

Scheduled Monuments

A guide for owners and occupiers



ENGLISH HERITAGE

This guide explains the implications of scheduling for you as the owner or occupier of a scheduled monument and summarises the main provisions of the Ancient Monuments and Archaeological Areas Act 1979 As Amended. The guide does not attempt to be fully comprehensive and you may want to consult English Heritage, or seek independent legal or archaeological advice, if you are unsure about any aspect of law or procedure.

What is scheduling?

Scheduling refers to the legal system for protecting nationally important archaeological sites in England. Its aim is to preserve significant examples of the archaeological resource for the educational and cultural benefit of future generations. Scheduled monuments are designated and added to a 'Schedule' by the Secretary of State for Culture, Media and Sport under powers contained in the 1979 Act. The Schedule derives its name from the original list of protected monuments attached to the first Ancient Monuments Act of 1882. In making decisions on scheduling, the Secretary of State is advised by English Heritage, which takes the leading role in identifying sites in England for designation.

Once a site is scheduled, consent must be obtained from the Secretary of State for any works that affect it, with the exception of those noted under class consents. English Heritage regional offices play a central role in advising the Government and owners on individual applications for consent and can offer management advice. Grants are sometimes available to help maintain scheduled monuments.

Not all scheduled monuments are old. Archaeological sites from the prehistoric era, such as burial mounds, to 20th-century remains from the coal industry, World War II or the Cold War can be scheduled. Some monuments are difficult or impossible to see above ground, their form and layout only becoming clear from the air. Other sites have no visible remains above ground: it is their buried archaeological deposits that are of national importance. Standing buildings or ruins can also be given this type of protection.

Scheduling is carefully restricted to the most important sites of each type of monument and to those for which this designation provides the most appropriate protection. Other means of protection for archaeology



The Members' Banking, part of Brooklands motor-racing circuit, Surrey. This was the world's first purpose-built motor-racing circuit and staged Britain's first Grand Prix in 1926. Remains of a pre-World War I flying school and World War II anti-invasion defences are also included in the scheduling of this site. [Brooklands Museum]

include local planning controls. Scheduled monuments are registered as Local Land Charges and therefore become apparent during Local Land Searches. Scheduling does not affect your freehold title or other legal interests in the land. If a monument is included in the Schedule this does not give members of the general public any new rights of public access.

How will the scheduling affect me?

If you wish to carry out works to the scheduled monument, both above and below ground level, you will need to apply for prior

written permission from the Secretary of State. This is known as scheduled monument consent (SMC). 'Works' are defined by the 1979 Act as: demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or tipping material onto the monument. To avoid the possibility of damaging a monument, and therefore carrying out unlawful works, you are strongly advised to consult English Heritage while in the planning stages of any intended works (see Contact Details). Certain development works to your property may require planning permission from the local authority, but obtaining such permission does not remove the need for scheduled monument consent.



Although difficult to see from the ground, this Neolithic settlement site at Warborough, Oxfordshire – incorporating an enclosure and ring ditches – can be clearly seen as crop marks on this aerial photograph. [NMR 23088/00]



Above: The Jewish and Congregationalist cemeteries at Ponswarden, Cornwall. Long disused, the cemeteries retain a wealth of information on the lives of religious minorities in Falmouth during the 18th and 19th centuries. They represent a fascinating survival of one of the more unusual monuments included in the Schedule. [Photo by Dave Hooley]



Left: This blast furnace at Backbarrow Ironworks, Cumbria, is one of many scheduled industrial sites. Built in 1711–12, it was one of the first charcoal-fired blast furnaces to be built in Cumbria. [Photo by Margaret Nieke]

How do I obtain scheduled monument consent?

Consent for works is granted by the Secretary of State and must be given in writing **before** works are started. It cannot be given retrospectively. The application must be made on a standard form, available from English Heritage regional offices or the Department for Culture, Media and Sport (DCMS), who will also advise on the process. Alternatively, you can download the form at the DCMS website (see Contact Details). English Heritage advises applicants and the Secretary of State on all consent applications. The applicant has a right to a public hearing before any decision is finally taken.

In most cases applications are successful. It is possible, with negotiation, to agree on a scheme that both preserves the site and meets your needs. Few applications are refused outright, providing that serious damage to the monument is avoided. Consent may be granted subject to conditions that specify a method of working or provide arrangements for prior archaeological investigation and recording.

