

The Magistrates Court, Newland Road, Witham, Essex

Archaeological Evaluation Report



June 2015

## **Client: Julia MacKay Properties**

OA East Report No: 1790 OASIS No: NGR: TL 82435 14855



# The Magistrates Court, Newland Road, Witham, Essex

Archaeological Evaluation

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Report Date: June 2015



Report Number:	1790
Site Name:	The Magistrates Court, Newland Road, Witham, Essex
HER Event No:	XEXMAW15
Date of Works:	June 2015
Client Name:	Julia MacKay Properties
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#### Summary

Between the 15th and 16th of June 2015, an archaeological evaluation was carried out at the Magistrates Court, Newland Road, Witham, Essex. The site which has been proposed as a housing development is situated adjacent to the line of a Roman road with an Iron Age fortified enclosure to the north-east.

Three trial trenches were excavated and whilst there was evidence of post medieval activity possibly related to the construction of the court building, there was no evidence of any archaeological activity predating the courts or the adjacent police station.





# 1 INTRODUCTION

### 1.1 Location and scope of work

- 1.1.1 An archaeological evaluation was conducted at The Magistrates Court, Newland Road, Witham, Essex
- 1.1.2 This archaeological evaluation was undertaken in accordance with a Brief issued by Teresa O'Connor of Essex County Council (Planning Application 14/01182/FUL), supplemented by a Specification prepared by OA East.
- 1.1.3 The work was designed to assist in defining the character and extent of any archaeological remains within the proposed redevelopment area, in accordance with the guidelines set out in *National Planning Policy Framework* (Department for Communities and Local Government March 2012). The results will enable decisions to be made by Essex County Council, on behalf of the Local Planning Authority, with regard to the treatment of any archaeological remains found.
- 1.1.4 The site archive is currently held by OA East and will be deposited with the appropriate county stores in due course.

## 1.2 Geology and topography

1.2.1 The bedrock of the site is the London Clay Formation, overlain by superficial River Terrace deposits of sand and Gravel (BGS 2015).

### **1.3** Archaeological and historical background

- 1.3.1 Witham is located on the London to Colchester road, at the point where it crosses the River Brain and within the angle formed by the confluence of the Rivers Brain and Blackwater. The highest point is on the small spur on Chipping Hill on the 30m contour on the east bank of the Brain. The earliest settlement in Witham focussed on this spur. However in the 13th century the settlement was moved along the main road (Newland Road) on the north bank of the River Brain (English Heritage 1999).
- 1.3.2 The name Witham is a composite name, part Brythonic (probably from a cognate of Gwydd meaning "Woods" in modern Welsh) and "ham" a typical Saxon ending, and remains unchanged in spelling. The parish of Witham appears in 1086 in the Domesday Book of 1086.
- 1.3.3 The Chipping Hill area of the town appears to have been occupied throughout much of the prehistoric period. The site of Witham was located in the Palaeolithic period at the side of a large Hoxnian lake. A Palaeolithic flint-axe found at Albert Road, north-west of the site (EHER 8171).
- 1.3.4 Fieldwalking over Colemans and Appleford Farm to the north-east produced vast quantities of flint, from an area believed during the Mesolithic period to be bordering an extended marshy river. The finds included Mesolithic blades from the small rise east of Colemans Bridge. Numerous flakes were collected between this rise and the reservoir further to the east, including a flint spearhead (EHER 8850).
- 1.3.5 Directly north-west of the site, excavations in 1988, in advance of housing developments, revealed six phases in the local sequence of events. The first phase was defined as Mesolithic/Early Neolithic and comprised flintwork, but no features. The second phase was Late Neolithic and most of the flintwork belongs to this phase, also Grooved Ware was retrieved from the primary buried soil and from a shallow feature,



other features may also be Neolithic and the evidence points to domestic occupation. The third phase represents domestic occupation during the Late Bronze Age (LBA) and is represented by a sizeable group of LBA pottery from the primary buried soil. The presence of Neolithic and Bronze Age domestic-type occupation beside the river crossing, as established by the 1988 excavations, demonstrates that the Iron Age Hillfort (see 1.3.3) was not built on a virgin site (EHER 14050). To the north, a Late Bronze Age socketed axe was recovered from Rickstones Road (EHER 8453).

