



Ancient Monuments in Wales

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# What is Scheduling?

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**CADW**

WELSH HISTORIC MONUMENTS

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# What is Scheduling?

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## *Introduction*

Under the Ancient Monuments and Archaeological Areas Act 1979, the National Assembly for Wales is required to compile and maintain a schedule of ancient monuments of national importance. Monuments included in the schedule have statutory protection. This work is undertaken by Cadw: Welsh Historic Monuments, which is an Executive Agency within the Assembly.

This booklet provides information about scheduled ancient monuments for landowners and occupiers or anyone else who may have an interest in these protected sites. It is not intended to give legal advice or an authoritative interpretation of the law but to outline some of the main provisions of the Act.

## *What is a scheduled ancient monument?*

The term ancient monument is applied to a very wide range of archaeological sites. Some examples may be completely buried below ground, and may only be known through archaeological excavation. Others are far more prominent, and include the great standing ruins of well known medieval castles and abbeys. Ancient monuments range very widely in time span. The oldest known example is a natural cave — found to contain the earliest evidence of people in Wales — dating to a quarter of a million years ago. At the other end of the spectrum, there are industrial remains which continued in use into the twentieth century.

Today, over 3,400 of the most important ancient monuments in Wales — those judged to be of national importance — are included on the Assembly's schedule of ancient monuments. These sites are legally protected and referred to as scheduled ancient monuments.



*Scheduled ancient monuments vary widely in age. At Castell Dinas Brân, near Llangollen, there is a medieval castle within an earlier Iron Age hillfort. Both are protected as scheduled ancient monuments and have received grant-aid from Cadw for masonry consolidation and earthwork repair.*

## ***What is the difference between a scheduled ancient monument and a listed building?***

The one factor common to nearly all scheduled ancient monuments is that they are archaeological sites, ruins or buildings for which there is little prospect of economic use. It is this which distinguishes them from listed buildings. A structure cannot be scheduled as an ancient monument if it is in use either as a dwelling house or for ecclesiastical purposes.

Some structures are both scheduled and listed. Mostly these are unoccupied buildings, such as medieval barns or dovecotes, as well as some industrial monuments and a selection of bridges. Occasional areas of overlap reflect the fact that the scheduling process predated the listed buildings legislation.

## ***How are sites selected for scheduling?***

Cadw's Inspectorate of Ancient Monuments is responsible for identifying which monuments may be scheduled; in some instances it may be appropriate for examples to be removed from the schedule (descheduled), or details may require revision. The Inspectorate is guided in its identification of sites by the Assembly's non-statutory criteria for scheduling ancient monuments (see Annex 1). Sites are also identified for consideration by other bodies such as the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW), the four regional Welsh Archaeological Trusts, and local authority and national park archaeologists. Individuals may also draw Cadw's attention to possible sites for scheduling.

## ***Is there a right of appeal against scheduling?***

There is no statutory right of appeal. Generally, owners and occupiers will have an opportunity to discuss the proposed scheduling with an inspector of ancient monuments at the time of the inspector's site visit. Subsequently, unless there is insufficient time (due, for example, to an imminent development) Cadw will write to both the owner and occupier (if the occupier is different from the owner) seeking their views on the scheduling proposal.

### ***Are existing rights affected by scheduling?***

The fact that a site has been scheduled does not affect ownership of the land. Scheduling does not carry with it any additional rights of public access, nor bring with it any additional obligation to maintain a site. Neither does it affect any other statutory designation such as, for example, the land also forming part of a Site of Special Scientific Interest (SSSI).

### ***Who is notified that the monument has been scheduled?***

The owner and occupier will be notified once the scheduling process has been completed. The scheduling information will include a description of the site, together with a map showing the boundary of the scheduled area. All schedulings are rated as local land charges and the following bodies are also notified at the time of scheduling:

- The relevant local authority and national park
- The Countryside Council for Wales
- The coal authority
- Electricity, water and gas companies
- The forestry authority
- Royal Commission on the Ancient and Historical Monuments of Wales
- The local Welsh Archaeological Trust
- The Council for British Archaeology

Cadw periodically issues lists of scheduled ancient monuments and these can be consulted at the main offices of local authorities and national parks, the Royal Commission on the Ancient and Historical Monuments of Wales, and at any one of the four Welsh Archaeological Trusts (see Annex 3 for addresses). However, as the schedule is being continually added to, the most accurate and comprehensive information will be that contained in Cadw's current records. The schedule is held on Cadw's scheduled monuments database, and can be printed and supplied on request.



*This dovecote in Monmouthshire is one of the more unusual scheduled ancient monuments.*





*Industrial monuments on the schedule include the No 2 winding gear at Bersham Colliery near Wrexham. This has been fully conserved with ancient monument grant-aid.*

## ***What activities are controlled by scheduling?***

The aim of scheduling is to ensure the long-term preservation of a site. Any proposal to carry out works at a scheduled ancient monument which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding, or covering up a monument must be the subject of an application for scheduled monument consent. Indeed, an application for scheduled monument consent also has to be made for works which may be beneficial to the monument, such as consolidating masonry, or for conducting a research excavation.