Class consents: works for which permission is granted automatically

Certain existing or seasonal operations, carried out in the same place, have already been given prior consent by the Secretary of State and therefore do not require an application for scheduled monument consent. These are known as 'class consents'. The activities most commonly permitted by class consent are agricultural or gardening work. There is no need for repeated consent applications to continue the present use. In order to ensure that you comply with the law, it is recommended that you seek legal advice or contact English Heritage before undertaking any works that you believe fall within a class consent.

Agriculture

The class consent for agriculture permits 'established' agricultural operations to continue, though certain operations that may be particularly damaging to the buried archaeological remains are excluded: for example subsoiling, draining, planting trees and extending ploughing to a greater depth. Building work is not included in the class consent.

Domestic gardening

The class consent for domestic gardening is designed to minimise the impact of scheduling on your enjoyment and use of a private property. It is broadly defined and permits most domestic gardening work, including the construction of bases and foundations for garden sheds and footpaths. Exclusions from the class consent include deeper excavations (defined as 300mm) such as those required for swimming pools, planting trees and the extension or creation of gardens in new areas. All of these require prior written consent.

English Heritage is aware of the need of many owners to continue domestic gardening on any scheduled monuments they own and aims to consider applications for consent favourably.

Managing a scheduled monument

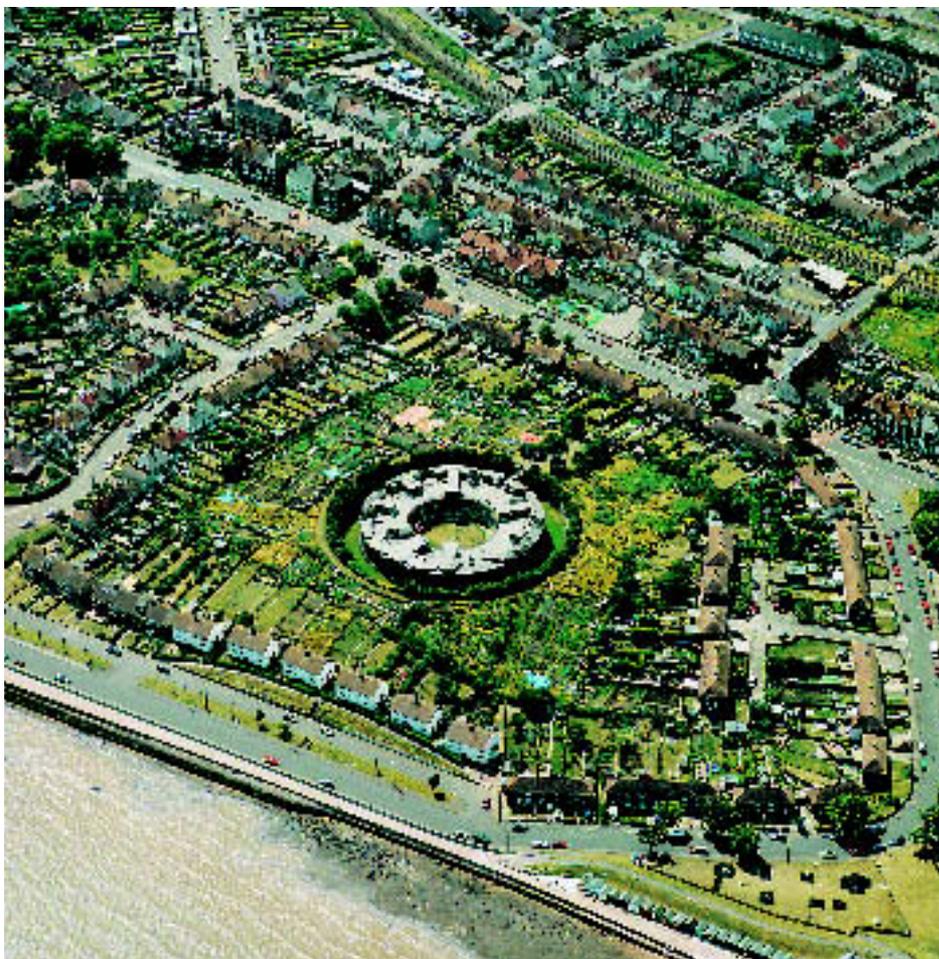
A good general rule with archaeological sites is the less disturbance of the ground the better. Those monuments containing built structures can be particularly vulnerable. Scheduling does not imply that monuments are being poorly managed or that they are under threat and it does not impose a legal obligation to undertake any additional management of the monument. However, we

