/2017
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# 1 Introduction

This report was commissioned by Gavin Barr and forms the Written Scheme of Investigation for monitoring of excavations associated with the construction of an extension to the property, and the installation of a new septic tank and drainage at Bigbreck Cottage, Birsay, Orkney, KW17 2LZ (hereafter known as 'the site'). See Figure 1.

The site is located at HY 26722 25042 and is currently a residential property, but the development extends the domestic curtilage of the property into existing agricultural land to the north and east of the current site. A Bronze Age barrow cemetery known as Bigbreck Cottage burial mounds is located immediately to the north and east of the proposed development site, and is a Scheduled Ancient Monument. A further barrow, Queenafiold is located c.250m to the west-south-west of the site. There is a high density of known archaeological sites (mainly mounds) in the vicinity that cluster around the south and east flanks of Ravie Hill.

The information within this report is based on specifications and plans supplied by the client.

This document sets out the methodologies which will be followed during the on-site works and during the post-excavation analysis and reporting stages. These will follow the Standards and Code of Practice laid down by the Chartered Institute for Archaeologists.

This scheme of monitoring works is based on Planning Conditions placed on the development by the Orkney Local Authority Planning Archaeologist.

## 2 Outline of Proposed Works

### 2.1 Archaeological Watching Brief

The ground-breaking works will consist of the excavation of foundations, drainage, services, and the installation of a new septic tank and soakaway on the east side of the existing property. Any other ground-breaking works on the site (such as temporary access roads) will need to be monitored during the course of the project. It is anticipated that the area immediately adjacent to the property may have been landscaped or disturbed by previous works, but this will need to be assessed by the monitoring archaeologist.

The excavations will be undertaken by mechanical excavator to the depth required for the development, or to the level of any exposed archaeology, if present. Archaeological features will be treated appropriately to their form, extent, preservation and relative importance (see section 4 Objectives of the Archaeological Mitigation).

As the site is located very close to an existing Scheduled Ancient Monument, it has been requested that the extent of the Scheduled area close to the development be demarcated, and that no traffic or materials are to enter the Scheduled Area. The location of the Scheduled Ancient Monument close to the development will be surveyed in using a Leica Viva Series GNSS, using co-ordinates supplied by Historic Environment Scotland (HES). The area will then be demarcated in an appropriate manner to protect the integrity of the monument.

## **2.2 Access**

The client and the principle contractor are responsible for arranging access to the work areas and any necessary inductions (such as Health and Safety) for the archaeologists and visitors. Any relevant permissions should also be dealt with by the client and be in place before work can commence.

The client and the Orkney Islands Council's Regional Archaeologist will be kept informed at all times to allow monitoring of the progress and effectiveness of the work. A mobile phone will be present on site at all times. Any significant developments, especially those likely to cause delay or special requirements (e.g. discovery of human remains, the discovery of any structural remains, artefacts requiring conservation etc.) will be communicated immediately both to the client and the Orkney Islands Council's Regional Archaeologist.

## **2.3 Schedule**

A minimum of one week's notice prior to the commencement of ground-breaking works is required for mobilisation. Current arrangements indicate that the works will be carried out from the 29<sup>th</sup> September 2017.

Prior notice of fieldwork, starting dates, with contact names, telephone numbers and arrangements for access will be supplied to Julie Gibson, Regional Archaeologist for Orkney Islands Council, to allow monitoring as necessary and reporting on the progress and effectiveness of the work and to ensure that professional standards are met.

The length of time spent on site is dependent on the archaeology present and the contractors programme of works.

A Data Structure Report on the work will be produced within 12 weeks of the completion of fieldwork.

## **3 Archaeological Background**

A Bronze Age barrow cemetery known as Bigbreck Cottage burial mounds is located immediately to the north and east of the proposed development site, and is a Scheduled Ancient Monument (SM1357). There are 10 or more known barrows within the Bigbreck Cottage barrow cemetery, varying in diameter between 4m and 12m, and between 0.3m and 1.25m in height.

A further barrow, Queenafiold (Canmore ID 1869), is located c.250m to the west-south-west of the site. There is a high density of known archaeological sites (mainly mounds) in the vicinity that cluster around the south and east flanks of Ravie Hill. The large number of mounds in the area, and the presence of Queenafiold barrow suggests that Bigbreck Cottage burial mounds may be part of a larger, and more extensive barrow cemetery on this side of Ravie Hill.