- 1.3.6 Three struck flints and a single sherd of Bronze Age or earlier pottery retrieved from the backfill of a ditch was identified at Chipping Hill Infants School north-west of the site (EHER17992).
- 1.3.7 A concentric earthwork defence is located on a sand and gravel spur on Chipping Hill north-west of the site; a univallate iron age hillfort, the western part of which was refortified in Saxon times. The first two phases of the inner defences are probably iron age, the second one turning it into a dumped `Fecamp-style' earthwork. Scattered iron age occupation was found outside the earthwork. Traces of burning may represent destruction of a timber front revetting in the first phase. Finds included a little Belgic and quite a lot of Middle Iron Age pottery. Finds in the 1930s included a bone point, an iron ring, and animal bones. A small amount of Early Iron Age pottery was found inside the earthwork. Close to the earthwork at Temples Field, three Iron Age skeletons and associated weapons were found during the construction of the railway in 1850 (EHER 8114). South-west on the outskirts of Witham at Spinks Lane, evidence was found of Middle Iron Age occupation features identified in an area believed to be within the Witham Lodge Earthwork enclosure (EHER 14039).
- 1.3.8 The site is directly adjacent to a Roman road (Newland Road) following the line of the old A12 from Colchester to London running north-east to south-west.
- 1.3.9 There is some evidence in the form of stray finds of Roman Activity at Chipping Hill camp. The possible site of a Roman hypocaust was found during the laying of a drain at Saxon Drive near the community centre (EHER 8340) in the 1970s, the site is now sealed beneath a tarmac car park.
- 1.3.10 The primary focus of Roman Activity appears to have been 2Km to the south-west at Ivy Chimneys (English Heritage 1999) and Maltings Lane (Wade 1997). In the 1st century the settlement at Ivy Chimneys seems to have been replaced by a temple complex delimited by a ditch (English heritage 1999). A man-made pond was located there with many votive offering being retrieved. In the late 4th and 5th centuries a small stone building (possibly a chapel), a tile lined pond and a timber revetted pond were constructed at the site (English Heritage 1999). At Maltings Lane, evidence was recovered for Roman domestic occupation.
- 1.3.11 Two possible sunken featured buildings, ditches, postholes and rubbish pits from the Anglo-Saxon period were identified along with a single cremation at the Maltings Lane site (Wade 1997). At Ivy Chimneys, there is evidence of a large pit containing wall daub and stone robbing of the brick chapel from the same period (English Heritage 1999).
- 1.3.12 Directly to the east at Little Braxted, parts of sword blades (possibly Saxon) were recovered. Gravel extraction in 1974 partially destroyed a site from which Roman, Saxon and medieval artefacts were recovered by a machine driver. The Saxon artefacts comprised five iron spearheads, three iron swords, one bronze spear ferrule, one iron shield boss, fragments of iron shield binding, four small sherds of hand-made pottery and part of a human long bone. The spearheads date to the sixth century as does the shield boss which belongs to the middle of the sixth century; the two double-edged



swords and one single-edged sword could also be of sixth century date; the latter being pattern-welded. It is thought that the finds might well represent the site of a pagan Saxon cemetery (EHER 8396).

- 1.3.13 The Site of Old Witham (Anglo-Saxon to Early Medieval) was located north of the site at Chipping Hill (EHER 8121) preceding the new settlement on the London Road. The town lay outside the *burh* earthworks to the north, around a small triangular market place. Witham is like Maldon in having the settlement outside the defences. Although a *hundredal* meeting place, Witham did not survive, unlike Maldon, as a borough into the 11th century, nor did its location just off the Roman road enable it to benefit from the increase in traffic in the 12th century. A new town was built in 1212 along what is now Newland Road.
- 1.3.14 North-West of the site, Chipping Hill Camp is the preferred option for the site of the tenth century *burh*, as it would have been a dominant landscape feature at that period. However the only late Saxon evidence from the site consists of a sherd of St Neots ware, a sherd of Thetford-type ware and a tenth century penny. The location of the church and the late Saxon market town at Chipping Hill, immediately outside one of the entrances to the earthwork, is very reminiscent of the layout of the nearby late Saxon town of Maldon and lends support to the suggestion that this area remained the dominant focus of activity in the Witham area at this period.
- 1.3.15 The parish church Of St Nicholas at Chipping Hill is medieval in date but probably had an Anglo-Saxon precursor. The earliest part of the church is 12th century but it seems to have been extended from 1330 onwards (EHER 8122).
- 1.3.16 The ordnance survey maps from 1874 to 1920 show the site as being open fields, described in the land utilisation ordnance survey of Britain (1939) as being meadowland and permanent grass. The police station at the site was constructed in the 1930s and the Magistrates Court was constructed in the 1960s.