Class consents

Class consents relate to carefully defined legal conditions and you are strongly advised to contact the DCMS or English Heritage before any works are undertaken under class consent. This will help ensure that you are fully aware of the conditions and restrictions of these consents and avoid unlawful works. The class consents can be found in the Ancient Monuments (Class Consents) Order 1994 (IS 1381). A brief outline of these is provided here:

- Certain 'agricultural, horticultural and forestry works of the same kind as those carried out lawfully in the same location and on the same spot within that location during the previous six years'. "Carried out lawfully" means carried out in accordance with the terms of a consent granted by order under section 3 of the Act or which would have been so carried out if during the period in question the monument had been a scheduled monument' (quoted from the Ancient Monuments (Class Consents) Order 1994 (IS 1381))
- Works executed more than 10m below ground level by the British Coal Corporation or their licensees
- Certain works executed by the British Waterways Board
- Certain works for the repair or maintenance of machinery
- Minimum works urgently necessary in the interests of safety or health subject to giving subsequent notice in writing as soon as reasonably practicable
- Works executed by the Historic Buildings and Monuments Commission for England, more commonly known as English Heritage
- Certain works of archaeological evaluation carried out by or on behalf of an applicant for scheduled monument consent
- Certain works carried out in accordance with agreements made between the occupier of a scheduled monument and the Secretary of State or English Heritage under section 17 of the Act (ie where Management Agreements are in place)
- Certain works in respect of which the Secretary of State or English Heritage pay grant under section 24 of the Act

Scheduled sites are not just located in rural areas. This Napoleonic redoubt in Harwich, Essex, sits in the middle of allotments, surrounded by modern housing. [NMR 23161/11]





encourage owners and occupiers to maintain their scheduled monuments in good condition by adopting sympathetic land use. This often requires nothing more than ordinary good land management such as the control of erosion or vegetation growth. We may be able to help you with expert advice, often from our locally based Field Monument Wardens.

Advice

From time to time, a Field Monument Warden may wish to visit your monument to check on its condition. Your permission will always be sought first. They will be able to advise you on management measures and answer any questions about the monument's archaeology, history or importance. They are contactable through the English Heritage regional offices (see Contact Details).