## 4 Objectives of the Archaeological Mitigation

### 4.1 General Considerations

The purpose of an archaeological watching brief as defined by the Chartered Institute for Archaeologists (CIfA, 2014) is to

*record the archaeological resource during development within a specified area using appropriate methods and practices. These will satisfy the stated aims of the project, and comply with the Code of Conduct and other relevant regulations of CIfA.*

A watching brief is further defined by the Chartered Institute for Archaeologists as:

*a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area or site on land, inter-tidal zone or underwater, where there is a possibility that archaeological deposits may be disturbed or destroyed. The programme will result in the preparation of a report and ordered archive.*

*This definition and Standard do not cover chance observations, which should lead to an appropriate archaeological project being designed and implemented, nor do they apply to monitoring for preservation of remains in situ.*

In all cases, a watching brief will be intended:

- *to allow, within the resources available, the preservation by record of archaeological deposits, the presence and nature of which could not be established (or established with sufficient accuracy) in advance of development or other potentially disruptive works.*
- *to provide an opportunity, if needed, for the watching archaeologist to signal to all interested parties, before the destruction of the material in question, that an archaeological find has been made for which the resources allocated to the watching brief itself are not sufficient to support treatment to a satisfactory and proper standard.*

A watching brief is not intended to reduce the requirement for excavation or preservation of known or inferred deposits, and it is intended to guide, not replace, any requirement for contingent excavation or preservation of possible deposits.

The objective of a watching brief will be intended to establish and make available information about the archaeological resource existing on a site.

The Standard also notes that a watching brief may be the appropriate archaeological response outside the planning process (e.g. ecclesiastical development, coastal erosion, agriculture, forestry, and countryside management, works by public utilities and statutory undertakers).

### 4.2 Site Specific Objectives and Research Questions

This statement sets out the methods used and approaches taken in dealing with the archaeological resource of the site.

The limited nature of the proposed works and the watching brief upon them makes it unreasonable to establish any specific archaeological research objectives. The archaeological brief is essentially limited to establishing where, if at all, archaeological deposits may survive (presence/absence), recording where necessary, and to ensuring that the proposed groundworks do not involve the destruction of any archaeological deposits of national significance. Nevertheless, in addition, a few research questions can be outlined:

*What was the nature and level (mOD) of natural topography?*

*What is the character, nature and depth of the earliest deposits identified?*

*Is there any evidence for activity associated with the large number of known prehistoric sites in the area?*

*What is the character and nature of the latest deposits identified?*

*What is the extent (depth) of modern truncation (i.e. landscaping and associated re-turfing)?*

### **4.3 Archaeological Methodology**

1. Properly arranged, a watching brief will cause minimal disruption to site works and will take place within agreed constraints. Watching briefs are not recommended in circumstances where important or complex archaeological remains are liable to be discovered, resulting in a risk of conflict between the need to record archaeological finds and the need to allow building works to proceed.
2. The excavations associated with the development, including the excavation of the foundations, drainage, services and the installation of a new septic tank and soakaway will be monitored by ORCA staff. Any other ground disturbing works on the site (such as temporary access roads) will need to be monitored during the course of the project.
3. Where a machine is used, a flat bladed bucket will be required to excavate all deposits.
4. A qualified archaeologist will be present on site during all ground disturbing works. If significant archaeological deposits survive in any area of the proposed development, the contractors will allow the archaeologist(s) to record deposits as required.
5. The extent of the Scheduled Ancient Monument (Bigbreck Cottage burial mounds, Monument 1357) close to the development will be surveyed in using a Leica Viva Series GNSS using coordinates for the Scheduled Monument from the HES GIS database. Once located, the area will be demarcated using spray paint, or in another appropriate manner to protect the integrity of the monument. In accordance with Condition 03 in the Planning Consent, no site traffic or materials are to enter the Scheduled Area during the course of the development.
6. The ORCA Project Officer will determine when remains of archaeological significance requiring recording are revealed.

7. Qualified archaeologists will monitor the work and record any archaeological remains revealed in the appropriate manner (plans, sections, field notes and/or pro-forma 'context sheets'). Recording will be carried out on the format and standards detailed in the ORCA Field Manual (2013). Observations will be transformed onto the Ordnance Survey National Grid Projection and heights measured in metres above Ordnance Datum, by direct measurement from verified Ordnance Survey control points. Masonry will be photographed in colour digital media.
8. Where possible archaeological features encountered will be fully excavated. The nature and extent of the archaeological features will be determined, with additional excavation undertaken if the nature of a feature cannot be determined. Any structural remains encountered will be assessed for level of excavation depending on their nature and potential importance
9. If large and complex or highly significant archaeological features are encountered, the monitoring archaeologist will suspend mechanical excavation in order to ascertain the specific nature of the features or deposits encountered. It may be necessary under these circumstances to communicate the nature of the findings to the Orkney Local Authority Archaeologist and the client in order to determine the most appropriate form of mitigation.
10. The archaeological work will be recorded using the standard excavation recording systems, such as pro forma record sheets, notebooks, scale drawings and photography (comprising digital photographs, plus slide and monochrome film if significant archaeological deposits are encountered) and related to the national Ordnance Survey grid.
11. Archaeologists will be allowed reasonable access in relevant areas of groundworks, so that features/deposits can be examined and recorded.
12. In addition to the excavation of man-made deposits, some assessment of any exposed 'naturally deposited' levels will be necessary, especially if these are organically preserved and laid down within archaeological timescales; for example alluvial deposits.
13. Any finds of human remains will be left *in situ*, covered and protected and the client, the Regional Archaeologist and the police informed immediately (it is a legal requirement to inform the local police). The Historic Scotland guidance *The Treatment of Human Remains in Archaeology* (2006) will be followed. If removal is essential it can only take place under appropriate Faculty jurisdiction, Department for Constitutional Affairs, Coroner's Division licence, environmental health regulations, coroner's permission, and if appropriate, in compliance with the Disused Burial Grounds (Amendment) Act 1981 or other local Act. Prior written notice will also be given to the local planning authority. It will be necessary to ensure that adequate security is provided.
14. Where archaeological remains are to be preserved *in situ* they will be adequately protected from deterioration. Normally this involves covering or wrapping the deposits

