

# Disabled Access Ramp Sheriff Court Kirkwall Orkney KW15 1PD



# Archaeological Watching Brief Data Structure Report

Project No: 321

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Disabled Access Ramp,

**Sheriff Court** 

Kirkwall, Orkney

**KW15 1PD** 

# **Watching Brief**

# **Data Structure Report**

Project No: 321

**Project Code: KSC12** 

## **ORCA**

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#### Funded by:

Scottish Court Service

**Date 2012** 

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## **Executive Summary**

Between the 20<sup>th</sup> and 22<sup>nd</sup> of February 2012 an archaeological watching brief was carried out at the site of a proposed disabled access ramp at Kirkwall Sheriff Courthouse, Watergate, Kirkwall. Garden soils dating from the 19th century were observed in the north end of the monitored area at a depth of 0.15m. Two segments of a medieval mortared wall associated with the Earl's Palace were observed in the centre of the monitored area with four courses of the eastern section and three of the western section surviving up to 0.36m in height. Archaeological deposits, in the form of medieval stone wall footings and post medieval garden soils were found to be present on the site from c 0.35m below the current tarmac level. The construction cut of the wall was also visible at depth. Stone from the wall had been removed, most likely as part of the construction of a footpath and stone steps leading to the Sheriff Court sometime in the late 19th to early 20th centuries, though no evidence of the robber cut remained. The archaeological features associated with what is thought to be the north facing wall of the Earl's Palace brewhouse were recorded in-situ before being covered with Terram and sand and boxed in with fibre board whereafter the disabled access ramp continued with intermittent monitoring to ensure designs approved by Historic Scotland where adhered to. A final site visit was made on 19th March 2012.

## Acknowledgements

The Orkney Research Centre for Archaeology would like to thank Bill Smith of Designassist and Gillian Jewell of the Kirkwall Sheriff Court Service. Thank you also to Hugh Johnston from Clouston's and the contracted workmen from R.S. Rendall for their contributions and assistance. The input and guidance of Allan Rutherford from Historic Scotland was also greatly appreciated.

#### 1.0 Introduction

This report was commissioned by The Scottish Court Service (the Client) and forms the Data Structure Report for an archaeological watching brief which was carried out as required by Historic Scotland as a condition of Scheduled Monument Consent on the site of the proposed disabled access ramp at Kirkwall Sheriff Courthouse, Watergate, Kirkwall (hereafter known as 'the site') between 20<sup>th</sup> and 22<sup>nd</sup> February 2012 (See Figure 1). An

application dated 20<sup>th</sup> November 2011 was made to Historic Scotland for Scheduled Monument Consent by Designassist Ltd on behalf of the Client. Details of the proposed development were submitted to Orkney Island Council Planning Department (planning application refs: 11/697/PP, 11/696/LB).

The information within this report is based on specifications and plans supplied by Designassist- Chartered Architects & Design Consultants, on behalf of the Client.

The work that was monitored consisted of the ground breaking and level reduction of an area measuring 1.65m by 5.00m by up to 0.40m in depth for the construction of a disabled ramp.

#### 2.0 Site Location, Topography and Geology

The site is located within the grounds of the Earls Palace, Watergate, Kirkwall, National Grid reference HY449107 (See Fig 2). The site is situated on a steep slope at c.14.4mOD, (Broad Street, downslope, is at 4.6mOD and upslope at the junction of Palace Road and School Place is at 17.4mOD) and lies within the area designated as a Scheduled Ancient Monument (SAM No 90194).

The site is underlain by the Upper Stromness Flagstone Formation, a laminated, carbonate rich geology consisting of siltstones, shales and thinly bedded sandstones (part of the Caithness flagstone group geological formation).

## 3.0 Archaeological Background

The archaeological background for the site was covered in the Written Scheme of Investigation (ORCA 2012) for the project and the reader is referred to that document, a brief resume is provided here.

Kirkwall (*Kirkjuvagr* (meaning Church Bay) is first mentioned in the Orkneyinga Saga (compiled in the early 13<sup>th</sup> Century) in 1046. Reference in the same source for the year describes it as a market town, although one with few houses (McGavin et al 1982).

In 1137 the 'see' was transferred from Birsay to Kirkwall and construction of St Magnus Cathedral was begun. An ecclesiastical community grew up round the Cathedral in an area known as the 'Laverock'.

