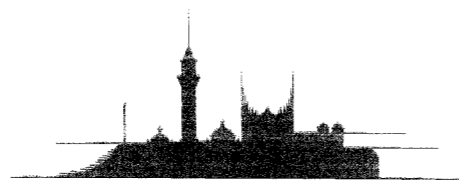


*BIRMINGHAM UNIVERSITY
FIELD ARCHAEOLOGY UNIT*

**Archaeological Field Evaluation
at Tooley's Boatyard, Banbury
(SAM 172)
1999**

B.U.F.A.U.



Birmingham University Field Archaeology Unit
Project No. 553.02
September 1999

**Archaeological Field Evaluation
at Tooley's Boatyard, Banbury
(SAM 172)
1999**

For further information please contact:
Simon Buteux, Iain Ferris or Gwilym Hughes (Directors)
Birmingham University Field Archaeology Unit
The University of Birmingham
Edgbaston
Birmingham B15 2TT
Tel: 0121 414 5513
Fax: 0121 414 5516
E-Mail: BUFAU@bham.ac.uk
Web Address: <http://www.bufau.bham.ac.uk>

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Archaeological Field Evaluation at Tooley's Boatyard, Banbury (SAM 172) 1999

Summary

The following report describes the results of an archaeological field evaluation at the Scheduled Ancient Monument of Tooley's Boatyard, Banbury carried out on behalf of Cherwell District Council and Banbury Museum. The archaeological evaluation demonstrated that the boatyard was levelled in the late-18th century. Positive and negative archaeological features have survived from this date onwards. Together these have the potential to explicate changing work practices within the dockyard over a period of about 200 years. Even evidence for what must have been fairly transitory or short-lived industrial activities (e.g. F100 in TP1) has survived. These archaeological deposits are protected by a 0.3m deep mantle of recent overburden. No recommendations for further work are provided here. These will be provided by Paul Smith, County Archaeologist for Oxfordshire, and R. Perrin, English Heritage Inspector for the region.

1.0 Introduction

Archaeological work was required, in accordance with PPG 16, in order to assess the impact of the proposed development of a new canal-side museum upon the Scheduled Ancient Monument of Tooley's Boatyard, Banbury. The work was conducted by Birmingham University Field Archaeology Unit on behalf of Cherwell District Council and Banbury Museum. The work was carried out in accordance with a brief prepared by Paul Smith, County Archaeological Officer for Oxfordshire (Smith 1999, Appendix 1). The work included archaeological monitoring of test-pits dug by Wimtech Environmental Limited, the geotechnical consultants for the development works. Both the archaeological and the geotechnical investigations complied with conditions set out in the Scheduled Monument Consent for work on the Scheduled Ancient Monument (Appendix 2).

2.0 Archaeological background (Fig 1)

The Coventry to Oxford canal was opened in two stages between 1778 and 1790. Banbury formed the terminus of the Coventry canal for 12 years before the section to Oxford was completed. Tooley's Boatyard is believed to have opened some time in 1790. The present name of the site dates back to the purchase of the yard in 1900 by Mr George Tooley.

The boatyard, which is currently out of use, is situated on the west bank of the Coventry to Oxford canal at SP 4580 4075. The yard presently comprises a dry dock (SAM 172a), a smithy (SAM 172b), and four sheds/workshops. The yard areas are mainly represented by soft-landscaping and partly by concrete-paving slabs.

3.0 Aims

The objective of the archaeological evaluation was to determine the presence/absence, extent, condition, character and date of any archaeological deposits within the area affected by proposed development. This evidence would then inform proposals to mitigate any adverse effects of development proposals upon significant archaeological deposits and define research priorities relevant to any continued archaeological investigations.

4.0 Method (Figs 1 and 2)

The archaeological evaluation consisted of the hand excavation of five 2m by 1m trial-pits (TP1, TP4, TP6, TP7 and TP10; Fig 2), and the monitoring of three geotechnical test-pits (TP2, TP3 and TP5). The location of all trial-pits was based upon evidence from the Stratascan Resistivity and Ground Probing Radar surveys (Stratascan 1999) and known disruption to the site (Fig 2). Test-pits 8 and 9 were located outside of the boatyard, and were not archaeologically monitored.

Excavation of the five hand-dug archaeological trial-pits was either taken down to the top of 'natural' undisturbed horizons, or the top of any significant archaeological level which was cleaned, and any features sampled. The trial-pits were numbered as follows: TP1, 1000-/F100-; TP4, 4000-/F400-; TP6, 6000-/F600-; TP7, 7000-/F700-; TP10, 10000-/F1000-. The recording of each archaeological trial-pit was by means of pre-printed pro-formas for contexts and features and, where appropriate, by plans and sections (at 1:10 or 1:20), monochrome print and colour print and slide photography.

5.0 Results

5.1 Trial-Pit 1 (Fig 3; Plate 1)

Description

TP1 was located to examine the right-angled band of high resistance R1 interpreted as a possible wall foundation by the Stratascan survey (Fig 2). TP1 was also in the location of a proposed pillar support for the new pedestrian bridge across the canal.

Partially exposed at the bottom of TP1 was a 0.2m deep, mortar-lined trough (F100). The alignment of the trough correlated closely to the band of high resistance R1, and it is therefore reasonable to assume that the full extent of trough F100 is delineated by R1. The trough was made of compacted bands of mortar (1006), approximately 0.05m thick in total. The trough (F100) was cut into a mixed clay deposit (1005) which was also identified in most of the other trial-pits (equivalent to 4005, 6002, 7004, and 10007). Above 1005 and F100 were a banded series of 19th-century levelling dumps and yard-surfaces (1000-1004), the earliest of which (1003) also backfilled a pit (F101) cut into trough (F100). The top of F100 was located at 92m AOD.

Interpretation

The mortar-lined trough (F100) appeared to be contemporary with the earliest phases of the dockyard's development. However, with so little of the feature observable in the bottom of TP1, it was difficult to assign a function to F100. The relatively fragile build of F100 indicated that it was built to perform a task which did not involve heavy wear, and it is also likely that F100 was not in use for any great length of time. The layer of mixed clay which was seen near the bottom of each trial pit (1005, 4005; 6003, 7004, and 10007) was interpreted as the ground surface extant at the time of the original construction of the boatyard.

5.2 Trial-Pit 4 (Fig 3; Plate 2)

Description

TP4 was dug to examine an area of high resistance R2 and linear feature G11. It was necessary to relocate this Trial-Pit slightly to the south in order to avoid the geotechnical boring-rig, which was on site at the time the archaeological works took place.

The earliest layer was a clean, but redeposited orange clay horizon (4007) which was overlain by a mixed clay layer (4005) which, in turn, was sealed by a thin cinder band (4004). A south-southeast/north-northwest-aligned straight-sided trench (F400) was cut from the top of 4003, a very mixed layer which overlay 4004. The trench (F400), was probably the foundation for an ironstone wall, of which, only the base of course survived as a line of rotted ironstone (4002). Sealing 4002 was a dirty levelling deposit (4001) and the modern topsoil horizon (4000). The top of 4002 was located at 92.3m AOD, while the top of 4004 was at 92m AOD.