It is an offence to carry out such works at the site of a scheduled ancient monument without first obtaining scheduled monument consent.

## ***Are any activities exempted from scheduled monument consent?***

Under the terms of the Ancient Monuments (Class Consents) Order 1994, certain works are deemed to enjoy scheduled monument consent. These works are described in Annex 2. Primarily, they cover agricultural, horticultural and forestry work of the same kind as has been carried out at the monument over the preceding six years (with certain exceptions). Other works include those carried out by certain major organizations, works for health and safety, archaeological evaluations, and works which are being grant-aided by Cadw. Annex 2 must be carefully consulted before any work is carried out under the terms of a class consent. If there is any doubt about what may or may not be covered by a class consent, Cadw should be consulted before the work takes place.

## ***What is the relationship between scheduled monument consent and planning permission?***

Any person wishing to carry out work at a scheduled ancient monument which requires planning permission will need to obtain both planning permission and scheduled monument consent. Planning permission alone is not sufficient to authorize the works.



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*Owain Glyn Dŵr's Mound, near Corwen, is probably a motte which has connections with the Glyn Dŵr family. Conservation work was carried out with grant-aid from Cadw. Clockwise from top left: the surface was eroded by sheep; the mound was strengthened; protective mesh was used to consolidate the surface; after conservation.*

## ***What is the relationship between scheduled monument consent and listed building consent?***

Where structures are both scheduled and listed, the ancient monuments legislation takes precedence and scheduled monument consent rather than listed building consent is required for the works.

## ***How is an application for scheduled monument consent made?***

Scheduled monument consent is administered by Cadw. It is important to note that consent can be granted only for detailed proposals. Unlike planning permission, there is no provision for granting outline consent.

Cadw has a published key target, to process ninety per cent of applications for scheduled monument consent within thirteen weeks of receiving a sufficiently detailed application. Additional information on how to apply for scheduled monument consent, along with application forms, can be obtained from Cadw, at the address at the front of this leaflet.

## ***What grants are available?***

It is recognized that repairing and maintaining a scheduled ancient monument can be costly and may not always be in the financial interest of the owner. Cadw is, therefore, prepared to assist with grant-aid, or to enter into a management agreement in appropriate cases.

Grants are usually made towards fifty per cent of the costs of the preservation, maintenance and management of ancient monuments. More rarely, grants may be given towards the cost of purchasing ancient monuments which are at risk of damage or destruction.

Cadw is also able to enter into management agreements with occupiers of ancient monuments (where the occupier is not the owner, the owner will be consulted separately). Such agreements may often be used to encourage the beneficial management of field monuments on agricultural land. They are usually for a period of five years, and may sometimes be accompanied by payment in the first year to cover the capital costs of initial works, such as fencing. These agreements require the occupier to carry out a programme of work on the monument over the period of the agreement to maintain it in good condition.

Further information on grants and management agreements can be obtained from Cadw.

## ***What sources of advice are available?***

Cadw has eight regionally based field monument wardens who visit all scheduled ancient monuments every five years. The wardens prepare a report on the condition of each monument for Cadw's Inspectorate of Ancient Monuments and are available to discuss the monument with the landowner or occupier. Inspectors of ancient monuments can also provide advice on a range of matters including the routine management of a monument and applications for scheduled monument consent and grants.

Cadw's conservation architects can also give informal technical advice on such matters as the consolidation of ruinous masonry.

### ***What is the position regarding emergency works?***

If it appears that any works are needed urgently for the preservation of a scheduled ancient monument, Cadw — on behalf of the Assembly — may enter the site of the monument and carry out those works. The owners/occupiers must be given not less than seven days notice in writing. This power is used only in exceptional circumstances when a monument is at risk and its loss is likely if works are not undertaken.

### ***May metal detectors be used at scheduled ancient monuments?***

Illegal metal detecting can cause serious damage to ancient monuments, not only to the fabric of the monument, but also to its interpretation and understanding once objects have been removed from their archaeological context. It is an offence to use metal detectors on a scheduled ancient monument without prior consent from the Assembly to whom a written application will need to be made.

### ***What is the position regarding unscheduled ancient monuments?***

Currently, only a small percentage of the total number of ancient monuments in Wales is scheduled. Over the next few years Cadw expects to increase this number but the majority of monuments will continue to be unscheduled. The Assembly recognizes the importance of all ancient monuments, both scheduled and unscheduled. Information and advice on the preservation and management of unscheduled sites can be obtained from the regional Welsh Archaeological Trusts, some local authorities who employ archaeological staff, or — if the site is within a national park — from the national park archaeologist (see Annex 3 for addresses).

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# Annex 1

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## ***The National Assembly for Wales's criteria for scheduling ancient monuments***

### ***1. Period***

All types of monuments that characterize a category or period should be considered for preservation.