At the same time as the Cathedral was being constructed, the Bishops Palace (SMR/OR No 01563) was built for Bishop William of the Norwegian Catholic Church – Orkney being under Norwegian Rule at this point in time.

Subsequently, progressive construction as successive Bishops of Orkney added parts to the Bishop's Palace (Pringle 1999) was undertaken throughout the medieval period. In 1568 ownership of the Bishops Palace was passed to Earl Patrick the First Earl of Orkney. The building known today as the Earl's Palace (SMR/OR No 01564) was built by Earl Patrick between c. 1601 and 1607 (Pringle 1999). Situated to the south east of the Bishops Palace it was built as an addition to the existing complex of buildings known as The Palace of the Yards. Much of the Earl's Palace remains upstanding today, however a stretch of the building, now demolished is thought to have spanned across the area of the Access Ramp trench (See Figure 4).

To the south of the site the land appears to have remained open, the 1832 Great Reform Act Plans of Kirkwall show five possible tenement\burgh properties the associated grounds for which may fall into the area of the site (Figure 5).

The Kirkwall Sheriff Court was built in 1876 by architect David Bryce (Figure 6). The construction of this building may have had an impact on the surrounding remains of the Earl's Palace.

## 4.0 Fieldwork Aims and Objectives

The limited nature of the proposed works and the watching brief upon them made it unreasonable to establish many specific archaeological research objectives. The archaeological brief was essentially limited to establishing where, if at all, archaeological deposits may survive (presence/absence), recording where necessary, and to ensuring that the proposed groundworks

did not involve the destruction of any archaeological deposits of national significance.

## 5.0 Fieldwork Methodology

Works undertaken involved the monitoring by an ORCA Project Officer of the excavation of a trench measuring 1.65m East-West by 5.0m North-South, for a disabled access ramp to replace the steps currently located between the forecourt of the Kirkwall Sherriff Court and the route through the Earl's Palace (towards Palace Road).

In areas of archaeological interest the excavation and removal of deposits proceeded according to the reasonable advice and guidance given by the attending archaeologist. Monitoring complied with national planning policy set out in *Scottish Planning Policy* (SPP) 2010, 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* 2009.

The trench was excavated to formation level, where archaeology was identified, features were defined, characterised and recorded using standard excavation recording systems, such as pro forma record sheets, notebooks, scale drawings and digital photography, and related to the national Ordnance Survey grid. A small slot excavated to a greater at the base of the trench to establish archaeological relationships.

A mitigation strategy was agreed upon to allow the preservation of archaeological deposits *in situ* where they were adequately protected from deterioration by covering the deposits and features in Terram geo-textile and sealing this with a layer of sand and boxing the masonry in with fibreboard.

#### 6.0 Fieldwork Results

Watching brief monitoring was undertaken on Monday 20<sup>th</sup> and Wednesday 21<sup>st</sup> February with Tuesday 20<sup>th</sup> being allowed for archaeological investigation and recording of *in-situ* remains.

#### 6.1 Modern Disturbance

The ground surface of the excavation area consisted of tarmac at 14.90m OD to the south of stone steps leading up to the Sheriff Court and at 14.42m OD down to the north of the steps.

To the north of the stone steps on the lower ground, the tarmac was c.0.10m thick. This layer overlaid an earlier footpath surfacing of similar composition but looser compaction 0.04m thick. The terminus of a pebble soak away extended c.0.50m into the north end of the trench. The soak away was 0.49m wide and ran north to south below the centre of the footpath leading to Palace Road. It is likely contemporary with the construction of the earlier footpath. Beneath the soakaway was a loose rubble foundation/make up layer which had been laid for the footpath, c.0.05m in depth.

It is thought that the stone slab steps leading up to the Sheriff Court and the associated stone quoins to the east and west of them were constructed at a similar date to the earlier footpath and rubble foundation.

To the south of the stone steps, the tarmac was c.0.10m thick. Beneath this was a compacted gravelly tarmac base layer of c.0.07m thickness. Directly below the lower tarmac was a 0.16m deep layer of make-up material. This material dipped down to the north towards the northern limit of the upper step, butting against two courses of dry stone slabs numbered (107) (west side) and (108) (east side of the trench) (See Plate 1). These two courses of stone slabs [107], [108] appear to have formed a base for the existing steps and the stone quoins (railing base). The stone quoins were left *in situ*.