Interpretation

The thin cinder band (4004) may be a yard or construction surface associated with the earliest phases of the dockyard. The ironstone-filled straight-sided trench (F400) is likely to be a later-19th century feature, which may be equivalent to the linear Ground Probing Radar feature G11 (Fig 2), although it seems to be located about 1m further west. The most likely interpretation is that it may represent a robbed-out building foundation or drain.

5.3 Trial-Pits 6 and 7 (Fig 4; Plate 3)

Description

TP6 and TP7 were dug to examine the foundations of the smithy and any contemporary yard surfaces. The foundations of the smithy were substantial for a late-18th century single-storey structure.

The brick walls of the smithy were constructed from the mixed clay horizon seen in other trial pits around the site, (6003 in TP6; 7004 in TP7). In TP6 the foundations of the northeast-facing wall (F600), extended nine brick courses, or 0.70m, beneath the modern ground surface with two steps to a depth of 91.7m AOD. The foundations for the southwest-facing wall were more substantial. These had four steps, with a crude form of brick pile or stansion at the northwest corner, which extended 1.3m beneath the modern ground surface to 91.5m AOD. The modern ground surface was over half a metre higher (at 93m AOD) on the southwest-side of the smithy and sealed a 19th-century yard surface (F700), constructed at 92.7m AOD.

Interpretation

The difference in ground level between each side of the smithy was caused by a build-up of demolition material against the southwest boundary of the boatyard. When originally constructed the first step in the foundation of the smithy was at 92.3m AOD on each side and the lowest step at 92.1m AOD. This indicates that the site of the boatyard was relatively level. The deeper foundations of the southwest-facing wall of the smithy may have been built into softer ground, which may even represent the infill an earlier archaeological feature.

5.4 Trial-Pit 10 (Fig 5; Plate 4)

Description

Trial-Pit 10 was dug to examine the intersection of Ground Probing Radar anomalies G1 and G2 (Fig 2).

A natural deposit of gravel and clays (1008) was overlain by a 0.7m thick band of redeposited clay (10007). A northwest/southeast-aligned linear trench (F1002) was cut from the top of 10007 at 91.6m AOD. Trench F1002 corresponded to the Ground Probing Radar anomaly G1. An irregularly-shaped depression (F1003) at the base of the cut for trench F1002 may have been the outline of a robbed foundation stone compressed into 10008 (depth at bottom 90.8m AOD). There were clear tip lines in the backfill of F1002 (10005), which in turn was sealed by a mixed levelling deposit (10004). Two later slots (F1000 and F1001) were cut through 10004, but only the edges of these features were seen in the northwest and southeast sides of the trial-pit. The fills of these slots, together with 10004, were overlain by a former gravelly yard surface related to the later phases of the dockyard use (10001). This was, in turn, partially overlain by a recent deposit (10000) dumped when a new canal retaining wall was built in 1999.

Interpretation

The position of Ground Probing Radar anomaly G1 indicated that it probably represented the line of an earlier canal wall which was subsequently robbed, and then back-filled with rubble, represented by anomaly G2. The depression (F1003) at the base of the robber trench (F1002) may be interpreted as the impression of a former

foundation stone of such a wall, although no dumped stone was found within the backfill of F1002. Of course, it is feasible that the stone of the earlier retaining wall was reused in the later canal bank. It is tempting to place the earlier, wider, canal within the context of the terminus basin between 1778 and 1790, prior to the construction of the Oxford section of the canal. The wider canal would have facilitated the off-loading of goods at Banbury Wharf while allowing other boats to move away. Subsequently, the extension of the canal bank created a new work area between the dockyard and the canal, which was used to build new boats. The slots (F1000 and F1001) probably represent later boat building and launching activity here.

5.5 Geotechnical Test-Pits 2, 3 and 5 (Fig 2)

Three geotechnical test-pits were archaeologically monitored. These were dug against the back of each of the dry-dock-walls. The test-pits were much smaller than the archaeological trial-pits but were dug to the base of the wall or the top of the natural. The limited size of the test-pits made the recognition of specific archaeological layers within the 'made-ground' extremely difficult. However, they provided further information about the construction of the dry dock itself, ground-water levels, the presence or absence of associated yard surfaces and the depth of the natural.

In TP2, natural clay and gravels were found 1.3m beneath the present ground surface. The base of the southwest-facing wall of the dry dock was also at this level. The back of the dry-dock-wall was crudely built and stepped inwards towards its base. At the bottom of this wall, blue clay packed the gap between the straight construction-cut for the wall footing and the space left by the inward step of the wall. Only the most recent yard surface was observed. It was not possible to differentiate any specific archaeological layers within the made-ground, nor to determine the level from which the construction cut for the dry-dock-wall was made.

TP3 was dug against the northeast-facing wall of the dry dock. A similar sequence of activity to that in TP2 was observed, with the exception that no clay packing was identified. The ground-water level coincided with the bottom of the test-pit, which again was about 1.3m beneath the modern ground surface. A relatively recent back-filled gully was also observed in the north-facing section of the test-pit, cut from just beneath the topsoil.

TP5 was dug against the southwest corner of the dry dock. It was slightly larger than the other test-pits because it was necessary to dig underneath the outer superstructure of the dry dock in order to contact the back of the dry-dock-wall. Again, the construction cut for the dry-dock-wall was clearly visible and the sequence of redeposited clay layers was similar to that observed in TP6 (6004/6005), about 4m to the northwest.

6.0 Discussion

A number of conclusions can be drawn about the survival, extent, character and date of archaeological deposits within the proposed development area from the evidence of the five archaeological trial-pits and the geotechnical test-pits. These conclusions are presented in chronological order.

Few archaeological deposits predating the construction of the canal were observed. This was due to the limited size of the trial-pits and the imperative of preserving intact any coherent archaeological deposits related to the construction and use of the Scheduled Ancient Monument. However, it is possible that the apparently widespread band of redeposited clay - 6004/6005 in TP6 10007 in TP10, and to a lesser extent 4007 in TP4 - was upcast from the outer moat of Banbury Castle. This moat has been shown by excavation to have ran under Factory Street, formerly situated just to the south of the boatyard (Litherland and Nichol, forthcoming).

The height at which archaeological deposits and features were found which related to the first phases of use of the boatyard was remarkably consistent, being about 92m AOD. The only exception was TP10, where there was a slight slope towards the canal. It would seem that 92m AOD was the chosen height for levelling the ground around the canal in the late-18th century. Within the centre of the boatyard positive features such as a trough (F100) and surfaces and layers relating to its first phases of use were mainly located between 92m and 92.3m AOD. Several negative features, including robber trenches (F1002 and F400) and slots (F1000 and F1001), were mainly located between 91.5 and 92.3m AOD, and were mainly 19th century in date.

The archaeological evaluation of Tooley's boatyard has shown that both positive and negative archaeological features have survived, which together have the potential to explicate changing work practices within the dockyard over a period of about 200 years. Even evidence for what must have been fairly transitory or short lived industrial activities (e.g. F100 in TP1) has survived. These archaeological deposits are protected by a 0.3m deep mantle of recent overburden

The assessment of the impact of the proposed development upon significant archaeological deposits and the formulation of appropriate mitigation proposals, if any, will be made by Paul Smith, the County Archaeologist, and English Heritage. Therefore, no recommendations for further work are provided here.

7.0 References

Litherland, S. and Nichol, K. forthcoming *Excavations at Cuttle Mill, Banbury*.

