

SCHEDULE 1

Standards for Good Agricultural and Environmental Condition

Retention of landscape features - scheduled monuments

12.—(1) Subject to sub-paragraph (3), a beneficiary must not, without consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979⁽¹⁾, execute any of the following works—

- (a) any works resulting in the demolition or destruction of, or any damage to, a scheduled monument;
- (b) any works for the purpose of removing or repairing a scheduled monument or any part of it;
- (c) any works for the purpose of making any alteration or additions to a scheduled monument or any part of it;
- (d) any flooding or tipping operations on land in, on or under which there is a scheduled monument.

(2) Subject to sub-paragraph (3), if a beneficiary executes any works to which a scheduled monument consent relates, the beneficiary must comply with all conditions attached to that consent.

(3) Sub-paragraphs (1) and (2) do not apply where a beneficiary can show that—

- (a) in relation to works prohibited under sub-paragraph (1)(a), that beneficiary took all reasonable precautions and exercised all due diligence to avoid or prevent damage to the monument;
- (b) in relation to works prohibited under sub-paragraph (1)(a) or (c), that beneficiary did not know and had no reason to believe that the monument was within the area affected by the works or, as the case may be, that it was a scheduled monument; and
- (c) in relation to any works under sub-paragraph (1) or (2), the works were urgently necessary in the interests of safety or health and that notice in writing of the need for the works was given to the Welsh Ministers as soon as reasonably practicable.

(4) In this paragraph, “scheduled monument” (“*heneb gofrestredig*”) has the meaning given to it in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 and “scheduled monument consent” (“*caniatâd heneb gofrestredig*”) is to be construed in accordance with sections 2(3) and 3(5) of that Act.

(1) 1979 c. 46.