and features in a geo-textile such as Terram and sealing this with a layer of sand or other suitable soft materials.

15. Monitoring will comply with national planning policy set out in *Scottish Planning Policy* (SPP) 2014, with the companion Planning Advice Note (PAN 2/2011): *Planning and Archaeology, The Ancient Monuments and Archaeological Areas Act 1979* and the *Scottish Historic Environment Policy 2011*.
16. Any significant developments, especially those likely to cause delay or special requirements (e.g. discovery of human remains, the discovery of structural remains, any artefacts requiring conservation etc.) will be communicated immediately both to the client and to the Orkney Islands Council's Regional Archaeologist.

## **5 Planning and Legislative Framework**

### **5.1 National Planning Policy**

The importance of the cultural heritage, including archaeological remains, is recognised in legislation as well as local and national planning policy.

This Written Scheme of Investigation for archaeological monitoring of on-site works has been undertaken within the context of relevant policy and legislation as outlined in:

Scottish Planning Policy (SPP) 2014, with the companion Planning Advice Note 2/2011 *Planning and Archaeology*.

Historic Scotland's *Scottish Historic Environment Policy* (SHEP) 2011; and the *Managing Change in the Historic Environment Guidance Notes*

Some monuments are deemed to be of national importance and are therefore given legal protection through *The Ancient Monuments and Archaeological Areas Act 1979* (Scheduled Ancient Monuments), and the *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997* (Listed Buildings) and modifications thereto in the *Historic Environment (Amendment) (Scotland) Act 2011*.

### **5.2 Scheduled Monuments**

Under the *Ancient Monuments and Archaeological Areas Act 1979* (1979 Act), the Scottish Ministers are required to compile and maintain a schedule of monuments considered to be of national importance. The *Historic Environment (Amendment) (Scotland) Act 2011* modified this legislation.

The consent of the Scottish Ministers is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up a Scheduled Monument.

In addition, impacts of proposed development works upon the setting of a Scheduled Monument form an important consideration in the granting or refusal of planning consent to conduct development works.



The site is located very close to the site Bigbreck Cottage burial mounds, a known Bronze Age barrow cemetery (Scheduled Ancient Monument 1357). The site does not contain any Listed Buildings. The site is not located within the bounds of a Conservation Area as designated by Orkney Islands Council.

### **5.3 Archaeology and Planning in Orkney**

The Orkney Local Development Plan was adopted by Orkney Islands Council in 2017 and provides the framework for planning decisions made throughout Orkney. It states:

*SPP requires development plans to include policies for the protection, preservation and enhancement of all nationally important sites of archaeological interest and their settings, together with policies requiring the excavation and recording of sites where the primary aim of preservation has not been achieved. Orkney has many Scheduled Ancient Monuments, which date from prehistoric times to the 20th Century. A number of these are in the care of the Scottish Ministers, including the component parts of the Heart of Neolithic Orkney World Heritage Site (Maeshowe, the Stones of Stenness, the Watch Stone, the Barnhouse Stone, the Ring of Brodgar and its associated ritual and funerary complex, and Skara Brae). There are also more than 2000 sites which are listed on the Sites and Monuments Record.*

### **5.4 Recovered Materials**

A systematic recording and cataloguing procedure will be implemented for any surface finds, including a Location Schedule.

A secure temporary storage facility for finds will be established within ORCA premises at Orkney College.

Any artefacts retrieved during the investigation will be subject to the standard disposal procedures operated under the Treasure Trove and *Bona Vacantia* laws and reported to the Scottish Treasure Trove Unit or the Queens and Lord Treasurer's Remembrancer as appropriate, for disposal to an appropriate museum.