Smith, P. 1999 *Design brief for archaeological field evaluation and watching brief, Tooley's Boatyard, Banbury, Oxon*.

Stratascan 1999 *A report for Banbury Museum on a geophysical survey carried out at Tooley's Boatyard, Banbury, Oxon*.

8.0 Acknowledgements

Thanks are due to Simon Townsend of Banbury Museum and Cherwell District Council Leisure Services Department for sponsoring this work, and to Paul Smith of Oxfordshire County Council and R. Perrin, Inspector of Ancient Monuments, English Heritage, who monitored the project. Mike Kay of Wimtec Environmental coordinated the geotechnical work. The BUFAU recording team consisted of Ioannis Altsitzoglou, Andrew Buckley, Mary Duncan and Steve Litherland. Steve Litherland wrote this report which was edited by Catharine Mould. The illustrations were compiled by Nigel Dodds.

Appendix 1: The brief for archaeological work

TOOLEY'S BOATYARD, BANBURY, OXON

Design Brief for Archaeological Field Evaluation and Watching Brief

1. SUMMARY OF BRIEF:

- 1.1 This brief provides the outline framework upon which a detailed Project Design to MAP2 specifications should be based. The archaeological organisation carrying out this work shall forward the Project Design to Mr J R Perrin, Inspector of Ancient Monuments, English Heritage, and to Mr P Smith, County Archaeological Officer, Oxfordshire County Council for validation prior to submitting costed proposals to the agency commissioning the work. The Project Design will form part of a Scheduled Monument Consent application. The first 4 sections of this brief deal specifically with this particular case. Annex 1-5 provides the archaeological contractor with a procedural framework outlining general good practice and requirements pertaining to all archaeological evaluation projects carried out in Oxfordshire.
- 1.2 The proposal is to build a new museum on the east side of the canal, and to construct a new cover for the dry-dock. A connecting glass and steel walkway will join the museum with the shopping mall to be built to the west of Tooley's boatyard. The boatyard, opened sometime in 1790, comprises a dry-dock (SAM 172a), a forge and smithy (SAM 172b) and several more recent ancillary sheds and workshops. A number of hand-excavated trial pits will be archaeologically investigated, while several other trial pits will be hand-excavated by the geotechnical contractor (Wimtec Environmental Ltd) and monitored by the archaeologists.
- 1.3 The evaluation will aim to establish the presence/absence, extent, condition, character and date of any archaeological deposits within the area affected by invasive development. This evidence will form the basis of any proposals for appropriate mitigation measures that may seek to limit the damage to significant archaeological deposits, and should aim to define any research priorities that may be relevant should further investigation be required. The evaluation will include any post-excavation work and publication requirements resulting from it.

2. BACKGROUND:

2.1 **Site Location and Description**

- 2.1.1 The boatyard lies on the west bank of the Coventry to Oxford Canal at SP 4580 4075. It is situated at about 91 metres OD and consists of a dry-dock and a forge (Scheduled Ancient Monuments Oxon 172a and b respectively) and a series of sheds and workshops. The yard areas are partly soft landscaping and part concrete. The yard is not presently in use, and keys to the yard are held by Bryant's office in Banbury.

2.2 **Planning Background**

- 2.2.1 This archaeological and geotechnical investigation will require Scheduled Monument Consent. Wimtec Environmental Ltd are submitting the SMC application for their part of the operation. The commissioning agents Cherwell District Council will submit a separate application for the archaeological investigation. This design brief and the archaeological Project Design generated by it will form part of the application.

2.3 Archaeological Background

- 2.3.1 This section of the Coventry to Oxford Canal was opened in Banbury on March 30th 1778. Although there have been at least three boat building yards in Banbury at different periods, only the yard now known as Tooleys prospered and survived. It is believed to have been opened sometime in 1790. It was purchased by Mr George Tooley in 1900. The yard presently comprises a dry-dock (SAM 172a), a forge and smithy (SAM 172b), and four sheds/workshops.
- 2.3.2 The **dry-dock** is brick lined with a concrete bottom. Access stairways in brick and stone are located at each end and in the centre. The roof of corrugated iron is supported by brick pillars at the north end and by a timber frame on wheels running on rails at the south end. The **smithy** is built of brick with a tiled roof and brick stack. The roof has denticulated eaves. A forge survives inside. Approaching from the southern end of the yard, the remaining buildings are as follows:
- a) an extension to the smithy with a breeze block wall and corrugated iron roof. This has been used in recent times as a woodworking shop;
 - b) a long narrow workshop with rows of rectangular small paned windows under the eaves. This was once used as a carpenter's shop;
 - c) a paint shop consisting of a lean-to made of corrugated iron and massive boat-bottom planks against a brick wall. Layers of paint are accumulated on the door of the building;
 - d) the machine or belt shop with corrugated iron sheeting for walls.

3. REQUIREMENT FOR WORK:

- 3.1 This field evaluation has been required in accordance with PPG16 because of the presence of known sites of archaeological interest within the immediate vicinity of the development. Should important archaeological remains be revealed, this evaluation will form the first stage of a mitigation procedure.
- 3.2 The evaluation should aim to gather sufficient information to establish the presence/absence, extent, condition, character, quality and date of any archaeological deposits within those areas affected. The evaluation report produced will present a digest of information on the character and significance of the deposits under review and this report will form the basis of any proposals for appropriate further action. The evaluation should also aim to define any research priorities that may be relevant should further field investigation be required.
- 3.3 Any mitigation resulting from the evaluation report will seek to limit the damage to significant archaeological deposits. The developer will be responsible for accommodating the archaeological remains by:-
- a) Physical preservation in situ, which can often be achieved through design adaptations, or, if this is not possible;
 - b) By preserving the archaeology on record through a full recording action. Less significant archaeological deposits may be dealt with through a monitoring and recording exercise carried out during the construction programme.

4. SPECIFIC REQUIREMENTS FOR THIS EVALUATION:

4.1 The archaeological contractor should liaise closely with Mike Kay of Wimtec Environmental Ltd on all aspects of this project. Wimtec will require samples to be taken from some archaeological trial pits for contamination analysis, and will require feedback on other data produced through archaeological excavation. Likewise, the archaeological contractor will require the full co-operation of Wimtec on those trial pits that are to be archaeologically monitored. It is important that the overlap between archaeological and geotechnical needs/information is fully exploited in order that the best resolution for this site is achieved.

- **Contact details:**
Mike Kay
Wimtec Environmental Ltd
St Peter's House
6-8 High Street, Iver
Bucks SL0 9NG
Tel: 01753 737744
Fax 01753 792321

4.2 The archaeological contractor will be responsible for investigating five hand excavated trial pits, each with dimensions of 2.0 metres x 1.0 metre. TP1,4,6,7 and 10 on accompanying plan.

TP1: will examine the anomaly R1 obtained by the Stratascan Resistivity and GPR survey. This would appear to be a wall foundation that may be contemporary with the 18th century dry-dock. It is currently proposed that a pier support for the interconnecting walkway will be sited here as part of the redevelopment.

TP4: will examine the area of high resistance R2 and the linear feature G11 seen by the GPR.

TP6&7: will examine the foundations of the forge building and the contemporary yard surface. Both of these trial pits will require Scheduled Monument Consent.