#### 1.4 Acknowledgements

1.4.1 O A East would like to thank Julia Mackay Properties for funding the work. The site was managed by James Drummond-Murray and was surveyed by David Brown. The fieldwork was carried out by Steve Graham and Paddy Lambert. The brief was written by Teresa O'Connor of Essex County Council's Historic Environment Team who also monitored the work. Thanks are extended to the various specialists who contributed to the report, the illustrator and the editor.



## 2 AIMS AND METHODOLOGY

#### 2.1 Aims

- 2.1.1 The objective of this evaluation was to determine as far as reasonably possible the presence/absence, location, nature, extent, date, quality, condition and significance of any surviving archaeological deposits within the development area.
- 2.1.2 The site of the Magistrates Court at Newland Road, Witham has been proposed for the development of a small housing development consisting of ten dwellings.

### 2.2 Methodology

- 2.2.1 Three trial trenches were excavated, one of the trenches was 12m long x 18m wide, one was15m long x 1.8m wide and one was 35m long x 1.8m wide.
- 2.2.2 Machine excavation was carried out under constant archaeological supervision with a wheeled JCB-type excavator using a toothless ditching bucket.
- 2.2.3 The site survey was carried out with a Leica GS08/CS10 fitted with *smartnet*.
- 2.2.4 Spoil, exposed surfaces and features were scanned with a metal detector. All metaldetected and hand-collected finds were retained for inspection, other than those which were obviously modern.
- 2.2.5 All archaeological features and deposits were recorded using OA East's *pro-forma* sheets. Trench locations, plans and sections were recorded at appropriate scales and colour and monochrome photographs were taken of all relevant features and deposits.
- 2.2.6 No environmental samples were taken.
- 2.2.7 Site conditions were good and dry. The weather was mostly bright and occasionally overcast. The only other consideration was the presence established trees on the site which affected the excavation of Trench One.



# 3 RESULTS

# 3.1 Introduction

3.1.1 The results of the evaluation are presented in trench order below, trench descriptions and context inventory are listed in Appendix 1.

# 3.2 Trench One

3.2.1 Trench One was located in the north-west corner of the site on a north-east to southwest alignment parallel with and adjacent to the boundary wall to Newland Road. The trench was shorter (12m) than originally intended due to the presence of mature trees. Natural clay sand was encountered at 0.8m below ground level (BGL), it was overlain by a layer of light grey brown clay sand (102) 0.20m thick containing fragments of modern tile and brick throughout. This in turn was overlain by a mid greyish brown sandy silt subsoil (101) 0.40m thick. Topsoil (100) was 0.25m thick and comprised a dark greyish brown sandy silt with modern brick and tile fragments throughout. No archaeological features or deposits were present.

## 3.3 Trench Two

- 3.3.1 This trench was located at the centre of the site on a north-west to south-east orientation and parallel to the footpath leading from Newland Road to the court buildings. The trench was 35m in length and 1.8m in width. Natural sand and gravel terrace deposits were encountered at 1m BGL.
- 3.3.2 A very pale grey linear feature (**206**) was located 15m from the north-west end of the trench. This feature was 2.40m wide and 0.08m deep with an uneven concave base and an orientation of north-east to south-west. An excavation slot through its single fill (203) of orange silt sand produced no finds only compacted unsorted angular stones and gravel.
- 3.3.3 A very similar feature to this was located 5.5m further along the trench to the north-west (**204**) on a roughly east to west orientation. It was 1.90m wide and 0.10m deep with an uneven concave base. The excavation slot through its orange silt sand fill (205) produced a single undiagnostic flint flake.
- 3.3.4 Both features were sealed over by a layer of light grey brown clay sand (202) 0.16m thick. This was in turn sealed by a subsoil (201) of mid grey brown sand silt 0.50m thick and a topsoil (200) of dark grey brown sand silt 0.30m thick.

