

Case reference	SMC-PAK-004
Application details	Archaeological Excavation
Site address	Castle Law Fort, Abernethy
Applicant	Perth and Kinross Heritage Trust
Determining Authority	Historic Environment Scotland
Local Authority Area	
Reason(s) for notification	Notification Direction 2015 – works to be granted Scheduled Monument Consent by Historic Environment Scotland go beyond the minimum level of intervention that is consistent with conserving what is culturally significant in a monument
Representations	Nil
Date notified to Ministers	18 May 2017
Date of recommendation	7 June 2017
Decision / recommendation	Clear

Description of Proposal and Site:

- Scheduled Monument Consent (SMC) is sought for excavations at Castle Law Fort, a prehistoric hillfort situated on a rocky promontory to the south west of the village of Abernethy in Perth and Kinross.
- The fort, of probable Iron Age date, comprises a roughly oval area, measuring approx. 42m long and 18m wide within a ruinous timber-laced stone wall. The cultural significance lies in its morphology, its well preserved rampart and its likely position as a high status central location in the Iron Age.

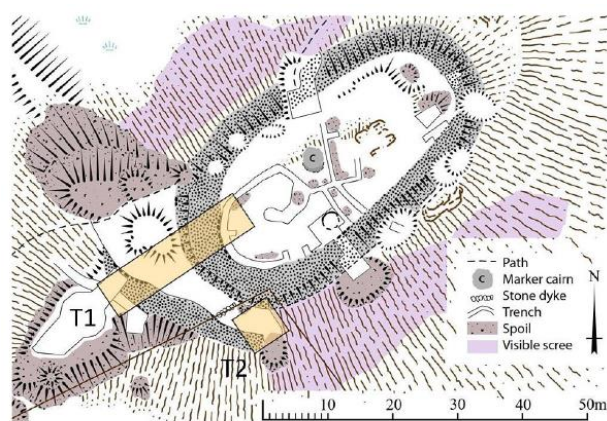


Fig 10: The position of the proposed 2017 trenches.

Consultations and Representations:

- No representations have been received with respect to this application.
- PAD consulted SG Culture and Historic Environment Division following notification and they are not aware of any broader context or issues surrounding the case and do not consider that this SMC raises issues of national interest that would merit Ministerial intervention.

Assessment:

1. Historic Environment Scotland (HES) are minded to grant consent for archaeological excavations which will impact on the Scheduled Monument as the insertion of two trenches, related ground disturbance and removal of material goes beyond the minimum level of intervention which is consistent with conserving what is culturally significant in the monument. This is a significant departure from policy as set out in section 3.16 of HES' Policy Statement.
2. The application has been submitted by Perth and Kinross Heritage Trust as part of the 'Hillforts of the Tay' project run in conjunction with the HLF funded Tay Landscape Partnership and AOC Ltd archaeological contractors. The same project team have been responsible for undertaking two hillfort excavations previously notified to Ministers at Moredun Top and Moncrieffe Hill.
3. The project will help address research aims set out in the Scottish Archaeological Research Framework (SCARF), deliver the aims of the Scottish Archaeology Strategy and enhance a wider understanding of the upland defended settlement landscape of lowland Perth and Kinross.
4. The objectives of the proposed project are to establish a chronology for the development and occupation of the site, to identify an phasing of activity and to assess the condition of the site 120 years after an initial excavation, to record the extent of vitrification of the site and assess degradation of its walls.
5. The trenches to be opened up over a single season are for research purposes. Trench 1 measures 6m x 25m and will be positioned across the inner and outer walls incorporating the unexcavated deposits between them. Trench 2 measures 5m x 5m and aims to investigate a feature at a possible meeting of the inner and outer walls to ascertain its function and examine whether site phasing can be determined from remaining evidence. The project team will include an experienced project director, two site directors and a team of at least three professional supervisors from AOC and between 15-20 volunteers. The ratio of experienced to non-experienced diggers will not exceed 1.5 persons.
6. Upon completion of the excavation, the material removed will be backfilled by hand and the turf returned by context in the reverse order as it is excavated. The site reinstatement will be monitored every 6 months for a five year period to assess the condition of the trenches. Some European protected species have been identified in the vicinity however due to the works being ground based they are unlikely to have an impact on habitat.

7. HES considers that the proposed works are minor in relation to the scale of the monument, have clear public benefit and encourage outreach and engagement. They believe the application complies with sections 3.17, 3.19 and 3.20 of their Policy Statement, because it has been demonstrated that the works have been carefully considered, based on good authority, sensitively designed and properly planned.
8. In summary, the SMC application does not raise any issues of national importance that would merit intervention by Ministers.

Decision/Recommendation:

- The application should be cleared back to Historic Environment Scotland to issue Scheduled Monument Consent without conditions.