TP10: will examine the junction of GPR anomalies G1 and G2 including yard area to the west of G1. This has been interpreted as an earlier canal wall (G1) with rubble infill (G2) between it and the current canal wall.

In addition the archaeological contractor will monitor and record a further three trial pits (No's 2,3 and 5) that will be hand excavated by Wimtec. The approximate dimensions of these pits will be 2.0 metres x 1.0 metre x depth to be negotiated.

4.3 The excavation under the supervision of a competent archaeologist, is to be taken down to the top of 'natural' or the top of any significant archaeological level, whichever is the higher. While the surface of the exposed archaeological horizon should be cleaned for the purpose of clarifying the remains, archaeological features should generally only be sampled sufficiently to characterise and date them. Full excavation of features should not be undertaken at this stage. Care should be taken not to damage archaeological deposits through excessive use of mechanical excavation.

Name: **Paul Smith**

Title: County Archaeological Officer
County Archaeological Services

Date: 11th March 1999

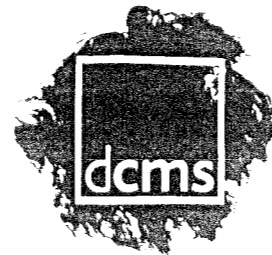
Appendix 2: Scheduled Ancient Monument Consent

Mr S Townsend
Leisure Services
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA

7 JUN 1999

Our Ref: ~~HSD9/2/2593pt7~~

2 June 1999



Dear Sir

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 (AS AMENDED)

- SECTION 2

PROPOSED WORKS AT: TOOLEY'S BOATYARD, BANBURY, OXFORDSHIRE:

COUNTY MONUMENT NO: 172

APPLICATION BY: CHERWELL DISTRICT COUNCIL

1. I am directed by the Secretary of State for Culture, Media and Sport to refer to your Council's application for scheduled monument consent dated 19 April 1999 and to the copy of the Design Brief for Archaeological Field Evaluation and Watching Brief prepared by Mr Smith of Oxfordshire County Council dated 11 March 1999 submitted therewith in respect of proposed works at the above scheduled ancient monument concerning the excavation of five trial pits. Further information was supplied in the document entitled Project Design for Field Evaluation and Watching Brief prepared by the Birmingham University Field Archaeology Unit dated 23 April 1999. The application has therefore been determined on this more detailed basis.

2. In accordance with paragraph 3(2) of Schedule 1 to the 1979 Act, the Secretary of State is obliged to afford to the applicant, and to 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 has been declined in your telephone conversation with Mr Burd of the Department on 28 May 1999.

3. The Secretary of State is required by the Act to consult with the Historic Buildings and Monuments Commission for England (English Heritage) before deciding whether or not to grant scheduled monument consent. Having considered English Heritage's advice, the Secretary of State agrees that the proposed works are an archaeological evaluation necessary to assess the extent and nature of archaeological deposits in order to provide information for taking decisions on the management of the monument, changes in its land use, or development proposals. He is content for the works to proceed providing the conditions recommended by English Heritage, and set out below, are adhered to. Accordingly, the Secretary of State hereby grants scheduled monument consent under section 2 of the 1979 Act for the proposed works as referred to 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 English Heritage. At least 4 weeks' notice in writing of the commencement of work shall be given to Mr R. Perrin of English Heritage, Room 130, 23 Savile Row, London W1X 1AB in order that an English Heritage representative may have the opportunity to inspect and advise on the works and their effect in compliance with this consent;

ii. the works to which this consent relates shall be carried out only by Mr S Litherland of Birmingham University's Field Archaeology Unit and his nominated excavation team who shall be given not less than two weeks' written notice of the commencement of work;

iii. the specification for which consent is granted shall be executed in full, unless variations have been agreed with English Heritage;

iv. this consent shall cease to have effect on 31 July 1999;

v. not less than two weeks' written notice of the location and commencement of the excavation shall be given to Mr P. Smith, Department of Leisure and Arts, Centre for Oxfordshire Studies, Central Library, Westgate, Oxford, OX1 1DJ;

vi. 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 and ground disturbance other than that which is expressly authorised in this consent;

vii. the excavations shall be backfilled within 3 months of completion of the excavation, to the satisfaction of the Secretary of State who will be advised by English Heritage;

viii. any masonry remains exposed in the course of the excavation shall either be backfilled within 3 months of completion of the excavation;

ix. the archive and a report on the results shall be sent to the County Sites & Monuments Record and English Heritage within 6 months of completion of the excavations. The National Monuments Record shall also be invited to receive copies of both archive and report.

4. 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.

5. Attention is drawn to the provisions of section 55 of the 1979 Act under which any person (hereinafter referred to as the 'applicant') 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 his 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.

6. A copy of this letter is being sent to English Heritage, Mr P. Smith and Mr Ferris of Birmingham University's Field Archaeology Unit.

Yours faithfully

A handwritten signature in black ink, appearing to read 'I Newton', written in a cursive style.

I NEWTON
Authorised by the Secretary of State
to sign in that behalf

Appendix 3: Context and feature summary

NumberArea	Comments	Associated numbers
1000	TP1	topsoil layer
1001	TP1	rubble levelling layer
1002	TP1	charcoal layer
1003	TP1	clay levelling layer
F101	TP1	pit
1004	TP1	plaster surface
F100	TP1	construction cut
1005	TP1	clay deposit
1006	TP1	plaster build
		also fills F101 cut into 1004 butted with 1006 1006 cut by F100 build of F100
4000	TP4	topsoil layer
4001	TP4	rubble levelling layer
4002	TP4	rotted ironstone
4003	TP4	clay levelling layer
F400	TP4	foundation trench
4004	TP4	ash/clinker surface
4005	TP4	clay deposit
4006	TP4	clay-silt
		?build of F400 cut by F400 4002, 4006 backfill of F400
6000	TP6	topsoil layer
6001	TP6	clay levelling layer
6002	TP6	rubble levelling layer
6003	TP6	mixed clay layer
F600	TP6	smithy wall
6004	TP6	sand layer
6005	TP6	clay-silt layer
		built from 6003
7000	TP7	ashy dump
F700	TP7	brick floor
7001	TP7	build of F700
7002	TP7	ash bedding layer
7003	TP7	clay-silt levelling layer
7004	TP7	mixed clay layer
F701	TP7	smithy wall
F702	TP7	construction cut
7005	TP7	build of F702
		7001, 7002; F702 also fills F702 cut by F702 for wall F701
10000	TP10	clay dump
10001	TP10	topsoil layer
10002	TP10	clay-silt fill
F1000	TP10	?slot
10003	TP10	clay-silt fill
F1001	TP10	?slot
10004	TP10	mixed layer
10005	TP10	sandy-clay fill
F1002	TP10	?robber trench
10006	TP10	clay-silt fill
F1003	TP10	depression
10007	TP10	clay layer
10008	TP10	?natural gravel/sand/clay
		F1000 F1001 cut by F1000 & F1001 F1002 F1003

Appendix 4: Pottery assemblage summary

Context	date	comments
1005	17th/18th century	levelling deposit
4001	19th century	working yard surface
6000	19th century	
6001	19th century	
6002	17th to 19th century	levelling deposit
6004	18th/19th century	construction level of smithy
7003	18th/19th century	levelling deposit
10004	18th/19th century	backfill of robber trench, canal wall
10005	18th/19th century	backfill of robber trench, canal wall
10006	18th/19th century	backfill of robber trench, canal wall