Written consent will be sought prior to excavations for any material to be removed from Scotland by application to the Treasure Trove Secretariat in Edinburgh. (See <http://www.treasuretrovescotland.co.uk/html/findsexport.asp>).

Finds will be treated in the field in accordance with the United Kingdom Institute for Conservation (Archaeology Section)'s First Aid for Finds.

### **5.5 Archive and Reporting**

Archive preparation and deposition will be undertaken with reference to the appropriate repository guidelines and standards, and, where necessary, the Museums and Galleries Commission (MGC) and the United Kingdom Institute for Conservation (UKIC) standards and guidelines. Arrangements will be made with an appropriate organisation (RCAHMS) for the deposition of the project archive in advance of any work on site. A written and illustrated Data Structure Report will be prepared within 12 weeks of completion of fieldwork. This will include:

- A summary of all archaeological mitigation measures employed and conclusion on their effectiveness.
- A summary of any previously unknown archaeological features found within the site boundary.

- The assessment of any environmental samples taken within the site boundary.
- Recommendations for any additional work to complete the study, analysis and/or publication of the findings.

A hard copy of the report will be sent to the client, with further copies going to the Local Authority's Planning Archaeologist and RCAHMS within 6 months of the completion of the fieldwork along with the archive of the site. A digital version will also be provided. It is an obligation of the client to fund any analysis and publication.

Findings will be submitted to the national record via the OASIS system, which will also generate a short report for Discovery and Excavation Scotland.

## **5.6 Funding**

The budget for this project has been discussed elsewhere.

## **5.7 Project Team**

Pete Higgins ([pete.higgins@uhi.ac.uk](mailto:pete.higgins@uhi.ac.uk); 01856 569223), Senior Projects Manager for the University of the Highland and Islands Archaeology Institute, will manage the project. Dave Reay ([david.reay@uhi.ac.uk](mailto:david.reay@uhi.ac.uk) 07866 469296), Archaeological Projects Officer, will be the on-site monitoring archaeologist for the duration of the ground disturbing works. C.Vs will be produced if required. We have access to all the necessary personnel and technical resources required for a satisfactory completion of the project.

## 6 Preliminary Risk Assessment

The Site Supervisor will be responsible during the progress of the site work for monitoring whether (and what) *additional* updates, modifications or Specific Risk Assessments may be required.

Site: Bigbreck, Birsay, Orkney, KW17 2LZ		Type: Watching Brief			
<b>Persons Affected</b>		<b>No</b>	<b>Classification</b>		<b>No</b>
Employees		1	Experienced		1
Other workers			Inexperienced		
Public			Disabled		
Known and Suspected Hazards on site					
Mobile Plant	✓	Access equipment		Ionising radiation	
Moving Machine Parts		Hazardous Substances		Lasers	
Moving objects	✓	Contamination		Ultraviolet radiation	
Falls from height		Aircraft		Temperature	✓
Falls on level	✓	Micro organisms		Weather	✓
Manual Handling	✓	Vermin/Weil's Disease	✓	Noise	✓
Services (Buried/ overhead)	✓	Ticks, Lymes disease	✓	Environment	✓
Electrical		Bites and stings	✓	Vibration	
Fumes/Gas		Welfare	✓	Hot/cold objects	
LPG etc		Lone working		Physical attack etc.	
Fire/Explosion		Confined spaces		Human Remains	
Chainsaw		Vehicles	✓	Hand Tools	✓
UXO		Livestock		On/Near Water (inc tides)	
Excavations	✓				
Control Measures Required					
<ul style="list-style-type: none"> <li>Compliance with H&amp;S at Work Act 1974, Construction (Design and Management) Regulations 2015 and ORCA H+S Policy</li> <li>Compliance with ORCA Generic or Site Specific Risk Assessment(s) for the Hazards marked above</li> </ul>					

<b>Assessment of Remaining risk (Low, Medium, High) (see notes)</b>											
	L	M	H		L	M	H		L	M	H
Mobile Plant	•			Access equipment				Ionising radiation			
Machine Parts				Hazardous Substances				Ultraviolet			
Moving objects	•			Contamination				Lasers			
Falls from height				Aircraft				Temperature	•		
Falls on level	•			Micro organisms				Weather	•		
Manual Handling	•			Vermin/Weil's Disease	•			Noise	•		
Services (Buried/overhead)	•			Ticks, Lymes disease	•			(Open/harsh) Environment	•		
Electrical				Bites and stings	•			Vibration			
Fumes/Gas				Welfare	•			Hot/cold objects			
LPG etc				Lone working				Physical attack			
livestock				Confined spaces				Human Remains			
Fire/Explosion				Vehicles	•			Hand Tools	•		
Chainsaw				Livestock				On/Near Water			
UXO				Excavations	•						
<b>Emergency action/additional assessment required for remaining medium/high risk</b>											
<b>Competent Person(s) appointed to take action:</b>				<b>Report seen by (initials)</b>							
Ros Aitken (Archaeology Institute Operations Manager)				PM	Dave Reay (Project Officer)						
				PO(s)							
				Client							
				Contractor							
				Other							

## Notes

The risk a hazard may produce is calculated by multiplying the likelihood of exposure to the hazard by the severity of injury or illness the hazard is likely to cause.

