



SCHEDULED MONUMENT CONSENT (SMC)

NOTES FOR APPLICANTS

On 1st October 2009 the procedure for applying for Scheduled Monument Consent changed. Scheduled Monument Consent (SMC) applications are still decided by the Secretary of State for Digital, Culture, Media and Sport, but administration and handling of applications sits with us. These guidance notes set out the process.

Therefore please send applications to your Local Office and contact them if you need any further advice (see below for contact details).

This guidance note is not part of the form prescribed by the Ancient Monuments (Applications for Scheduled Monument Consent) Regulations 1981. Its purpose is to assist applicants in completing the form (AM112) and to explain the procedure.

For general information on what scheduling is, how it affects you as an owner or occupier of a scheduled monument, and the need to get prior Scheduled Monument Consent for works that affect a scheduled monument, please see the Guide for Owners and Occupiers of Scheduled Monuments. Further information about scheduling and SMC may be found on the DCMS website.

http://www.culture.gov.uk/what_we_do/historic_environment/4171.aspx

Scheduled Monument Consent

You must apply to the Secretary of State for prior written permission if you wish to carry out any works that will affect a scheduled monument, whether above or below ground level. This permission is known as Scheduled Monument Consent ('SMC').

SMC is granted by the Secretary of State for Digital, Culture, Media and Sport.

The SMC application process is handled by us. The Secretary of State also takes advice from us before determining applications.



The need for SMC is a specific requirement of the Ancient Monument and Archaeological Areas Act 1979 (as amended) (referred to below as 'the 1979 Act').

The types of works that require SMC are specified under section 2 of the 1979 Act. Where appropriate, consent may be issued for repetitive works to a single monument or for identical works to a group of monuments in single ownership

SMC cannot be given retrospectively and undertaking works before consent has been given is a criminal offence.

Some very narrowly and precisely defined works, with specific limitations and exclusions, are covered by the Ancient Monuments (Class Consents) Order 1994 (the 'Class Consents Order'). There is no need to apply for SMC where the proposed works are of the types specified in the Order.

SMC is required regardless of whether or not planning permission is needed or has been obtained. The possible need for planning permission is an entirely separate matter that applicants must pursue for themselves through the relevant local authority.

If a building is both Scheduled and Listed, ancient monuments legislation takes precedence by virtue of Section 61 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Scheduled Monument Consent rather than Listed Building Consent is required for works.

Before you apply

You are strongly recommended to contact your Local Office for informal discussion at an early stage when you are considering works that might affect a scheduled monument (see below for contact details).

In some cases it may also be appropriate for you to commission professional archaeological advice at this stage to help you develop your application.

It is essential that adequate information of sufficient quality is supplied to enable the Secretary of State and us to understand and assess the application. Where the information supplied is inadequate, we will request additional information. If this is not forthcoming, an application may be rejected.



Please see our website for guidance on heritage management:

www.HistoricEngland.org.uk/Advice

Completing the application form (AM112)

1. Applicant Details

Name and address of whoever is proposing the works. Please also provide your email address and mobile number if you are happy for us to contact you by these means.

2. Occupier of the Monument (if not the applicant)

Name and address of anyone living within the monument boundary, and/or anyone who owns (or co-owns) the monument.

3. Monument to which the application relates

Name, address (or location), scheduled monument number and National Grid Reference of the monument.

4. Description of the proposed works

Describe the proposed works in sufficient detail to enable their impact on the monument to be assessed; for example, set out clearly whether the ground will be disturbed, structural remains altered or new features introduced. Where appropriate, information about the methods, materials and machinery to be used should be described in method statements, specifications or schedules of work and enclosed with your application. These might include, for example, the methods of clearing vegetation or of dismantling structural remains, the type of stone and mortar to be used and the standards of workmanship to be achieved etc.

5. List of plans and drawings accompanying the application

The application should be accompanied by a plan identifying the monument to which it relates. Such other plans or drawings as are necessary to assist in clearly describing the works proposed, as well as the exact location where they would take place, should also be included. Any disturbance to the ground (to whatever depth) should be shown and described (e.g.: the location and depth of service trenches or foundations). Any works to structural remains should be shown using drawings and/or photographs that clearly identify their nature and extent. Any new features, such as fences, benches, signage or buildings should also be clearly shown.



6. Any other information relevant to the application

Any information not already included should be detailed here. Where it is proposed to involve a professional archaeologist, their full contact details should be given.

Signing

The section under box 6 **must always be signed and dated** by the applicant or their agent. Where an agent is involved, it would be helpful if you would also provide your email address and mobile number if you are happy for us to contact you by these means.

You **must also sign the appropriate certification section** (see below) found on the last pages of the application form, which relates to the applicant's interest in the monument.