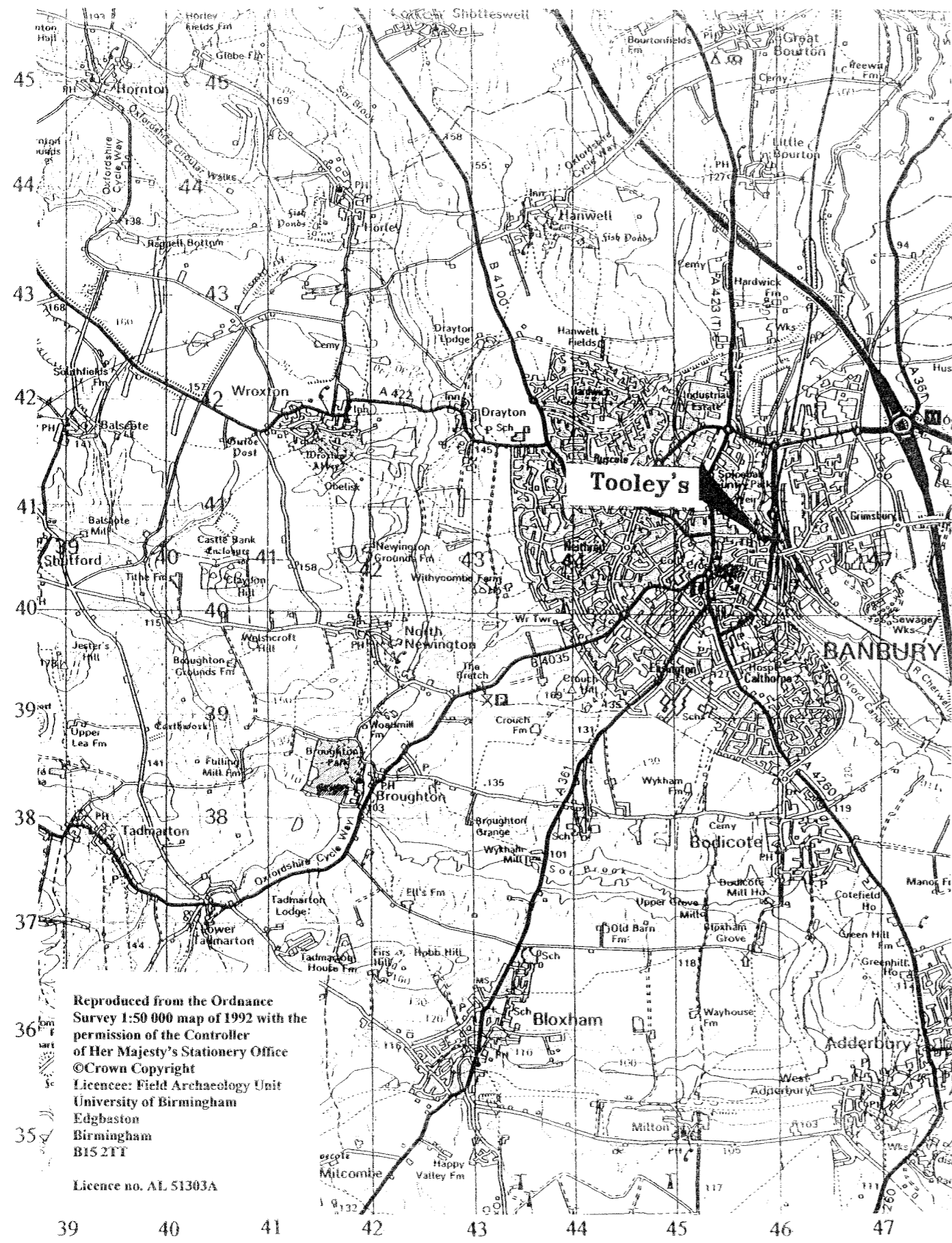


Fig 1 Location plan

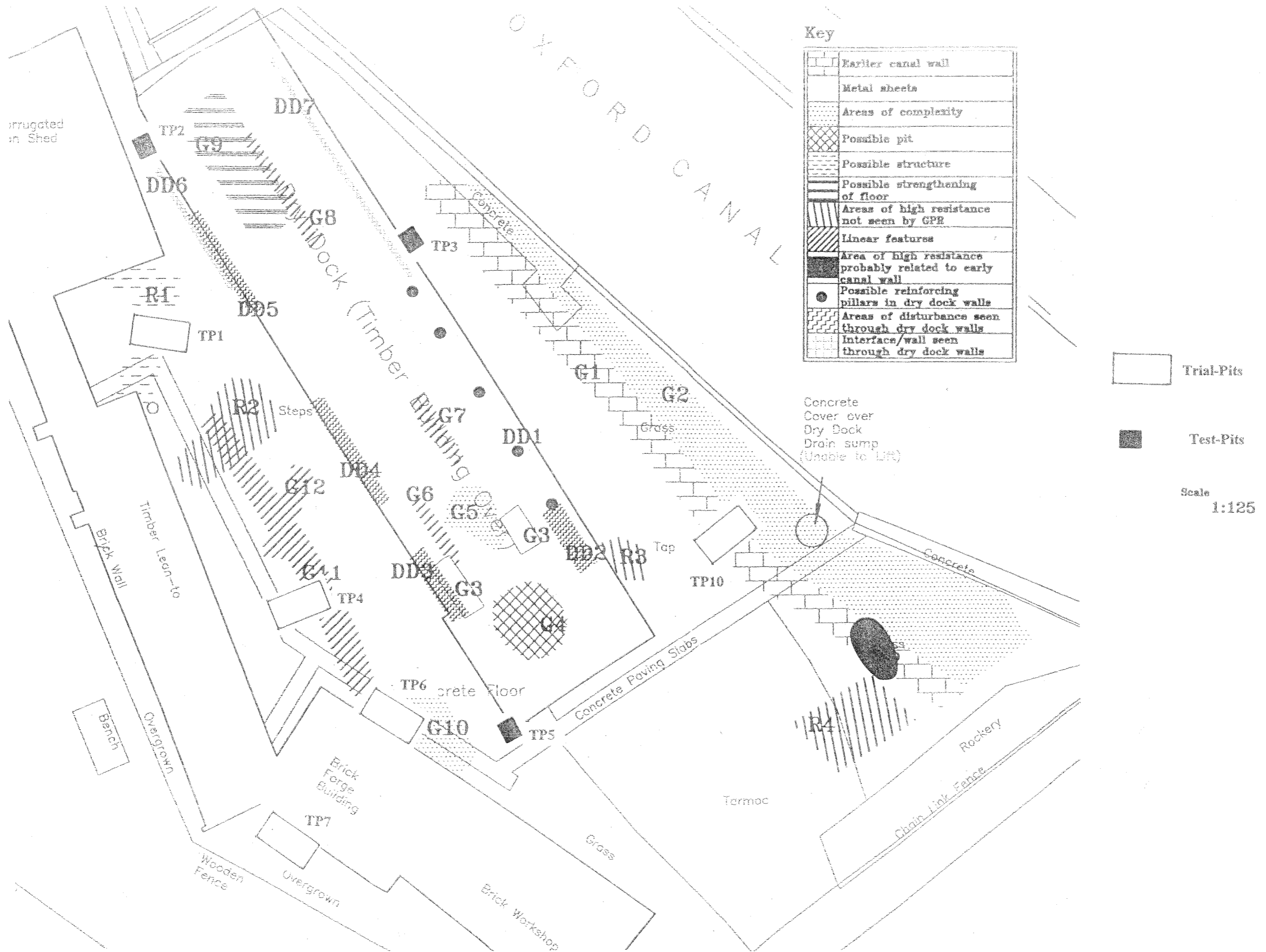


Fig 2

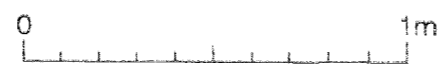
