Cadw is the Welsh Assembly Government's historic environment service. Its aim is to promote the conservation and appreciation of Wales's historic environment.

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Scheduled Monument Consent

If you intend to carry out work to a scheduled ancient monument, you need to obtain permission — scheduled monument consent — from Cadw, the Welsh Assembly Government’s historic environment service.

What is the Welsh Assembly Government’s policy towards protecting scheduled ancient monuments?

The main purpose of scheduling is to secure the preservation of nationally important ancient monuments. Applications for scheduled monument consent are considered in this light with a presumption against proposals which would cause damage to, significantly alter or affect the setting of such a monument.

What work requires scheduled monument consent?

Section 2(2) of the Ancient Monuments and Archaeological Areas Act 1979 states that consent must be obtained for the following:

• any works resulting in the **demolition** or **destruction** of or any damage to a scheduled monument;

• any works for the purpose of **removing** or **repairing** a scheduled monument or any part of it or making any **alteration** or **addition** thereto;

• any **flooding** or **tipping** operations on land in, on or under which there is a scheduled monument.

Where a structure is both listed and scheduled, scheduled monument consent takes precedence over listed building consent. If you wish to carry out work to a scheduled monument which requires planning permission, you will need to obtain both planning permission and scheduled monument consent. Planning permission alone is not sufficient to authorize the works.
Are there any exceptions?

Certain works can be carried out without the need to apply for scheduled monument consent. These are called class consents and are listed in Annex 1.

However, in certain circumstances, the Welsh Assembly Government can withdraw this consent by the issue of a direction. If this is done, scheduled monument consent would have to be obtained in the normal way.

If you are in any doubt as to whether works that you propose require consent, Cadw will be pleased to advise you, provided that you supply FULL details of what is to be done.

How is scheduled monument consent obtained?

You should apply to Cadw on the form enclosed with this booklet. The ‘Certificate of Ownership’ should accompany the application form after you have completed the appropriate sections. Notification must also be given to the owner(s) of the monument that you intend to apply for scheduled monument consent, as well as to any tenant (with not less than seven years’ unexpired lease) by serving the ‘Notice of Application for Scheduled Monument Consent’ on them. (They will be given an opportunity to make representations to the Welsh Assembly Government, before the application is determined.) The form, the notice and certificate are legal requirements and cannot be varied. Cadw will be unable to consider your application until these procedures have been carried out.

Will I need to apply for scheduled monument consent, if I am also applying for grant aid from Cadw for the same work?

If you are awarded grant aid under Section 24 of the 1979 Act, consent will also usually be given for the works set out in your application (see Annex 1, Class 9). You will not need to make a separate application for consent unless your application for grant aid is refused or did not set out all the works you intend to do. For this reason, full details of proposed works should be submitted.

Similarly, work that forms part of a management agreement under Section 17 of the 1979 Act will not require a separate application for consent (Annex 1, Class 8).
A Neolithic chambered tomb in Snowdonia. Scheduled monument consent was required before clearance work could begin.
What other information will Cadw need?

The application form sets out the basic information required. Replies to Section 4 (Description of proposed works) and Section 6 (Any other information relevant to application) need to be particularly informative and detailed so that Cadw can establish precisely how the monument will be affected by the proposed works. If insufficient information is provided, assessment of the application will be delayed. Sometimes more information may be required about the archaeology of a site before a decision can be made on an application. In such cases you will be given guidance by Cadw on how to provide this additional information through an archaeological evaluation (see Annex 1, Class 7).

If you have obtained planning permission for the works, a copy should accompany your application. It is important to note that the information required at the outline planning stage is rarely sufficiently detailed to determine an application for scheduled monument consent. Agricultural activities can be a major cause of disturbance to archaeological deposits and full details of proposals should accompany an application. For example, your application should state the depth to which it is intended to plough, the precise location and depth of mole drains etc. and the type of machinery to be used.

Where ground disturbance is proposed, for example when digging foundations or laying underground services and pipelines, the application plan (ideally a 1/500 survey) should show the exact line, width and depth of any trenches. However, you will also need to demonstrate that there is no practicable alternative route or location which avoids the monument, and that the need to undertake the works outweighs the presumption in favour of the preservation of a monument of national importance.