The stone courses ([107], [108]) were placed on top of mixed clay layer (104) which began 0.80m from the southern end of the trench and was truncated by the east-west running electrical cable trench along the north face of the stone quoins.

This mixed layer (104) consisted of mid reddish brown clay and 19<sup>th</sup> century dark blackish brown silty clay garden soils and is thought to be redeposited from context (100) (see below). A variety of artefacts associated with garden

soils were found throughout **(104)** including burnt shell, fragments of burnt and unburnt bone, 19<sup>th</sup> century pottery sherds and broken clay pipe fragments (not kept). There were also a number of heavily corroded iron nails and other undistinguishable metal fragments in the deposit (not kept). As the northern extent of **(104)** was truncated by the cut for a modern pipe trench, no stratigraphic relationships between **(104)** and deposit **(100)** or the rubble path foundation in the north of the trench was observed.

A small amount of context (104) was not excavated as formation level had been reached at this point, however a slot was excavated through (104) in which a loose layer of shattered stone (105), whilst stratigraphically below (104) is likely to be part of the same backfilling episode, being deposited as preparation for placing the stone steps. A slot 0.20m wide and 0.10m deep was excavated through (105) and revealed a more consolidated silty clay fill below however this deposit was not investigated further.

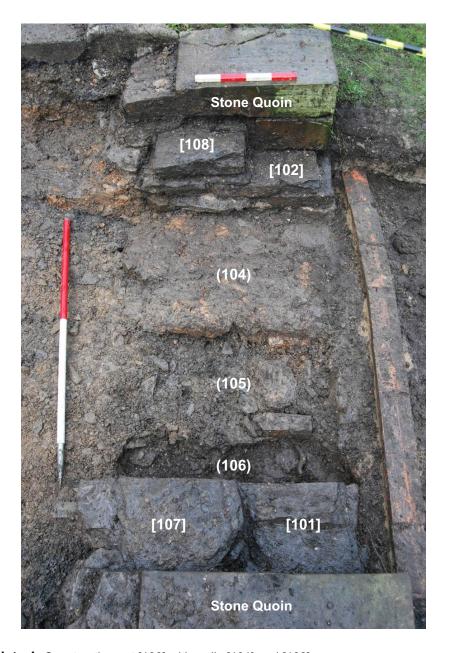


Plate 1. Construction cut [103] with walls [101] and [102]

## 6.2 Archaeological Deposits

Directly below the stone slab courses ([107], [108]) were two east-west aligned sections of mortared wall: [101] on the eastern side of the trench, and [102] extending into the western side of the trench.

The mortared wall **[101]** measured 0.87m in width and was excavated to a depth of four courses (0.40m in height), it protruded into the trench by 0.53m from the west facing section. This section of wall comprised Caithness flagstone orientated towards the north with a 0.05m step inwards between the top and second course. The largest stone of the third course had mortar adhered to the west face which may suggest that the wall line had continued further west and originally joined the segment of wall **[102]**. It is unclear whether this was the case as there is no evidence of a robber cut (see Discussion below).



Plate 2. Cut [103] with wall [101], later stone slabs [107] and the stone quoins above

Wall [102] was similar in width to [101] at 0.86m. It protruded from the east facing section by 0.41m OD. Three courses of mortared Caithness flagstone type stones were observed and the wall maintained the same stepped northern face as [101]. The east-facing section of the wall showed possible signs of where stones, now absent, may have keyed in to extend the wall further to the east where it may have joined up with [101] (Plate 1).

At the base of the excavated extent of the trench was cut [103]. This cut had near vertical sides and appeared to extend the width of the trench (east to

west) extending along the front and rear edges of wall [101] (see Plate 3). This suggests that it was a construction cut for walls [101] and [102] which would have originally been a single section of wall.

Half sectioning of (104) in the gap between [101] and [102] revealed a linear cut feature [103] running between the two sections of wall (Plate 4). This feature was not excavated during these works.



Plate 3. General view of monitored area showing medieval wall features

Below the tarmac make up and soakaway deposits to the north of the steps was *in-situ* deposit (100), which consisted of a dark blackish brown silty clay beneath the footpath rubble foundation/make up layer. Deposit (100) contained similar artefact types to (104) (not kept). It is likely that deposit (100) is of 19<sup>th</sup> century date and contemporary with the garden soils identified by Headland Archaeology during their 1982 excavations (Cox et, 1998). This deposit was excavated to the base of the trench up to 0.34m thickness, at 14.66mOD.