Likelihood (how many people exposed, for how often, and how long)

- 1 Very unlikely
- 2 Unlikely
- 3 Likely
- 4 Very likely
- 5 Almost certain

### Severity

- 1 First aid injury or illness
- 2 Minor injury or illness (less than 3 day)
- 3 3 day injury or illness (i.e. more than 3 days off work)
- 4 Major injury or illness (e.g. major bone broken)
- 5 Fatality or permanent disablement/illness

### Risk

**1-8 Low**

**9-11 Medium**

**12-25 High**

**N.B. risk is not a calculation of the possible harm but of the likely harm.**

## 7 Bibliography

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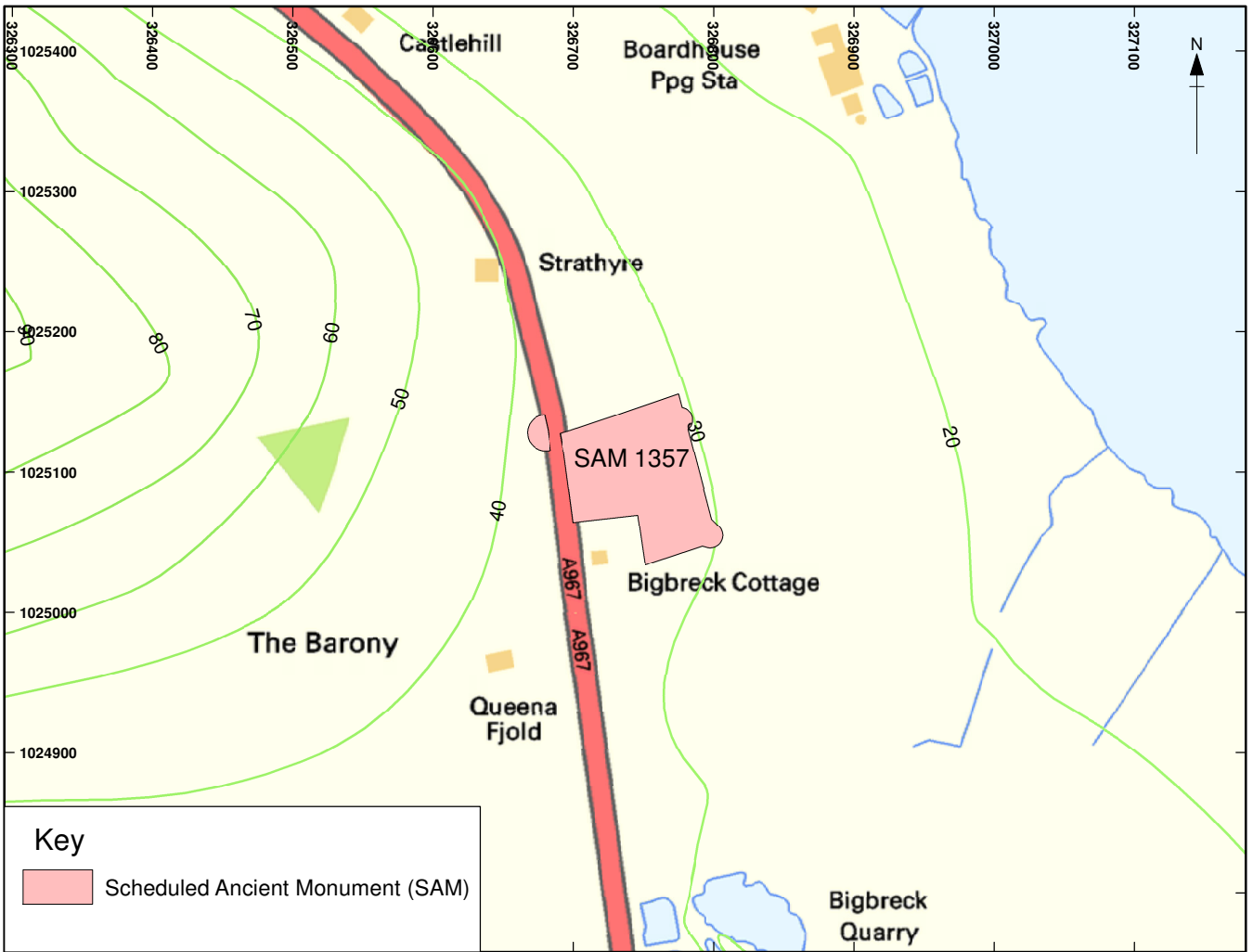
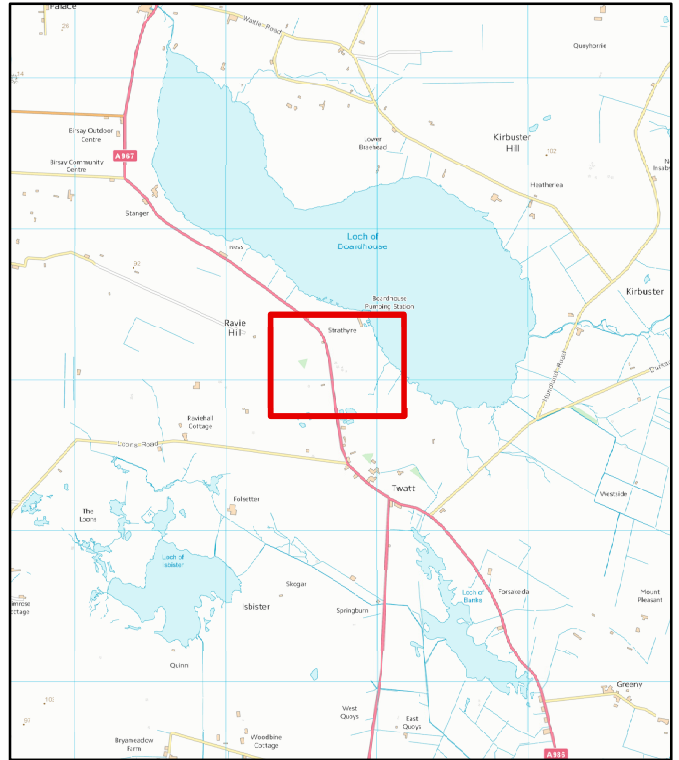
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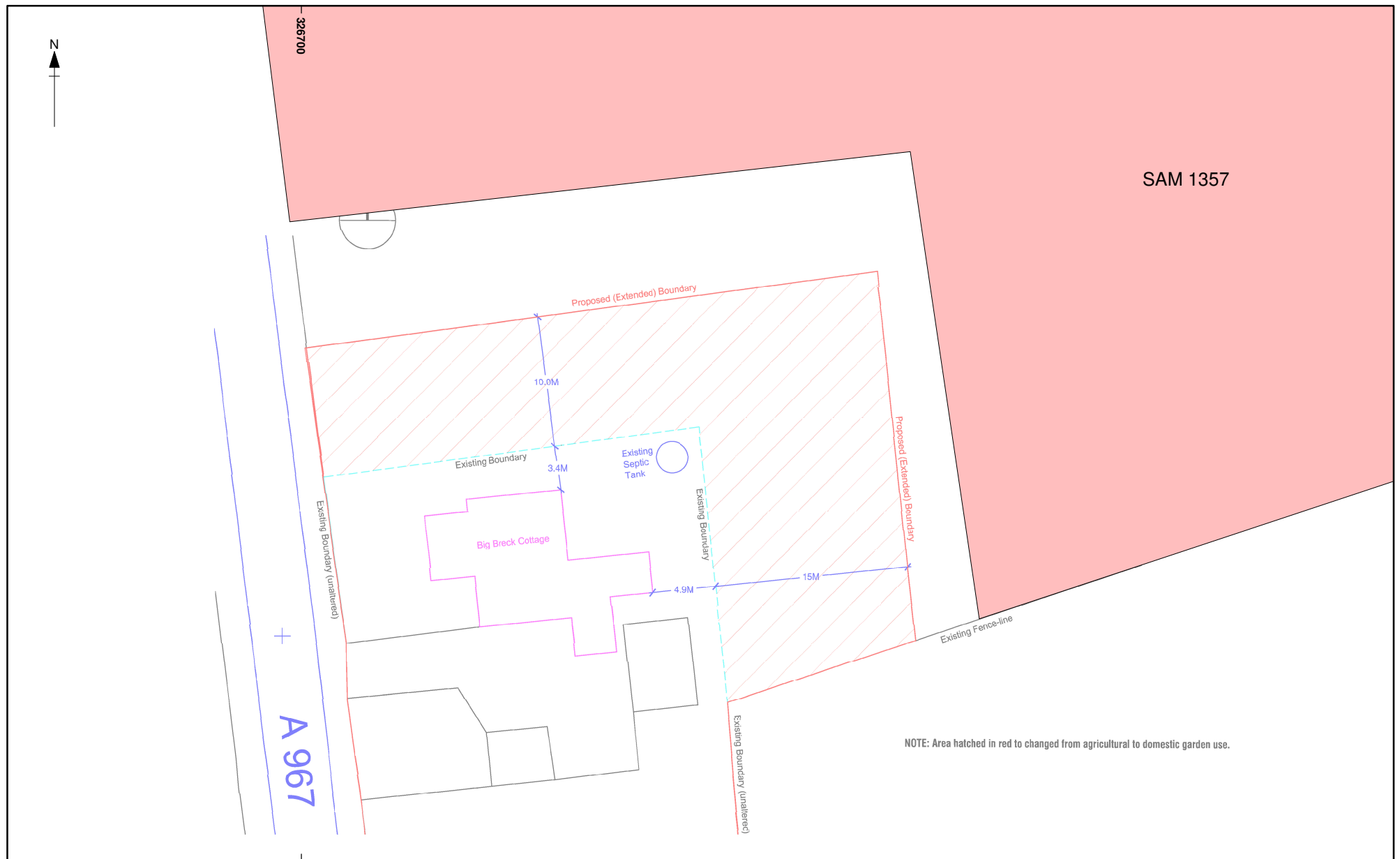
X:\ORCA\ORCA Projects\ORKNEY\1708 Bigbreck Cottage\A109\735\Geomatics\GIS\Figures\735 Figure1 .mxd