For works affecting upstanding remains, a specification and working or elevation drawings to a scale of 1:50 (or 1:20 for specific details) should be provided wherever possible, together with a site plan at an appropriate scale (normally 1:500). If no elevation drawings are available, photographs of the areas of the monument for which repair or consolidation works are proposed should be provided.

Six copies of the application forms, drawings, plans, maps and photographs should usually be submitted, as the application will often be considered by Cadw in consultation with other organizations (see page 8).
Large areas of the town of Caerleon, which stands on the site of a Roman fortress, amphitheatre and civil settlement, are scheduled. Scheduled monument consent has been required to undertake works here (RCAHMW).

Later sites such as the World War II anti-invasion defences at Nant Ffrancon in Gwynedd require scheduled monument consent before works can be undertaken.
Will I be able to discuss my proposals?

Yes. Both Cadw’s regional inspector of ancient monuments and its conservation architect will be able to meet you at the monument, if necessary, to discuss your proposals. This may help to clarify any ambiguities. However, these discussions will be without prejudice to the Welsh Assembly Government’s decision.

How will the application be processed?

The views of Cadw’s regional inspector of ancient monuments and conservation architect will be obtained together with, when appropriate, those of outside bodies such as the Royal Commission on the Ancient and Historical Monuments of Wales, the Council for British Archaeology, the regional Welsh Archaeological Trust, the planning authority and any other owners and tenants of the monument. A provisional decision is made based on the evidence accompanying the application form, any representations received from external consultees and the views of Cadw’s professional staff.

The letter notifying you of the provisional decision will offer you the opportunity of a hearing (usually in the form of a public local inquiry) or of submitting further written evidence, before a final decision is issued. If you have been refused planning permission for the same works and have appealed to the Welsh Assembly Government, both issues may be considered at a joint inquiry.

How long will it take to determine my application?

This will depend on the complexity of the case and the adequacy of information provided. We aim to send you a provisional decision within, at the latest, thirteen weeks of receipt of your application or — where additional information is requested — within receipt of this. Issue of a final decision will depend on whether you accept the provisional decision, whether a hearing is requested or an applicant wishes to make further written representations.
What if my application is refused?

The Welsh Assembly Government’s decision is final but, on a point of law, an appeal may be made to the High Court.

An owner or anyone with an interest in a monument who incurs any loss or damage because scheduled monument consent is refused (or is granted subject to conditions which make it impossible to use the monument in the case of (c) below) may be entitled to compensation if the works proposed:

a. are reasonably necessary to implement a planning permission granted before the monument was scheduled;

b. do not constitute development or are permitted development under the provisions of a General Development Order;

c. are necessary for the monument to continue being used for the lawful purpose for which it had been previously used immediately before the date of the application for consent.

(In the case of (b) compensation is not payable where refusal relates to works which would totally or partially destroy a monument except for the purposes of agriculture or forestry. Full details will be found in Section 7 of the 1979 Act).

The Legislation

The procedures outlined above are derived from provisions contained in the Ancient Monuments and Archaeological Areas Act 1979. This leaflet is intended only to give a broad outline.
Scheduled monument consent was sought before conservation work could begin at Llanddew Bishop’s Palace, near Brecon.
Annex 1

Class 1: Agricultural, horticultural and forestry 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:

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**

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**

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**

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**

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 Welsh Assembly Government 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**

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 Welsh Assembly Government with information required for the determination of that application;

b. under the supervision of a person approved for that purpose in writing by the Welsh Assembly Government or the Commission; and in accordance with a written specification approved for the purpose by the Welsh Assembly Government or the Commission.

Class 8:  
**Works carried out under certain agreements concerning ancient monuments**

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 Welsh Assembly Government or the Commission under Section 17 of the Act.

Class 9:  
**Works grant-aided under section 24 of the Act**

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 Welsh Assembly Government 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

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.

Work to repair the erosion scars on Aber Castle Mound (Pen-y-Mwd) in Gwynedd was undertaken following scheduled monument consent.