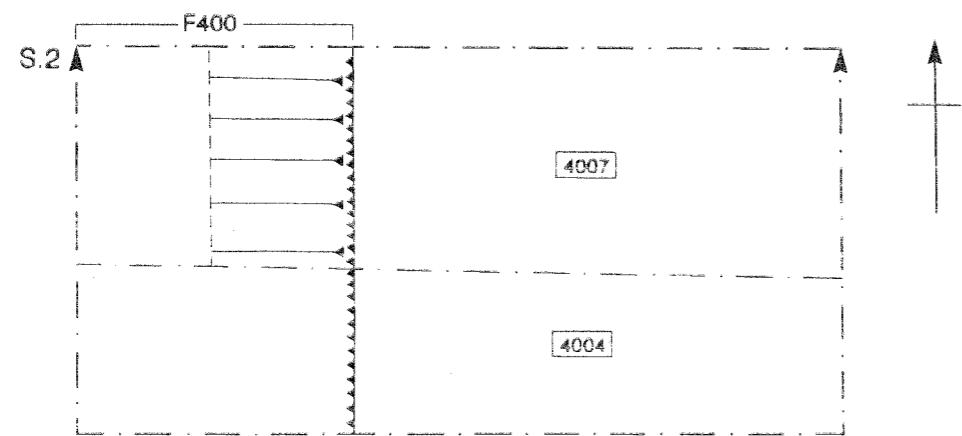
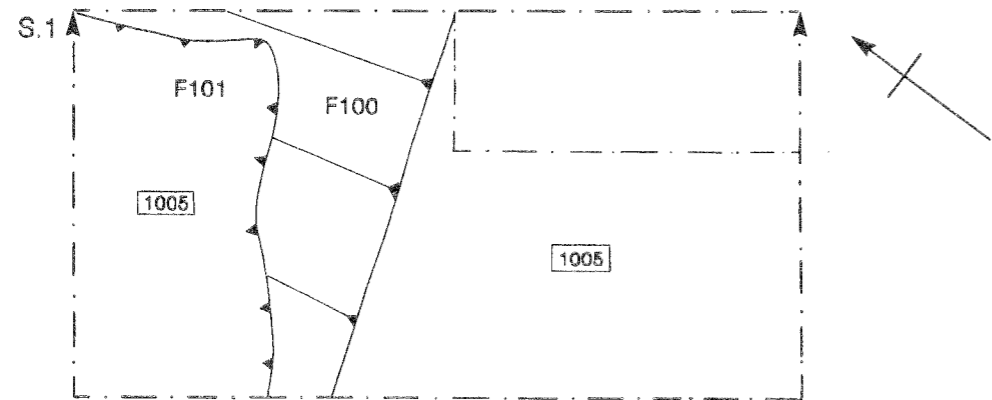
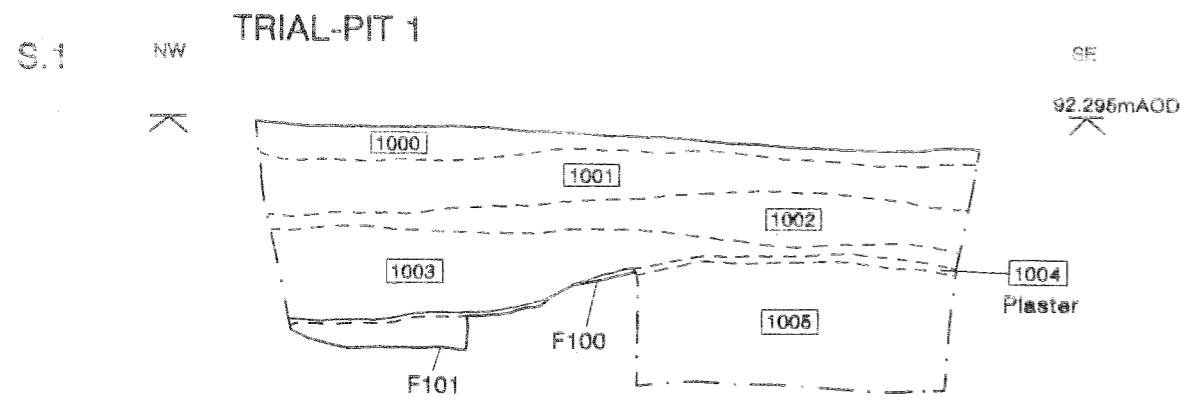