### ***2. Rarity***

There are some monument categories which in certain periods are so scarce that all surviving examples which still retain some archaeological potential should be preserved. In general, however, a selection must be made which portrays the typical and commonplace as well as the rare. This process should take account of all aspects of the distribution of a particular class of monument, both in a national and a regional context.

### ***3. Documentation***

The significance of a monument may be enhanced by the existence of records of previous investigation or, in the case of more recent monuments, by the supporting evidence of contemporary written records.

### ***4. Group value***

The value of a single monument (such as a field system) may be greatly enhanced by its association with related contemporary monuments (such as a settlement and cemetery) or with monuments of different periods. In some cases, it is preferable to protect the complete group of monuments, including associated and adjacent land, rather than to protect isolated monuments within the group.

## ***5. Survival/condition***

The survival of a monument's archaeological potential both above and below ground is a particularly important consideration and should be assessed in relation to its present condition and surviving features.

## ***6. Fragility/vulnerability***

Highly important archaeological evidence from some field monuments can be destroyed by a single ploughing or unsympathetic treatment. Vulnerable monuments of this nature would particularly benefit from the statutory protection which scheduling confers. There are also existing standing structures of particular form or complexity whose value can again be severely reduced by neglect or careless treatment and which are similarly well suited by scheduled monument protection, even if these structures are already listed historic buildings.

## ***7. Diversity***

Some monuments may be selected for scheduling because they possess a combination of high quality features, others because of a single important attribute.

## ***8. Potential***

On occasion, the nature of the evidence cannot be specified precisely, but it may still be possible to document reasons anticipating its existence and importance and so to demonstrate the justification for scheduling. This is usually confined to sites rather than upstanding monuments.

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## Annex 2

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### ***Ancient Monuments (Class Consents) Order 1994 (SI 1994 No 1381)***

#### ***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.

***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, 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 health or safety***

**Permitted Works**

Works that are urgently necessary in the interests of safety or health provided that:

- a) The works are limited to the minimum measures immediately necessary.
- b) Notice in writing justifying in detail the need for the works is given to the Assembly as soon as reasonably practicable.

**Class 6:**

***Works by the Historic Buildings and Monuments Commission for England***

This is not applicable in Wales.

**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 Assembly with information required by it for the determination of that application.
- b) Under the supervision of a person approved for that purpose in writing by the Assembly or the Commission.
- c) In accordance with a written specification approved for that purpose by the Assembly 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 Assembly or the Commission under section 17 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 Assembly or the Commission defray, or contribute towards, the cost of those works pursuant to their powers under section 24 of the Act.

## ***Class 10:***

### ***Works undertaken by the Royal Commission on the Historical Monuments of England or the Royal Commission on the 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 the Ancient and Historical Monuments of Wales.

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## Annex 3

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### ***Addresses of other organizations with appropriate archaeological expertise***

**The Royal Commission on the Ancient and Historical Monuments of Wales** (including the National Monuments Record)

Crown Building, Plas Crug, Aberystwyth, SY23 1NJ  
(01970) 621200

**Clwyd-Powys Archaeological Trust**

7a Church Street, Welshpool, SY21 7DL  
(01938) 553670

**Dyfed Archaeological Trust**

The Shire Hall, Carmarthen Street, Llandeilo, SA19 6AF  
(01558) 823121

**Glamorgan-Gwent Archaeological Trust**

Heathfield House, Heathfield Road, Swansea, SA1 6EL  
(01792) 655208

**Gwynedd Archaeological Trust**

Garth Road, Bangor, LL57 2RT  
(01248) 352535

**Brecon Beacons National Park Office**

7 Glamorgan Street, Brecon, LD3 7DP  
(01874) 624437

**Pembrokeshire Coast National Park**

Winch Lane, Haverfordwest, Pembrokeshire, SA61 1PY  
(01437) 764636

**Snowdonia National Park Study Centre**

Plas Tan y Bwlch, Maentwrog, Blaenau Ffestiniog, Gwynedd, LL41 3YU  
(01766) 590324

## *What is Scheduling?*

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### **Wrexham Archaeological Service**

County Borough Museum, County Buildings, Regent Street,  
Wrexham, LL11 1RB  
(01978) 317979

### **Denbighshire County Council**

Yr Ffen Garchar, 46 Clwyd Street, Ruthin, Denbighshire, LL15 1HP  
(01824) 708262

### **Blaenau Gwent County Council**

Municipal Offices, Civic Centre, Ebbw Vale, NP3 6XB  
(01495) 350555



*The Bronze Age kerb circle at Moel Ty Uchaf, Llandrillo, Denbighshire, is a fine example of the many prehistoric sites included on the Schedule.*



**CADW**

**WELSH HISTORIC MONUMENTS**

Cadw: Welsh Historic Monuments carries out the statutory responsibilities of the National Assembly for Wales for protecting, conserving, and promoting ancient monuments and historic buildings in Wales.

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