



ENGLISH HERITAGE

WEST MIDLANDS OFFICE

Mr Antony Cobley
University Hospitals Birmingham NHS
Foundation Trust
Selly Oak Hospital
Raddlebarn Road
Selly Oak
Birmingham
B29 6JD

Direct Dial: 01216256856
Direct Fax: 01216256821

Our ref: S00089333

26 August 2014

Dear Mr Cobley

Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2 control of works

Application for Scheduled Monument Consent

ROMAN FORTS AT METCHLEY, BIRMINGHAM

Scheduled Monument No: SM 35120, HA 1020977

Our ref: S00089333

Application on behalf of University Hospitals Birmingham NHS Foundation Trust, PO Box 9551, Mindlesohn Way, Queen Elizabeth Hospital, Birmingham

1. I am directed by the Secretary of State for Culture, Media & Sport to advise you of the decision regarding your application for Scheduled Monument Consent dated 11 July 2014 in respect of proposed works at the above scheduled monument concerning the erection of raised beds, pathways, bulb planting, fingerpost and project panel for the Queen Elizabeth Hospital Community Orchards and Gardens Project. The works were detailed in the following documentation submitted by you:

- Word document titled "Detailed Description of Proposed Works" supplied by email on 7th August 2014

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 heard by a person appointed for that purpose. This opportunity was offered to you by English Heritage 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 (English Heritage) before deciding



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www.english-heritage.org.uk

English Heritage is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

English Heritage will use the information provided by you to evaluate your application for Scheduled Monument Consent. Information contained in this application and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.



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whether or not to grant Scheduled Monument Consent. English Heritage considers the effect of the proposed works upon the monument to be works potentially detrimental to the monument, but for which reasonable safeguards have been specified in the application for an appropriate level of archaeological supervision and recording.

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:

- (a) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by English Heritage. At least 4 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to Dr Neil Rimmington, Assistant Inspector of Ancient Monuments, English Heritage, The Axis, 10 Holliday Street, Birmingham, B1 1TG (email: Neil.Rimmington@english-heritage.org.uk; telephone: 0121 625 6856) in order that an English Heritage representative can inspect and advise on the works and their effect in compliance with this consent.
- (b) No ground works/ building works shall take place until the applicant has confirmed in writing the commissioning of a programme of archaeological work before and/or during the development in accordance with a written scheme of investigation which has been submitted to and approved by the Secretary of State advised by English Heritage.
- (c) All those involved in the implementation of the works granted by this consent must be informed by the owner, occupier and/or developer 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.
- (d) 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.
- (f) Any ground disturbance works to which this consent relates shall be carried out under the detailed archaeological supervision and recording of a professional



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archaeologist who shall be given 4 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement and timetable of work. No works shall commence until the professional archaeologist has confirmed in writing to English Heritage that they are willing and able to carry out the agreed supervision.

- (g) All existing trees, shrubs and woody growths that are being removed shall be cut off at ground level and the roots poisoned, the stumps being left *in situ* and not grubbed out.
- (h) A report on the archaeological recording shall be sent to the Birmingham City Council Historic Environment Record and to Dr Neil Rimmington at English Heritage within 3 months of the completion of the works (or such other period as may be mutually agreed).
- (i) The contractor shall complete and submit an entry on OASIS (On-line Access to the Index of Archaeological Investigations - <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.
- (j) The design and exact position of both the fingerpost (area 3 in detailed description) and project panel (area 4 in detailed description) shall be agreed in writing with English Heritage prior to erection.
- (k) The detailed design of the raised beds and associated paving will be agreed in writing with English Heritage prior to implementation.

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



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

Yours sincerely

Neil Rimmington

Assistant Inspector of Ancient Monuments

E-mail: neil.rimmington@english-heritage.org.uk

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



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