Orkney College, East Road, Kirkwall, KW15 1LX  
 0 150m

<b>Figure 1. Site location</b>		
Project Name: <b>Bigbreck Cottage WB</b>		
Project No: 735	Scale @A4 1:5,000	
Date: 09/2017	Initial: CB	Rev. No. 1.0

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Orkney College, East Road, Kirkwall, KW15 1LX



**Figure 1. Site Plan showing relationship to SAM 1357**

<b>Project Name: Bigbreck Cottage WB</b>		
<b>Project No: 735</b>	<b>Scale @A4</b>	<b>1:400</b>
<b>Date: 09/2017</b>	<b>Initial: CB</b>	<b>Rev. No. 1.0</b>



## Appendix 1 Watching Briefs

- A1.1 Where the Watching Brief Archaeologist has no control over the working methods on site (such as machine specification size and depth of excavation), the Archaeologist will only observe the works and record the nature of the works and any archaeology observed.
- A1.2 Where the Watching Brief Archaeologist specifies the working methods on site (such as machine specification size and depth of excavation), the Watching Brief will usually be treated as a Machine-Excavated Trench.
- A1.4 The Watching Brief Archaeologist has no power to extend the area unless instructed by the local authority archaeologist, unless it is to fully excavate human remains that would be truncated by the works.
- A1.5 A record will be kept of site attendances.
- A1.7 A1.8 Finds and samples, in addition to the manner of their retrieval and treatment in the field will be assessed as necessary by appropriate specialists for their potential archaeological value and potential for analysis.
- A1.9 The Watching Brief Report will be in accordance with Historic Scotland's guidelines on Data Structure Reports. It will include scale plans, a written summary and interpretation of the results and the methodology of the fieldwork.
- A1.10 The Watching Brief may produce results of sufficient significance in themselves to merit further assessment, analysis and publication. Any requirements for such post-excavation work and possible publication are considered part of the client's obligations. They will be assessed and costed in conjunction with the local authority archaeologist, the client and, if appropriate, Historic Scotland.

## Appendix 2 Finds and Site Methodology

- A2.1 Artefacts will be recovered and recorded by stratigraphic unit and/or spit, quantified, identified and scanned for dating evidence. They will be bagged and packed by artefact class and stratigraphic unit and/or spit in a manner that accords with the United Kingdom Institute for Conservation (Archaeology Section)'s *First Aid for Finds*.
- A2.2 All archaeological finds are potentially Treasure Trove and will be reported to the Queen's and Lord Treasurer's Remembrancer.
- A2.3 Any valuable artefacts (such as precious metal) will be removed to a safe place. If it is not possible to remove the item on the day of discovery, appropriate security measures will be taken to prevent theft or damage.

- A2.4 All recording will be done to industry standard, such as those in the Museum of London Archaeology Service *Archaeological Field Manual*, 3<sup>rd</sup> edn 1994.
- A2.5 A sequential block of numbers will be allocated to the trench, with individual numbers from these assigned to each stratigraphic unit.
- A2.6 A written record (both factual and interpretative) and a 'Harris' matrix of the stratigraphic units will be compiled on *pro forma* sheets and in site notebooks.
- A2.7 Plans and sections will be drawn at an appropriate scale (usually 1:50, 1:20 and 1:10) according to the detail necessary to provide a full record, and logged on a register.
- A2.8 Sections and spot heights will be related to the level of the Ordnance Datum, unless it has been agreed with the local authority archaeologist that this is unnecessary. If required, the level can also be related to the client's site datum, if they provide the necessary information.
- A2.9 A full photographic record will be compiled, using colour slide, monochrome print and digital media, and registered on a standard form. The photographs will illustrate details, principal features, generalized contexts and working shots of the fieldwork.
- A2.10 All identified finds and artefacts will be recovered and recorded by stratigraphic unit and/or spit, quantified, identified and scanned for dating evidence. Some materials (such as modern pottery or post-mediaeval brick) may be discarded after recording as long as a representative sample is kept.
- A2.11 Finds will be bagged and packed by artefact class and stratigraphic unit and/or spit in a manner that accords with the United Kingdom Institute for Conservation (Archaeology Section)'s *First Aid for Finds*. All archaeological finds are potentially Treasure Trove and will be reported to the Queen's and Lord Treasurer's Remembrancer.
- A2.12 The works will initially be reported in a Data Structure Report, in accordance with the standards of ClfA and Historic Scotland's guidelines. Further post-excavation work and possible publication will be assessed and costed in conjunction with the local authority archaeologist, the client and, if appropriate, Historic Scotland.