#### 7.0 Discussion

#### 7.1 Summary of the fieldwork results

A number of research questions were outlined in the Written Scheme of Investigation for the archaeological watching brief at the Sheriff Court.

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

The reduction across the monitored area did not generally exceed 0.50m from the top of the tarmac, save for where an archaeological slot was excavated, and no natural deposits were observed at this depth, though it is possible that the shillety deposit (105) is redeposited natural. Natural deposits in this area of the Earl's Palace SAM must lie at depths in excess of 0.45m, 14.676m OD.

What is the character, nature and depth of the earliest deposits identified? The earliest feature identified in the monitoring area was a linear construction cut [103] for wall [101]/[102] 0.87m wide and 1.32m in length where visible. This cut was excavated to a depth of 0.12m and appeared to have near vertical sides at this height. The southern edge of the cut has been truncated and most likely obscured by robbing activity and backfill deposits (104) (105) during the placing of the stone steps.

Is there any evidence of the Earl's Palace extending across the area of excavation?

Cut [103] most likely dates back to the construction of the Earl's Palace brewhouse sometime in the 17<sup>th</sup> century and offers evidence for the Palace extending across the monitoring area. The wall segments 101, 102 are most likely 17<sup>th</sup> Century in date and are the remains of the Brewhouse, the remnant walls of which can be seen jutting out from the fabric of the standing remains of the Palace. The southern (internal) edges of walls [101]/[102] line up with the internal edge of the remaining Brewhouse wall, however given the distance of the trench to the extant wall, on the basis of this excavation, the northern, external edge of the wall may not align with the corresponding Brewhouse wall. This raises the question as to whether the wall actually continued across as one, or whether the gap between the two segments of wall represents an entrance way, with a slightly larger thickness of wall in this area.

Is there any evidence for the remains of structures associated with the earlier Bishop's residence being present on site?

There is no evidence for deposits associated with the earlier, Bishop's residence being present on the site.

Is there any evidence of garden deposits, possibly associated with the buildings indicated on the 1832 'Great Reform Acts Plans and Report' map? Is it possible to compare the sequence with that of the excavations undertaken in 1982 (Cox et al 1998)?

At a depth of 0.16m below ground level at the north end of the trench, the modern disturbed layers gave way to arich dark silty clay (100) which contained 19<sup>th</sup> century clay pipe, shell and bone fragments. The nature of this deposit cross references well with the garden deposits described as having been found to the east of the Earls Palace during the 1982 excavations. Beneath the redeposited clay and garden soil layer (104) at the south end of the trench, a loose stony soil was observed. All of the material above this has been significantly disturbed making stratigraphic relationships difficult however it is possible that this stony deposit is similar to the garden soil bottoming that was also found in Trench A of the 1982 excavations.

Are there any deposits associated with 1837 construction of the Kirkwall Sheriff Court?

As mentioned in the previous paragraph, the south end of the monitored area nearest to the Sheriff Court was heavily disturbed with c.0.30m depth of made up ground and tarmac material. It is possible that the mixed deposit (104) may be associated with the construction of the Sheriff Court however no firm conclusions can be drawn on this given the information available.

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

The latest deposits identified were those associated with the removal of the 17<sup>th</sup> Century wall, possibly at the time of the steps being constructed, and the remaining construction cut then backfilled with loose shattered stone material (105) and redeposited garden soil (104).

What is the extent (depth) of modern truncation (ie landscaping and associated turfing)?

Modern deposits in the monitored area related to tarmacking of the area to the north of the Sheriff Court and a resurfacing of the footpath from the Court to Palace Road. Including the earlier footpath surfacing, rubble foundation layers and the insertion of the electric cable duct, the maximum depth of modern truncation and disturbance across the monitored area was c.0.25m.

#### 7.2 **Phasing**

The earliest phase of activity that can be determined within the monitored area is cut [103] dating to the construction of the brewhouse of the Earl's Palace. Medieval wall [101/102] was then laid down into this cut. It is possible that the yellowish stony deposit to the south of the wall (105) dates to the demolition phase of the brewhouse, being mounded up behind wall [101/102], spreading across the area to the south which would have been the inside of the building.