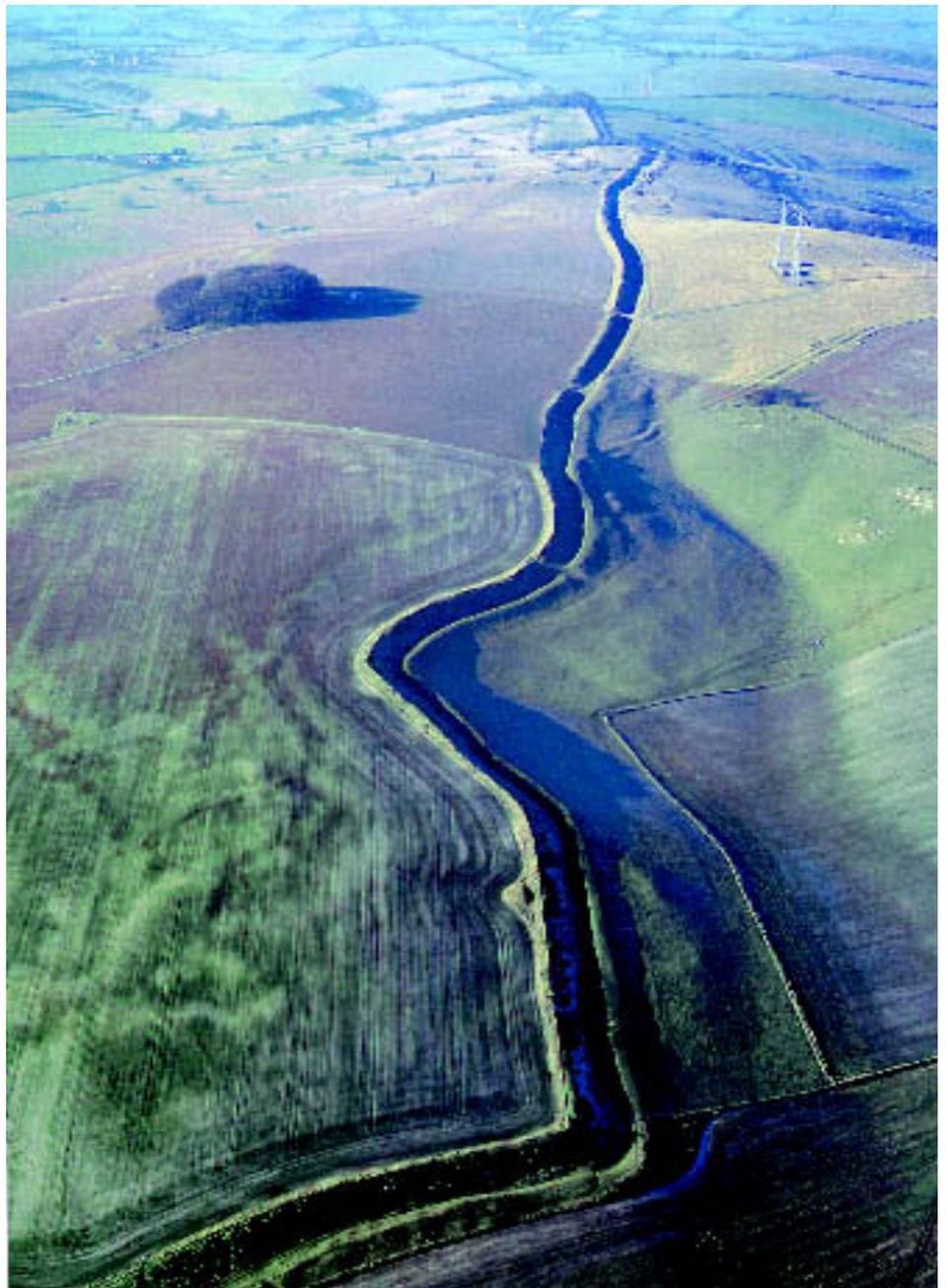
Alternatively, there is useful information on scheduling, and archaeological issues in general, on the English Heritage and DCMS websites.

Financial assistance

A number of schemes exist to help financially manage scheduled monuments. Grants may be available from English Heritage as part of

Above, left: This Bronze Age barrow in Amesbury, Wiltshire, lies within a domestic garden. [J920900]

Scheduled monuments can vary greatly in size from small individual structures, such as Bewcastle Anglo-Saxon cross in Cumbria (above, right), to extensive landscape features, such as Wansdyke in Wiltshire (right). The dyke is thought to be a military frontier work between the Anglo-Saxon kingdoms of Wessex and Mercia. [Photo by Margaret Niekie; NMR 15583/24]



Management Agreements. English Heritage regional offices can also provide information on management payments that may be available under the Department for Environment, Food and Rural Affairs (DEFRA) Rural Development Programme. Built structures may be eligible for historic buildings grants to assist with repair or consolidation work.

Offences

It is a criminal offence to carry out unauthorised 'works' on a scheduled site. It is also an offence to cause – intentionally or through recklessness – damage to a scheduled monument. Where damage or unauthorised work to a monument is suspected, English Heritage may choose to investigate. The use of metal-detecting equipment on a scheduled site is illegal without a licence from English Heritage, as is the removal of objects found by detection equipment. It is also an offence not to adhere to the conditions of scheduled monument consent. Conviction for these offences can lead to fines and imprisonment.



King Arthur's Round Table henge monument, Cumbria. Prior to scheduling, part of this monument was destroyed by road construction. One of the aims of scheduling is to prevent such damage. [NMR 17169/03]

Future changes

The current system of scheduling and the other historic environment designations – Listing and Registration – are currently under review. The government is working with

English Heritage to introduce a range of reforms to the designation system that will provide a more streamlined, flexible and clear approach. Information on these proposals and the Heritage Protection Legislation Review can be found on the DCMS website.