### **Appendix 3 Project Briefs**

- A3.1 The requirements of the Project Brief will be fulfilled where reasonably practicable.
- A3.2 Any significant variations to the proposed Brief or Written Scheme of Investigation will be discussed and agreed with the local authority archaeologist in advance.
- A3.3 The fieldwork detailed in the Written Scheme of Investigation is designed to fulfil the project aims in a cost-effective way. Although all attempts have been made to allow for

site-specific problems, there may occasionally be unforeseen circumstances not included in the Written Scheme of Investigation and the Costings. These may include

- Complex structures, waterlogged deposits or delicate objects that require specialist input or removal
- Trench shoring or stepping requirements
- Trench extensions or extra excavation requested by the local authority archaeologist
- Delays due to ground contamination, unknown services, vandalism or extreme weather and ground conditions.

#### **Appendix 4 Health and Safety**

- A4.1 The Health and Safety at Work etc. Act 1974 and any amendment hereto, and regulations, made thereunder codes of practice and guidance issued will be complied with.
- A4.2 A site-specific Risk Assessment will be formulated prior to the work commencing.
- A4.3 A site-specific Health and Safety Plan will be formulated with the client and other site contractors.

#### **Appendix 5 Insurances**

- A5.1 Orkney Islands Council (ORCA) holds Employers Liability Insurance, Public Liability Insurance and Professional Indemnity Insurance. Details can be provided on request.
- A5.2 Orkney Islands Council will not be liable to indemnify the client against any compensation for and with respect to
- Damage to crops on the area(s) of work, except where possession or access has not been given to Orkney Islands Council.
  - Use or occupation of land by the project, provided by the client for the project, or for the purposes of completion of the project, including consequent loss of crops; or interference, temporary or permanent, with any right of way, light, air or other right of access or servitude or right of passage, which are the unavoidable result of the Project in accordance with the agreement
  - Any other damage which is the unavoidable result of the Project in accordance with the agreement
  - Injuries or damage to persons or properties resulting from any act, neglect or breach of statutory duty done or committed by the client, the client's agents or servants, or their contractors not being employed by Orkney Islands Council, or for or in respect of any claims, demands, proceedings, damages, costs, charges and expenses in respect thereof or in relation thereto.

## **Appendix 6 Copyright and Confidentiality**

- A6.1 Orkney Islands Council retains full copyright of any commissioned reports, tender documents or other project documents under the Copyright, Designs and Patents Act 1988 with all rights reserved. However, it will provide an exclusive license to the client in all matters directly relating to the project as described in the Written Scheme of Investigation.
- A6.2 Orkney Islands Council will assign copyright to the client on written request, but retains the right to be identified as the author of all project documentation and reports produced by ORCA, as defined in the Copyright, Designs and Patents Act 1988.
- A6.3 Orkney Islands Council will advise the client of any materials supplied in the course of the project that are not ORCA's copyright.
- A6.4 Orkney Islands Council will respect all requirements for confidentiality about the client's proposals, as long as they are clearly stated. Orkney Islands Council will respect the confidentiality of any conclusions about the likely implications of the client's proposals for the historic environment. It is expected that the client respects Orkney Islands Council's ethical obligations not to suppress significant archaeological information produced by the project for an unreasonable period of time.

## **Appendix 7 Standards**

- A7.1 Orkney Islands Council conforms to standards of professional conduct as outlined by the Chartered Institute of Archaeologists and Historic Scotland.
- A7.2 All Project Directors and Officers will be appropriately competent.
- A7.3 Where appropriate and practicable Orkney Islands Council will liaise with local archaeological bodies in order that information about particular sites can be received and disseminated, subject to client confidentiality.

## **Appendix 8 Law**

- A8.1 The parties agree that the Agreement concluded between them and constituted in these terms and conditions shall be construed in accordance with Scottish Law and the parties submit to the exclusive jurisdiction of the Scottish courts.