The formation of garden soil **(100)** was the next phase of activity evident within the excavated trench, dating to the 19<sup>th</sup> century which the 1832 'Great Reform Acts Plans and Report' map (shown in Figure 5) illustrates as having spread across the whole area monitored.

The robbing of stone from a 1.26m long section of wall [101/102] likely occurred during landscaping and footpath creation in the area which presumably would have taken place shortly after or during the construction of Kirkwall Sheriff Court in 1876. The southernmost edge of [103], where it looks to cut through the yellowish stony deposit has most likely been formed by extraction of wall stone from below the top level of the stony deposit. The void left by stone removal has then been filled with loose shattered stone material [105] closely followed by mottled layer (104). The deposition of these layers relate to the earliest footpath construction phase when the stone slab step leading to the Sheriff Courthouse were laid on dry stone footings [107] and [108]. The insertion of the electric cable duct and subsequent ground make up and tarmac laying activities represent the most recent phases in the monitored area.

#### 7.3 Interpretive issues

Owing to the nature of the project, only limited investigation of construction cut [103] through a 0.20m wide slot was achieved. The full depth of wall [101]/[102] was not ascertained nor was cut [103] fully excavated making it difficult to interpret the relationships between the wall construction and stone removal events.

#### 8.0 Conclusions and Recommendations

During the course of the watching brief archaeological deposits, in the form of two sections of medieval stone wall with a construction cut and visible signs of stone removal running between them were identified. Post medieval garden soils were also found to be present on the site from c 0.15m below the current tarmac level. The medieval features were orientated east to west and aligned well with demolished wall scaring found on the west facing gable end of the Earl's Palace. It is thought that a brewhouse once extended out from this gable end of the Palace towards the west. The features observed in the monitored area correspond well with the projected line of the north facing wall of this brewhouse (see Figure 3).

The archaeological features described above were recorded in situ and mitigation agreed upon to allow for walls [101] and [102] to be preserved *in situ*. Modern dry stone step footings [107] and [108] that were on top of these walls were recorded and then removed under archaeological observation. Walls [101] and [102] were covered with terram and sand and boxed in with fibreboard whilst under observation before the gravel foundation layers for the concrete were spread and concrete poured.

#### 9.0 References

#### 9.1 Policy and Advisory Documents

Historic Scotland 2009, Scottish Historic Environment Policy Edinburgh

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Cox, et al 1998 The discovery of Medieval deposits beneath the Earl's Palace, Kirkwall Orkney in Proceedings of the Society of Antiquaries Scotland 128 (pp567-580), Edinburgh

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Sharman 1999 Watching brief at the Earl's Palace, Kirkwall, Orkney Kirkdale Archaeology Orkney

Sharman 2003 Properties in Care Archaeological Works 2003-2004, Earl's Palace Kirkwall Orkney Kirkdale Archaeology Orkney

#### 9.3 Cartographic References

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Designassist, 02.11.11. **321/(L)001**, *Proposed Disabled Ramp*, Revision B, Scale 1:100

Designassist, 08.11.11. **321/(L)002**, *Proposed Disabled Ramp*, Revision H, Scale 1:20