Many sites have remains from different periods. This Norman church in Knowlton, Devon, was built on a prehistoric henge monument. [J940538]

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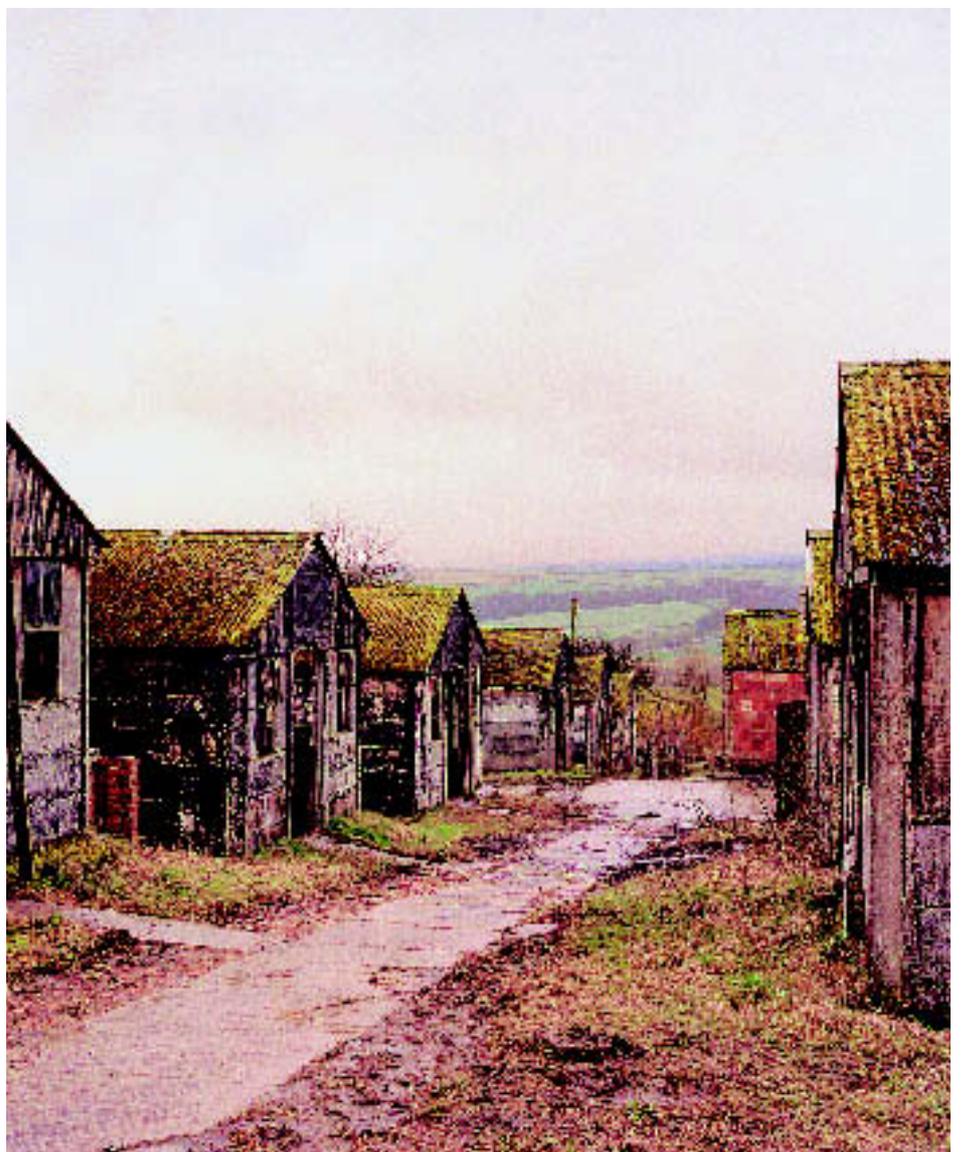
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The accessibility of this section of Newcastle's medieval town wall enables its use as an important educational and recreational resource for the city.



Harperley World War II prisoner-of-war camp, Durham. This site, an extremely rare survival of a purpose-built POW working camp, was used for both German and Italian POWs. [AA035140]

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Front cover: Situated within a dramatic upland landscape, Mitchell's Fold in Shropshire is a rare survival of a large regular stone circle. [920894]

Above: Pumping engine houses at South Caradon 19th-century copper mine, Cornwall. These are evocative features of the Cornish landscape that, along with the buried remains of the mine complex, provide an important reminder of the county's mining heritage. [Photo by Dave Hooley]

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