

Historic England

YORKSHIRE OFFICE

Mr Peter Denison-Edson
Swaledale and Arkengarthdale Archaeology
Group (SWAGG)
c/o 24 Hill Close
Reeth
Richmond
North Yorkshire
DL11 6RX

Direct Dial: 01904 601984

Our ref: S00116152

9 September 2015

Dear Mr Denison-Edson

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

**DYKE 220YDS (200M), WEST OF DYKE HOUSE, GRINTON, RICHMONDSHIRE,
NORTH YORKSHIRE**

Scheduled Monument No: SM NY 1212, HA 1004043

Our ref: S00116152

**Application on behalf of The Swaledale and Arkengarthdale Archaeology Group
(SWAAG)**

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 received 29 July 2015 in respect of proposed works at the above scheduled monument concerning the cleaning back of existing sections of the dyke for the purpose of archaeological recording. The works were detailed in the following documentation submitted by you:

Documentation list:

- Scheduled Monument Consent Application
- Project Proposal
- Map marking location of proposed work

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 Historic England and you have declined it.



37 TANNER ROW YORK YO1 6WP

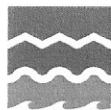
Telephone 01904 601948

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Historic England 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



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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 archaeological investigation and excavation supported by a project proposal which reasonably justifies the controlled destruction of buried archaeological evidence. This demands the detailed professional recording and analysis of the results and their preservation in archival and published form in order to increase understanding of the remainder of the monument and potentially the monument class.

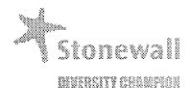
I can confirm that the Secretary of State is agreeable for the works to proceed providing the conditions set out below are adhered to, and that accordingly Scheduled Monument Consent is hereby granted under section 2 of the 1979 Act for the works described in paragraph 1 above, subject to the following 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 2 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to Hannah Saxton, Assistant Inspector of Ancient Monuments, Historic England, 37 Tanner Row, York, YO1 6wp, 01904 601984 or hannah.saxton@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) The specification of work as set out in the project proposal for which consent is granted shall be executed in full.
- (iii) This consent may only be implemented by members of Swaledale and Arkengarthdale Archaeology Group (SWAAG).
- (iv) All those involved in the implementation of the works granted by this consent must be informed 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.



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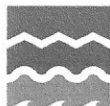
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- (v) Equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in ground disturbance other than that which is expressly authorised in this consent.
- (vi) Any ground disturbance works to which this consent relates shall be carried out under the overall archaeological supervision of Miles Johnson or his nominated representative who shall be given 2 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 Miles has confirmed in writing to Historic England that he is willing and able to carry out the agreed supervision.
- (vii) Levelling shall be effected by filling holes and depressions with material imported from outside the scheduled area.
- (viii) This consent shall cease to have effect on 19th August 2016.
- (ix) The excavation shall be backfilled within one month (or such other period as may be mutually agreed) of the completion of the excavation, to the satisfaction of the Secretary of State, who will be advised by Historic England.
- (x) 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.
- (xi) No excavation to which this consent relates shall be begun until the Secretary of State, advised by Historic England, is satisfied that adequate funding has been secured to ensure the completion of the project.
- (xii) A report on the archaeological recording shall be sent to the Yorkshire Dales National Park Historic Environment Record and to Hannah Saxton at Historic England within 3 months of the completion of the works (or such other period as may be mutually agreed). This shall include photographs, to a scale and quality to be agreed in writing, of the monument before the start and after completion of the works and a set of the prints [together with copies on disc if in digital format].
- (xiii) If appropriate, SWAAG 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.
- (xiv) If the excavated trenches are to be utilised for the installation of new





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gateposts, these shall be driven in to the ground without further excavation, or if further excavation is required (beyond the 400mm specified) this shall also be completed by SWAAG.

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

Yours sincerely

Hannah Saxton

Assistant Inspector of Ancient Monuments

E-mail: hannah.saxton@HistoricEngland.org.uk

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

cc Robert White, Senior Historic Environment Officer, Yoredale, Bainbridge, Leyburn, North Yorkshire, DL8 3EL



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