Designassist, 21.11.11. 321/(L)005, Kerb Schedule, Revision C, Scale 1:200

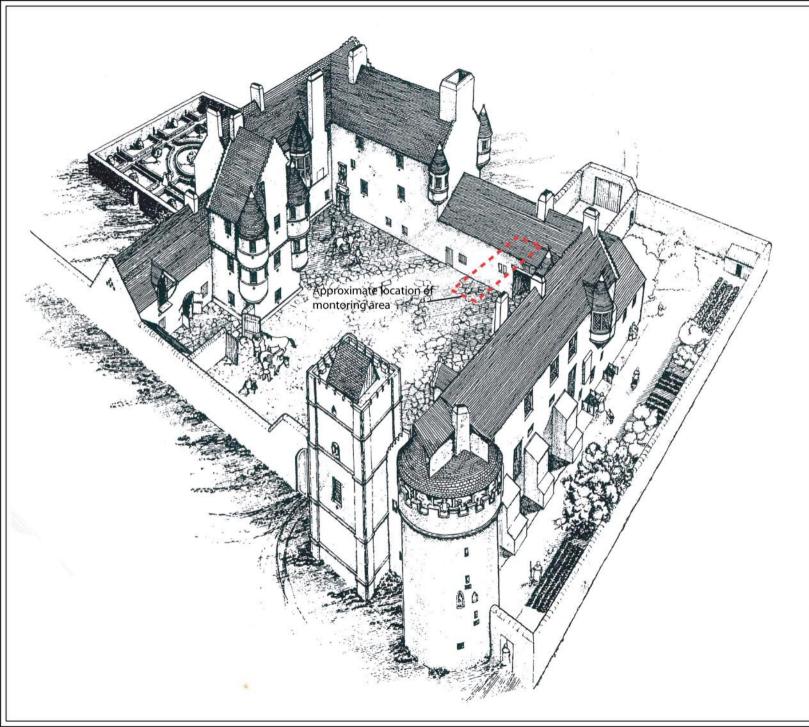






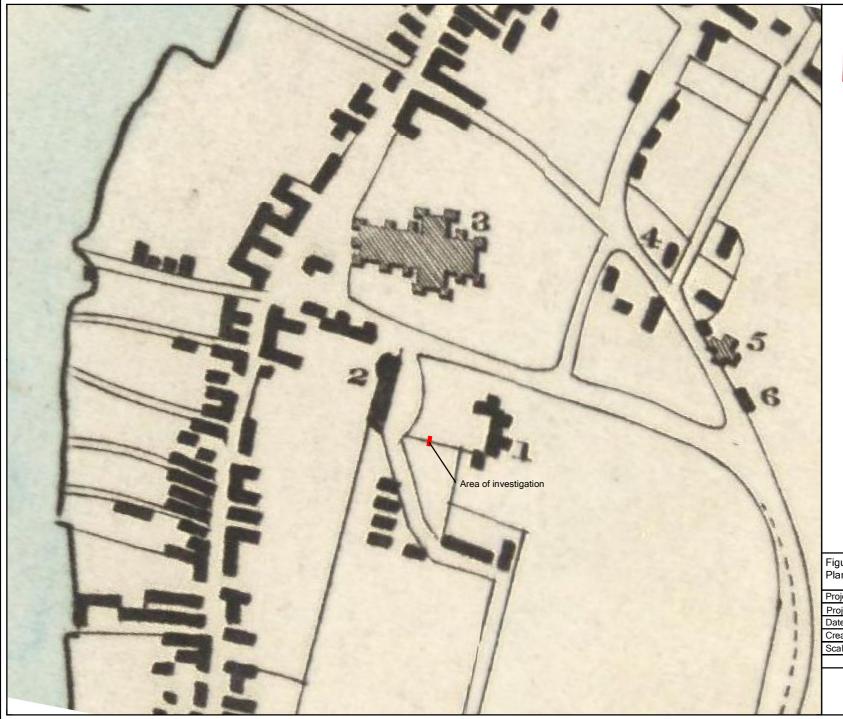


Figure 4. Artist's impression of the Earl's Palace showing the location of the site (from Pringle, 1999)

Project Name	Sheriffs' Court Kirkwall
Project No.	321
Date	12/01/12
Creator	MKS
Scale NTS	Revision No.1

ORCA, Orkney College, East Road, Kirkwall, KW15 1LX

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Monitoring area

0 60 m

Figure 5. 1832 'Great Reform Acts, Plans and Reports' map, Kirkwall

Project Name	Sheriffs' Court Kirkwall
Project No.	321
Date	13/01/12
Creator	MKS
Scale 1:2000	Revision No. 1

ORCA, Orkney College, East Road, Kirkwall, KW15 1LX

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Monitoring area

30 m

Figure 6. 1855 - 1882 OS Map 25 First Addition, Kirkwall, Scotland

Project Name	Sheriffs' Court Kirkwall	
Project No.	321	
Date	13/01/12	
Creator	MKS	
Scale 1:1000	Revision No. 1	
OPCA Orknov Collogo Fast Poad Kirkwall KW15 1LV		

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## **Appendix 1: Context Register**

Context No.	Туре	Brief Description	Date
100	Layer	Blackish brown clayey silt garden soil	20/2/12
101	Structure	East section of medieval wall	20/2/12
102	Structure	West section of medieval wall	20/2/12
103	Cut	Construction cut for medieval wall	20/2/12
104	Layer	Mixed redeposited clay sealing [103]	20/2/12
105	Fill	Mid greyish brown silty clay in top of [103]	21/2/12
106	Fill	Dark blackish brown silty clay below [105]	21/2/12
107	Structure	Dry stone footing for stone slab step on top of [101]	21/2/12
108	Structure	Dry stone footing for stone slab step on top of [102]	21/2/12