Fig 3

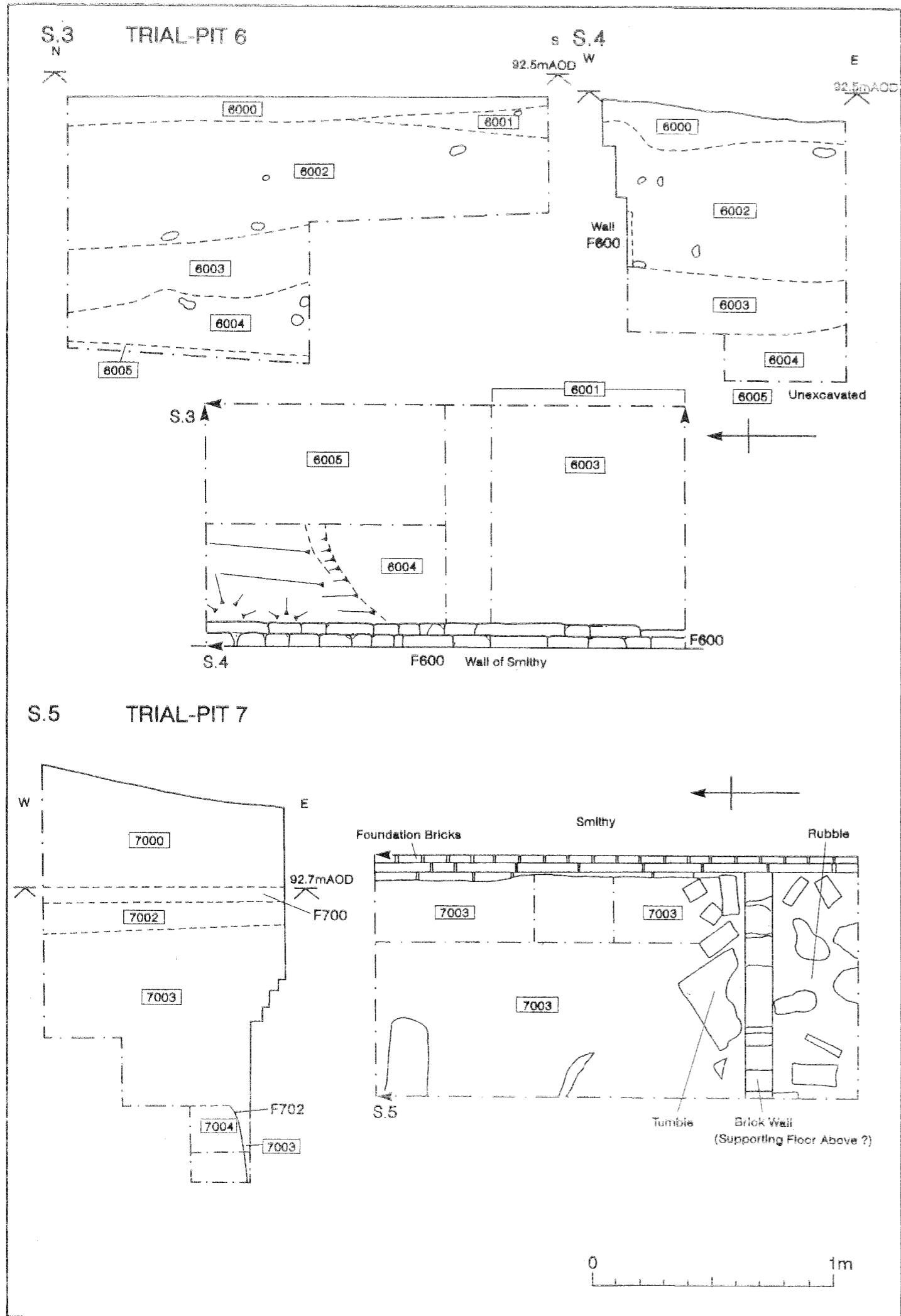


Fig 4

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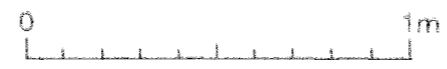
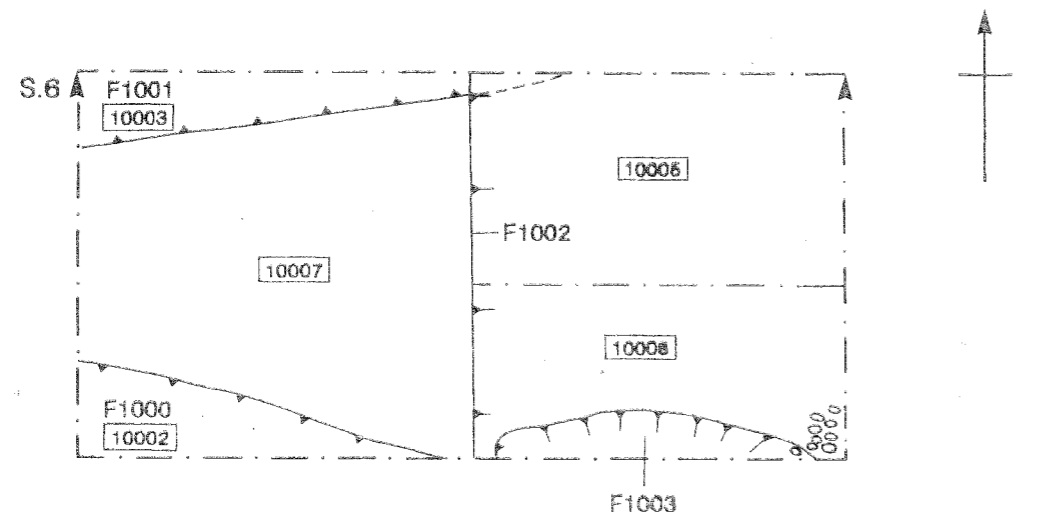
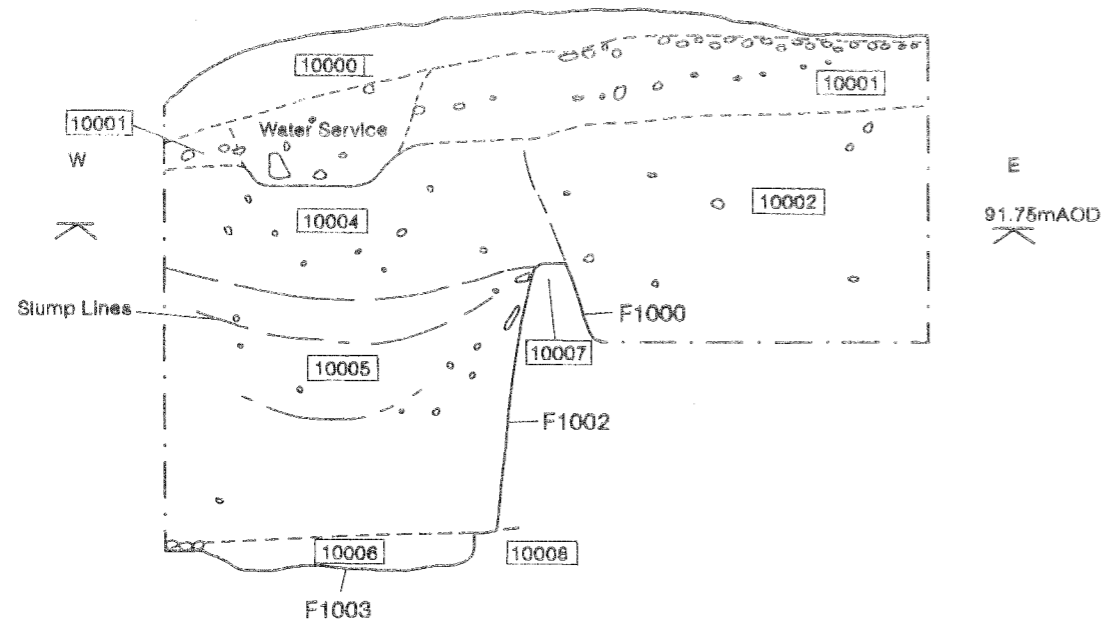


