



Ms Poppy Heron
Modus Operandi
2 Bleeding Heart Yard
London
EC1N 8SJ

Direct Dial: 020 7973 3738

Our ref: S00240351

15 October 2020

Dear Ms Heron

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

**THE LONDON GREYFRIARS, NEWGATE STREET, LONDON EC1A 7BA
Scheduled Monument No: SM LO 129, HA 1002002
Our ref: S00240351
Application on behalf of Modus Operandi**

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 2 September 2020 in respect of proposed works at the above scheduled monument concerning the temporary installation of an artwork entitled 'Amulet' involving the excavation of a trial pit and foundations up to 500mm deep. The works were detailed in the following documentation submitted by you:

- Appendix 1: Artwork Positioning
- Appendix 2: Technical drawing, Structural Details
- Appendix 3: Drawing showing artwork location and extent of landscaping required
- Appendix 4a: Location of the requested trial pit
- Appendix 4b: Trial pit specification
- Appendix 5: Illustrations of the interpretation material proposed
- Appendix 6: Artists' submitted detailed design document
- Appendix 7: Written Scheme of Investigation for an Archaeological Survey and Watching Brief (MoLA)
- Appendix 8: Arboricultural Impact Assessment and Method Statement, Treeveys

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.

3. The Secretary of State is also required by the Act to consult with the Historic



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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 minor ground works where restriction of levels by condition can avoid damage to its historic fabric and with some modest impact upon visual amenity for a temporary period.

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 Historic England. At least 1 weeks' notice in writing of the commencement of work shall be given to Jane Sidell, Historic England, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA jane.sidell@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.
- (b) All those involved in the implementation of the works granted by this consent must be informed by the 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 the implications of this designation.
- (c) Permission for the installation must be obtained from the Church of England.
- (d) Planning permission for the installation must be obtained from the City of London Corporation.
- (e) This grant of consent for the artwork lasts for five years from the date of installation and it should be removed from the monument by the end of that period under a method statement submitted in advance for approval to Historic England and the City of London Corporation.
- (f) A suitably experienced archaeologist should undertake a watching brief on the trial pit and groundworks for the foundation, and should take care to note any disarticulated human remains, and ensure they are recorded and carefully placed back into the ground.
- (g) Should articulated human remains, or any masonry remains be discovered in the trial pit or groundworks for the foundation, a site visit should be convened to



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establish whether protection of the remains or relocation of the artwork is required.

- (h) 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.
- (i) A short report should be provided on the archaeological results and submitted to Historic England within one month of installation. Provision should be made for publication, if the results merit it.
- (j) 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.

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.



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Historic England

Yours sincerely

Jane Sidell

Inspector of Ancient Monuments

E-mail: jane.sidell@HistoricEngland.org.uk

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

cc Ms Kathryn Stubbs, City of London Corporation, Mr Patrick Booth, Church of England



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