

SCHEDULE

Article 2(1) and (2)

CLASSES OR DESCRIPTIONS OF WORKS FOR THE EXECUTION OF WHICH SCHEDULED MONUMENT CONSENT IS GRANTED BY ARTICLE 2 OF THIS ORDER

CLASS 1. AGRICULTURAL, HORTICULTURAL AND FORESTRY WORKS

Permitted works: Agricultural, horticultural and forestry works of the same kind as those previously carried out lawfully in the same location and on the same spot within that location within the period of six years immediately preceding the date on which the works commence; but excluding works falling into one or more of the following categories—

Works not permitted:

- (a) in the case of ploughed land, any works likely to disturb the soil of any part of that land below the depth at which ploughing of that part has previously been carried out lawfully;
- (b) in the case of land other than ploughed land, any works likely to disturb the soil below the depth of 300 millimetres;
- (c) sub-soiling, drainage works, the planting or uprooting of trees, hedges or shrubs, the stripping of top soil, tipping operations, or the commercial cutting and removal of turf;
- (d) the demolition, removal, extension, alteration or disturbance of any building, structure or work or of the remains thereof;
- (e) the erection of any building or structure;
- (f) in the case of works other than domestic gardening works, the laying of paths, hard-standings or foundations for buildings or the erection of fences or other barriers.

CLASS 2. WORKS BY BRITISH COAL CORPORATION OR THEIR LICENSEES

Permitted works: Works executed more than 10 metres below ground level by the British Coal Corporation, or any person acting pursuant to a licence granted by the Corporation under section 36(2) of the Coal Industry Nationalisation Act 1946(1).

CLASS 3. WORKS BY BRITISH WATERWAYS BOARD

Permitted works: Works executed by the British Waterways Board, in relation to land owned or occupied by them, being works of repair or maintenance,

(1) 1946 c. 59; section 36(2) was amended by the Opencast Coal Act 1958 (c. 69), section 46(1); the Coal Industry Act 1977 (c. 39), Schedule 4, paragraph 1(5) and the Coal Industry Act 1987 (c. 3), section 1(2) and Schedule 1, paragraph 1.

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not involving a material alteration to a scheduled monument, which are essential for the purpose of ensuring the functioning of a canal.

CLASS 4. WORKS FOR THE REPAIR OR MAINTENANCE OF MACHINERY

Permitted works: Works for the repair or maintenance of machinery, being works which do not involve a material alteration to a scheduled monument.

CLASS 5. WORKS URGENTLY NECESSARY FOR SAFETY OR HEALTH

Permitted works: Works which are urgently necessary in the interests of safety or health provided that:—

- (a) the works are limited to the minimum measures immediately necessary; and
- (b) notice in writing justifying in detail the need for the works is given to the Secretary of State as soon as reasonably practicable.

CLASS 6. WORKS BY THE COMMISSION

Permitted works: Works executed by the Commission.

CLASS 7. WORKS OF ARCHAEOLOGICAL EVALUATION

Permitted works: Works of archaeological evaluation carried out by or on behalf of a person who has applied for consent under section 2 of the Act being works carried out—

- (a) in order to supply the Secretary of State with information required by him for the determination of that application;
- (b) under the supervision of a person approved for that purpose in writing by the Secretary of State or the Commission; and
- (c) in accordance with a written specification approved for that purpose by the Secretary of State or the Commission.

CLASS 8. WORKS CARRIED OUT UNDER CERTAIN AGREEMENTS CONCERNING ANCIENT MONUMENTS

Permitted works: Works for the maintenance or preservation of a scheduled monument or its amenities being works executed in accordance with the terms of a written agreement between the occupier of the monument and the Secretary of State or the Commission under section 17(2) of the Act.

CLASS 9. WORKS GRANT AIDED UNDER SECTION 24 OF THE ACT

Permitted works: Works for the preservation, maintenance or management of a scheduled monument being works executed in accordance with the terms of a written agreement under which the

(2) Section 17 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 43.

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Secretary of State or the Commission defray, or contribute towards, the cost of those works pursuant to their powers under section 24(3) of the Act.

CLASS 10. WORKS UNDERTAKEN BY THE ROYAL COMMISSION ON THE HISTORICAL MONUMENTS OF ENGLAND OR THE ROYAL COMMISSION ON ANCIENT AND HISTORICAL MONUMENTS OF WALES

Permitted works:

Works consisting of the placing of survey markers to a depth not exceeding 300 millimetres for the purpose of measured surveying of visible remains undertaken by the Royal Commission on the Historical Monuments of England or by the Royal Commission on Ancient and Historical Monuments of Wales.

(3) Section 24 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 48.