## **Appendix 2: Drawing Register**

Drawing No.	Drawing Type	Brief Description	Sheet No.	Scale
01	Section	West facing baulk section	01	1:20

## **Appendix 3: Small Finds Register**

SF No.	Context No.	Brief Description	Date
01	100	General Context Finds – Unburnt bone, clay pipe	20/2/12
		stem not kept	
02	104	General Context Finds – Unburnt bone, burnt shell,	20-21/2/12
		glazed pottery frags, wall plaster, clay pipe bowl	
		frags not kept	

# **Appendix 4: Photographic Register**

Frame No.	Description	Direction of Shot	Date
1	General pre-work shot of monitoring area	S	20/2/12
2	General pre-work shot of monitoring area	SW	20/2/12
3	General – tarmac cutting	S	20/2/12
4	Removal of first two tarmac layers N of steps	NEE	20/2/12
5	SW facing trench baulk showing (100)	NE	20/2/12
6	SW facing trench baulk showing (100) & soak away	NE	20/2/12
7	Detail section showing tarmac above (100)	N	20/2/12
8	Removal of tarmac S of steps	S	20/2/12
9	Removal of upper step	SE	20/2/12
10	General progress after upper step removal	Е	20/2/12
11	First clean showing [103] overlain by (104)	SE	20/2/12
12	First clean showing [103] overlain by (104)	SE	20/2/12
13	(104) and walls [101] and [102]	NE	20/2/12
14	Wall [101] showing quoin stone and [107] stones	SE	20/2/12
15	[103] with electric cable duct in foreground	SW	20/2/12
16	Wall [102] with stone quoin and [108] stones	NW	20/2/12
17	Half section of (104) where it overlay [103]	SE	20/2/12
18	Half section of (104) where it overlay [103]	SE	20/2/12
19	Half section of (104) where it overlay [103]	NE	20/2/12
20	Half section of (104) where it overlay [103]	SW	20/2/12
21	Detail of [103] and wall [101]	SE	20/2/12
22	Half section of (104)	NW	20/2/12
23	Slot through (105) showing (106) in [103]	E	21/2/12
24	Slot through (105) showing (106) in [103]	N	21/2/12
25	Slot through (105) showing (106) in [103]	W	21/2/12
26	Slot through (105) showing (106) in [103]	S	21/2/12
27	Detail of wall [101] with [107] stones above	Е	21/2/12
28	Detail of wall [102] with [108] stones above	W	21/2/12
29	General shot of monitored area	NNE	21/2/12
30	Shot of W facing trench baulk	E	21/2/12
31	Shot of E facing trench baulk	W	21/2/12
32	General – partial removal of [107]	NE	22/2/12

33	General – removing [107]	NE	22/2/12
34	General – removing [107]	NE	22/2/12
35	General – beginning removal of [108]	NW	22/2/12
36	Detail of [102] post-ex of [108]	W	22/2/12
37	Detail of [102] post-ex of [108]	NW	22/2/12
38	Detail of [102] post-ex of [108]	NW	22/2/12
39	Detail of [101] post-ex of [107]	Е	22/2/12
40	Detail of [101] post-ex of [107]	NE	22/2/12
41	Detail of [101] post-ex of [107] – Vertical shot	Е	22/2/12
42	Detail of [102] post-ex of [108] – Vertical shot	W	22/2/12
43	Detail of N face of [102]	SW	22/2/12
44	Detail of N face of [101]	SE	22/2/12
45	Working shot – laying of concrete foundation gravel	NE	22/2/12
46	Working shot – laying of concrete foundation gravel	N	22/2/12
47	Laying of terram over [101]	N	22/2/12
48	Laying of terram over [101]	NE	22/2/12
49	Spreading sand over terram on [101]	NE	22/2/12
50	Laying of terram over [102]	SW	22/2/12
51	Spreading sand over terram on [102]	NW	22/2/12
52	General shot – walls [101] & [102] covered	NE	22/2/12
53	General shot – walls [101] & [102] covered	N	22/2/12