## 3.4 Trench Three

- 3.4.1 This trench was located in the south-east corner of the site adjacent to the court building. The trench was 15m in length and 1.8m wide with a north-east to south-west orientation. Natural terrace gravels were encountered at 1m BGL
- 3.4.2 At the north-east end of the trench a sub-circular pit **302** was partially revealed. This feature was 4m long and its width from the eastern side of the trench was 0.60m and a depth of 0.48m. Its lowest fill (307) was a dark grey layer of dumped ash, charcoal and coke 0.08m thick. This was overlaid by dark grey clay silt (303) containing fragments of modern brick and tile, slumping in from the north-east and 0.15m thick. The upper fill of the pit was a dark red clay silt (306) containing brick and tile fragments and a steel rod 0.22m thick. This feature was truncated at its south-west edge by a large pit/hollow **304**. Pit **302** was sealed by a layer of light grey brown clay silt (308) containing



fragments of modern brick and tile throughout that was 0.18m thick. This was sealed over by a grey brown silt sand (309) containing fragments of brick which was 0.11m thick.

- 3.4.3 The pit or hollow **304** was partially exposed by the trench. It was sub-circular in plan with a probable north-west to south-east orientation. It was 6.75m wide and 0.70m deep with a primary fill of mid brown grey redeposited clay sand (305) containing fragments of modern brick, tile and charcoal flecks. Two slots were excavated, one at each end of the feature revealing an uneven concave base. It was filled with 311, a dark brown grey redeposited loose sand silt containing brick fragments (and a sock) which was 0.26m thick. It was overlaid by 0.09m thick deposit of loose chalk and cement (310).
- 3.4.4 The south-west end of the trench was truncated by a cable service ditch for the security cameras situated on the adjacent court building.
- 3.4.5 Sealing the pits and layers was a (0.30m thick) mid grey brown sandy silt which was overlain by topsoil 300 comprising dark grey brown sand silt and 0.30m thick. The topsoil must have been stripped and re-instated.

### 3.5 Finds Summary

3.5.1 A single flint flake (4g) was retrieved in the fill of 204. Whilst a result of human activity, this was not part of a specific tool but debitage. Tentatively dated as Neolithic but essentially undiagnostic (R. Mortimer *pers comm*).

#### 3.6 Environmental Summary

3.6.1 No deposits were found that had potential for environmental remains.



# 4 DISCUSSION AND CONCLUSIONS

- 4.1.1 Although the site is located adjacent to the course of a Roman road and in an area of archaeological potential, no archaeological features were present. Two linear features were investigated but their character (shallow depths, uneven bases and fill compositions) suggested a natural rather than archaeological origin. The single piece of struck flint flake associated with **204** was probably introduced naturally.
- 4.1.2 The two pits excavated in Trench Three contained fragments of modern brick and tile throughout their fills. The depth and size of these features indicated that the survival of any archaeology within this area of the site is highly unlikely. It is likely that during construction of the court and police buildings, this area was stripped of topsoil and subsoil. It was probably used for localised extraction of gravel and to provide a convenient place to bury waste produced during building. The subsoil and topsoil being eventually re-instated.
- 4.1.3 The area directly adjacent to the Roman road evaluated by Trench One contained no archaeological features. The topsoil, subsoil and layer underneath (102) all contained modern brick and tile throughout and probably represent levelling layers connected to the construction of the police station or courts.
- 4.1.4 The evidence would indicate that whilst the boundaries and land use (woodland and pasture) of the site have remained consistent from the 17th century onwards, the construction of first the police station and then the Magistrates Court in the 1960s may have removed any archaeology from the site. Equally, since no archaeological finds (other than a single flint flake) were present, it is possible that the site has not been subject to activities that leave archaeological evidence.
- 4.1.5 The evaluation at The Magistrates Court, Newland Road, Witham has demonstrated that no archaeological deposits of significance are present on this site, despite the proximity of the Roman road to the west.

## 4.2 Recommendations

4.2.1 No further archaeological investigations are recommended as a result of this work.



# APPENDIX A. TRENCH DESCRIPTIONS AND CONTEXT INVENTORY

Trench 1							
General de	escription				Orientation		NE-SW
					Avg. depth	(m)	0.80
				of soil (100) and subsoil a natural of clay sand.	Width (m)		1.80
(101) and 1		yer (102)	overlying	a hatarar or olay sana.	Length (m)		12.0
Contexts					1		•
context no	type	Width (m)	Depth (m)	comment	finds	d	ate
100	Layer	-	0.20	Topsoil	-	Мо	dern
101	Layer	-	0.40	Subsoil	-	Мо	dern
102	Layer	-	0.20	levelling layer	-	Мо	dern
Trench 2			-				
General de	escription				Orientation		NW-SE
Trench cor	itains two i	orobable (	reological	features 202 and 204	Avg. depth	(m)	1.00
cutting into	a natural	of terrace	sand and	gravels. These are overlaid	Width (m)		1.80
by soil (200	)), subsoil	(201) and	levelling	layer (202)	Length (m)		35.0
Contexts							
context no	type	Width (m)	Depth (m)	comment	finds	d	ate
200	Layer	-	0.30	Topsoil	-	Мо	dern
201	Layer	-	0.50	Subsoil	-	Мо	dern
202	Layer	-	0.16	levelling layer	-		-
203	Fill	-	-	F/O of [206]	-		-
204	Cut?	1.90	0.10	Ditch?	-		-
205	Fill	-	-	F/O of [204]	flint	Neo	lithic?
206	Cut?	2.40	0.08	Ditch?	_		_



