



Historic England

Mr Neville Hall
Neville Hall Archaeological Services
38 Fittingly Road
Lincoln
Lincolnshire
LN6 0UP

Direct Dial: 0121 625 6888

Our ref: S00238997

7 April 2020

Dear Mr Hall

**Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2
control of works
Application for Scheduled Monument Consent**

**LINCOLN ROMAN COLONIA (LINDUM), [SPECIFICALLY THAT PART OF THE
MONUMENT LYING AT, 7 JAMES STREET, LINCOLN, LN2 1QE]
Scheduled Monument No: SM LI 115, HA 1003569
Our ref: S00238997
Application on behalf of Mr Mark Jackson**

1. I am directed by the Secretary of State for Digital, Culture, Media & Sport to advise you of the decision regarding your application for Scheduled Monument Consent received 3 March 2020 in respect of proposed works at the above scheduled monument concerning the excavation of two archaeological test pits to inform the construction of a garden room and associated services. The works were detailed in the following documentation submitted by you:

Scheduled Monument Consent Application Form
Drawings by Rydale Design Services Ltd

RDS 11417/07(a) Survey Context Floor Plans Drawing
RDS 11417/10(.) Ordnance Survey Site Plan Drawing
RDS 11417/06(a) Survey Site Plan Drawing
RDS 11417/08(d) Proposed Context Floor Plans Drawing
RDS 11417/09(h) Proposed Elevations Floor & 1:100 Site Plan Drawing

"Specification for a Pre-Determination Archaeological Evaluation at 7, James Street,
Lincoln Lincolnshire"
Neville Hall - March 2020

2. In accordance with paragraph 3(2) of Schedule 1 to the 1979 Act, the Secretary of State is obliged to afford you, and any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being



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heard by a person appointed for that purpose. This opportunity was offered to you by Historic England and you have declined it.

3. The Secretary of State is also required by the Act to consult with the Historic Buildings and Monuments Commission for England (Historic England) before deciding whether or not to grant Scheduled Monument Consent. Historic England considers the effect of the proposed works upon the monument to be limited in their likely impact upon its significance as previous excavations nearby suggest there is sufficient cover to accommodate the proposed depths of slab and services, however this archaeological evaluation is necessary to ensure that remains do not survive at a higher level in this specific location and to effectively inform any further detailing of footings and services. The application material includes details of the proposed garden room which is subject to separate application for Planning Consent to the Local Planning Authority

I can confirm that the Secretary of State is agreeable for the works to proceed providing the conditions set out below are adhered to, and that accordingly Scheduled Monument Consent is hereby granted under section 2 of the 1979 Act for the works described in paragraph 1 above, subject to the following conditions:

- (i) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by Historic England. At least 1 week's notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to tim.allen@historicengland.org.uk in order that an Historic England representative can inspect and advise on the works and their effect in compliance with this consent.
- (ii) All those involved in the implementation of the works granted by this consent must be informed by the owner or his appointed agent that the land is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (as amended); the extent of the scheduled monument as set out in both the scheduled monument description and map; and that the implications of this designation include the requirement to obtain Scheduled Monument Consent for any works to a scheduled monument from the Secretary of State prior to them being undertaken.
- (iii) Equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument/ ground disturbance other than that which is expressly authorised in this consent.
- (iv) The specification (including analysis, post-excavation and publication proposals) for which consent is granted shall be executed in full, unless variations have been agreed under the terms of condition 1.



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- (v) A report on the archaeological recording shall be sent to the City Historic Environment Record and to Tim Allen at Historic England within 3 months of the completion of the works (or such other period as may be mutually agreed).
 - (vi) The archaeological contractor shall complete and submit an entry on OASIS (On-line Access to the Index of Archaeological Investigations - <<<http://oasis.ac.uk/england/>>><<<http://oasis.ac.uk/england/>>>) prior to project completion, and shall deposit any digital project report with the Archaeology Data Service, via the OASIS form, upon completion and engage with the Research Framework at <<<http://archaeologydataservice.ac.uk/researchframeworks/eastmidlands/wiki/>>>
 - (vii) Whereas ancient structural or articulated human remains are exposed during the course of the consent works they shall be protected from damage or disturbance and retained in place unless variations have been agreed under the terms of condition 1.
 - (viii) No works other than the two archaeological test pits may proceed until final specifications and detailing for the proposed garden room, its footings, services and associated landscaping, planting and or other matters comprising additions to the monument or ground disturbance have been submitted to Historic England and approved in writing on behalf of the Secretary of State.
4. By virtue of section 4 of the 1979 Act, if no works to which this consent relates are executed or started within the period of five years beginning with the date on which this consent was granted (being the date of this letter), this consent shall cease to have effect at the end of that period (unless a shorter time period is set by a specific condition above).
5. This letter does not convey any approval or consent required under any enactment, bye law, order or regulation other than section 2 of the Ancient Monuments and Archaeological Areas Act 1979.
6. Your attention is drawn to the provisions of section 55 of the 1979 Act under which any person who is aggrieved by the decision given in this letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds upon which an application may be made to the Court are (1) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded the relevant powers) or (2) that any of the relevant requirements have not been complied with and the applicant's interests have been substantially prejudiced by the failure to comply. The "relevant requirements" are defined in section 55 of the 1979 Act: they are the requirements of that Act and the



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Tribunals and Inquiries Act 1971 and the requirements of any regulations or rules made under those Acts.

Yours sincerely

Tim Allen

Team Leader (Development Advice)

E-mail: tim.allen@HistoricEngland.org.uk

For and on behalf of the Secretary of State for Digital, Culture, Media and Sport

cc Alastair MacIntosh, City Council Archaeologist