Fig 5

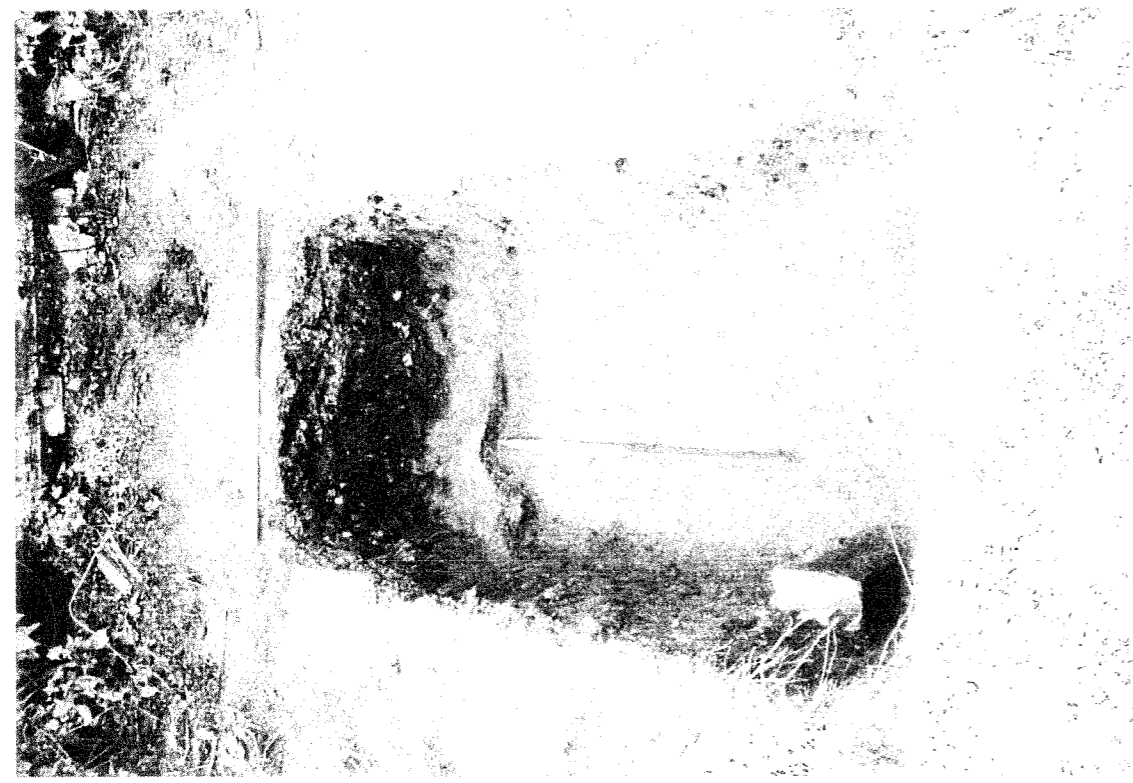


Plate 2

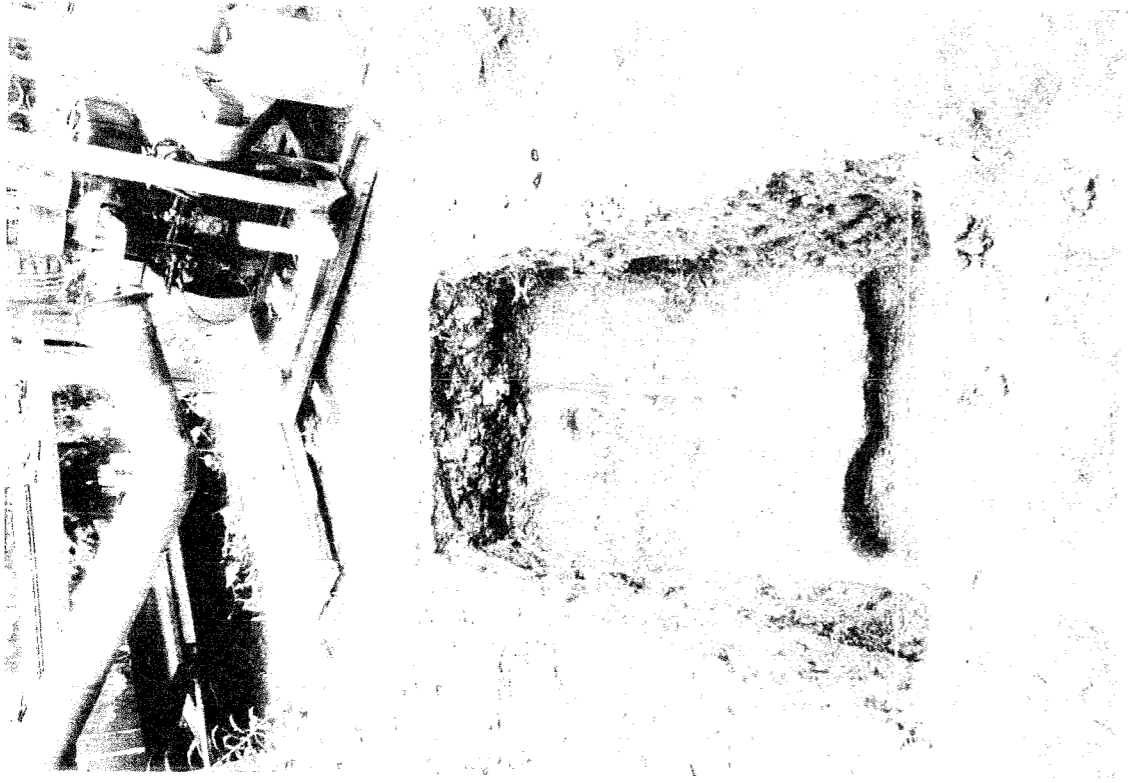


Plate 1



Plate 4

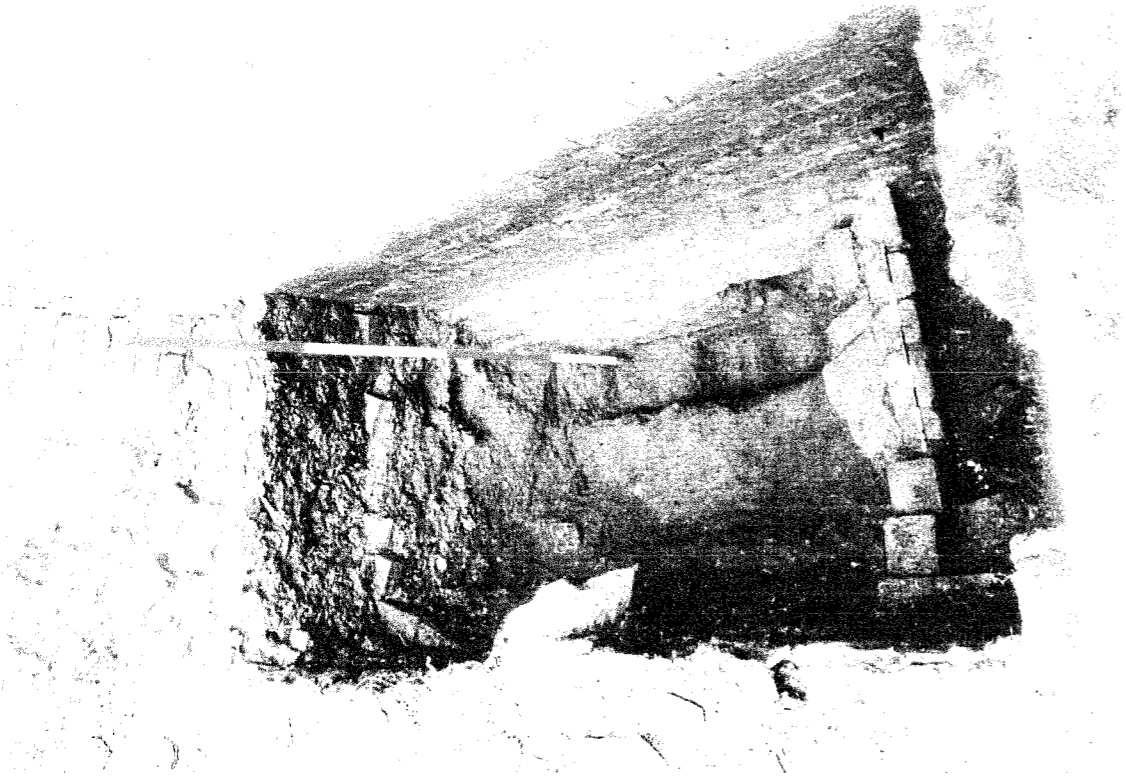


Plate 3