Trench 3							
General d	lescriptio	n			Orientat	ion	NE-SW
Trench co	ntains two	modern r	oits 302 an	d 304 and a modern service	Avg. dep	oth (m)	1.00
ditch. The	natural of	terrace sa	ands and g	gravels is overlain by	Width (n	n)	1.80
levelling la	ayers 308	and 309, 3	301 and to	psoil 300.	Length (	(m)	15.0
Contexts							
context no	type	Width (m)	Depth (m)	comment	finds	date	
300	Layer	-	0.30	Topsoil	-	Modern	
301	Layer	-	0.30	Levelling layer	-	Modern	
302	Cut	0.60	0.48	Modern Pit	-	Modern	
303	Fill	-	0.15	F/O of 302	-	Modern	
304	Cut	6.75	0.70	Modern Pit	-	Modern	
305	Fill	-	0.40	F/O of 305	-	Modern	
306	Fill	-	0.22	F/O of 302	-	Modern	
307	Fill	-	0.08	F/O of 302	-	Modern	
308	Layer	-	0.18	Levelling layer	-	Modern	
309	Layer	-	0.11	Levelling layer	-	Modern	
310	Fill	-	0.09	F/O of 305	-	Modern	
311	Fill	-	0.26	F/O of 305	-	Modern	



# APPENDIX B. BIBLIOGRAPHY

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Wade,A. ECC Internal Report.	1997	Maltings Lane, Witham, Essex:Archaeological Evaluation.



# APPENDIX C. OASIS REPORT FORM

All fields are required unless they are not applicable.

Project Details				
OASIS Number				
Project Name				
Project Dates (fieldwork) Start			Finish	
Previous Work (by OA East)			Future W	ork
Project Reference Codes				
Site Code		Planning App.	No.	
HER No.		Related HER/	OASIS No.	
Type of Project/Techniques Use Prompt	d			
Development Type				
Please select all techniques	used:			
Aerial Photography - interpretation	🗌 Grab-Sa	mpling		Remote Operated Vehicle Survey
Aerial Photography - new	Gravity-0	Core		Sample Trenches
Annotated Sketch	Laser Sc	anning		Survey/Recording Of Fabric/Structure
	Measure	ed Survey		Targeted Trenches
Dendrochronological Survey	Metal De	etectors		Test Pits
Documentary Search	Phospha	ite Survey		Topographic Survey
Environmental Sampling	Photogra	ammetric Survey		Vibro-core
Fieldwalking	Photogra	aphic Survey		Visual Inspection (Initial Site Visit)
Geophysical Survey	Rectified	l Photography		
Monument Types/Significant Fi List feature types using the NMR Mor Thesaurus together with their respect	ument Type	e Th <mark>esaurus</mark> ar	-	
Monument Period		Object		Period
Drainat Lagation				

#### Project Location



County	Site Address (including postcode if possible)
District	
Parish	
HER	
Study Area	National Grid Reference

# Project Originators

Organisation	
Project Brief Originator	
Project Design Originator	
Project Manager	
Supervisor	

# **Project Archives**

Physical Archive	Digital Archive	Paper Archive

### Archive Contents/Media

	Physical Contents	Digital Contents	Paper Contents
Animal Bones			
Ceramics			
Environmental			
Glass			
Human Bones			
Industrial			
Leather			
Metal			
Stratigraphic			
Survey			
Textiles			
Wood			
Worked Bone			
Worked Stone/Lithic			
None			
Other			



#### Notes:



Contains Ordnance Survey data © Crown copyright and database right 2015. All rights reserved. Centremaps 10001998 Figure 1: Site location





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Figure 2: Trench plans





Figure 3: Selected sections





Plate 1: Trench 2 from the north-west



Plate 2: Trench 3 from the north-east

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Plate 3: Modern pit 302 from the south-west



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