



Historic England

NORTH WEST OFFICE

Ms Kerry Kirwan
Middlewich Heritage Trust
Room 1, Town Hall
Victoria Building
Lewin Street
Middlewich
Cheshire

Direct Dial: 0161 242 1433

Our ref: S00212937

1 April 2019

Dear Ms Kirwan

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

**MURGATROYD'S BRINE WORKS, BROOK LANE INDUSTRIAL ESTATE,
MIDDLEWICH, CW10 0JG
Scheduled Monument No: SM 34588, HA 1020122
Our ref: S00212937
Application on behalf of Middlewich Heritage Trust**

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 6 February 2019 in respect of proposed works at the above scheduled monument concerning removal of six tree roots from around the building, grading of area and reduction of level to front of building, formation of path, installation of drainage including soakaway, excavation of trench for electricity cable, and related works. The works were detailed in the following documentation submitted by you:

Site plan

MU 19-0002-0 Detail of footpath around pump house

MU 19-0004-1 Roof drainage details

MU 19-0005-0 Roof Drainage - outfall - long section

Sketch of tree positions

Design plan - Scottish Power

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 beneficial for the preservation of the monument and unlikely to cause significant damage archaeological deposit, with only a limited requirement for archaeological 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:

- (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 Mr A P Davison, Historic England North West, Canada House, 3 Chepstow Street, Manchester, M1 5FW (telephone 0161 242 1412, email andrew.davison@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) Photographs shall be prepared 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) shall be sent to Historic England (address as at condition i above) within 3 months of the completion of the works (or such other period as may be mutually agreed).
- (iii) 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.
- (iv) Removal of the six tree stumps shall be effected by grinding out the centres in order to limit ground disturbance.

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



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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

Linda Calvert

Business Officer

E-mail: linda.calvert@HistoricEngland.org.uk

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



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