Completing 'Forms of Certificate for the Purposes of Paragraph 2(1) of Schedule 1 to the Act'

One of the four sections at the end of the application form must be completed.

(Owner - a person who currently has complete/part ownership of a monument/part of a monument)

(Occupier - a tenant living on the monument)

2(1)(a) If there are no other owners/occupiers of the monument other than the applicant then section 2(1)(a) should be signed and dated.

2(1)(b) If there are other owners/occupiers of the monument other than the applicant then section 2(1)(b) should be completed with the name and address of every owner/occupier, and it should be signed and dated. The applicant must send a completed '**Form of Notice for the Purposes of Paragraph 2(1) of Schedule 1 of the Ancient Monuments and Archaeological Areas Act 1979**' (Form AM112A - the last page of the application form) to each owner/occupier listed in this section, to notify them of the planned works.

2(1)(c) If neither of the above can be completed because there are owners/occupiers whom the applicant is aware of but whose contact details cannot be obtained, then section 2(1)(c) should be completed with the details of every owner/occupier they have notified, and the section should be signed and dated. The applicant must send a completed '**Form of Notice for the Purposes of Paragraph 2(1) of Schedule 1 of the Ancient Monuments and Archaeological Areas Act 1979**' (Form AM112A - the last page of the application form) to each owner/occupier listed in this section, to notify them of the planned works.

2(1)(d) If none of the above can be completed because the applicant has been unable to obtain the details of any of the owners/occupiers of the monument then section 2(1)(d) should be signed and dated.



Sending off an application

The completed form AM112 and other relevant information should be sent to the **Business Manager** at the relevant Local Office as follows:

London (covering Greater London)

Historic England
4th Floor
Cannon Bridge House
25 Dowgate Hill
London
EC4R 2YA
Telephone: 020 7973 3700
E-mail: london@HistoricEngland.org.uk

South East (covering Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Oxfordshire, Surrey, West Sussex):

Historic England
Eastgate Court
195 – 205 High Street
Guildford
GU1 3EH
Telephone: 01483 252020
E-mail: southeast@HistoricEngland.org.uk

South West (covering Bristol, Cornwall, Devon, Dorset, Gloucestershire, Isles of Scilly, Somerset, Wiltshire)

Historic England
29 Queen Square
Bristol
BS1 4ND
Telephone: 0117 975 1308
E-mail: southwest@HistoricEngland.org.uk

East of England (covering Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Suffolk):

HistoricEngland
Brooklands
24 Brooklands Avenue
Cambridge



Historic England

CB2 8BU

Telephone: 01223 582749

E-mail: eastofengland@HistoricEngland.org.uk

East Midlands (covering Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire, Rutland):

Historic England

2nd Floor

Windsor House

Cliftonville

Northampton

NN1 5BE

Telephone: 01604 735460

E-mail: eastmidlands@HistoricEngland.org.uk

West Midlands (covering Herefordshire, Shropshire, Staffordshire, Warwickshire, Worcestershire):

Historic England

The Axis

10 Holliday Street

Birmingham

B1 1TG

Telephone: 0121 625 6870

E-mail: westmidlands@HistoricEngland.org.uk

North West (covering Cheshire East, Cheshire West and Chester, Cumbria, Greater Manchester, Lancashire, Merseyside):

Historic England

3rd Floor

Canada House

3 Chepstow Street

Manchester M1 5FW

Telephone: 0161 242 1416

E-mail: northwest@HistoricEngland.org.uk

Yorkshire (covering East Riding of Yorkshire, North Yorkshire, South Yorkshire, West Yorkshire)

Historic England

37 Tanner Row

York



Historic England

YO1 6WP

Telephone: 01904 601948

E-mail: yorkshire@HistoricEngland.org.uk

North East (covering Co. Durham, Northumberland, Tees Valley, Tyne and Wear):

Historic England

Bessie Surtees House

41 – 44 Sandhill

Newcastle upon Tyne

NE1 3JF

Telephone: 0191 269 1255

E-mail: northeast@HistoricEngland.org.uk

After an application form has been submitted

After an application has been submitted, we will send an acknowledgement letter to the applicant and all owners/occupiers who are detailed in the form will be offered the opportunity to comment on the proposals. As the Secretary of State's advisor on archaeological matters, we will then assess the application and submit our advice to the Department for Digital, Culture, Media and Sport.

To inform our assessment, we may wish to contact you to discuss your application further or to arrange to visit the site. In some cases it may be necessary for you to supply further information or commission a desk-based assessment and/or field evaluation.

Before determining an application for Scheduled Monument Consent, the Secretary of State must afford the applicant the opportunity of a local hearing (unless it has already been decided that other factors affecting the particular monument justify the holding of a local inquiry). We will contact you to give you this opportunity. To help you to make your decision as to whether you want a local hearing – which would generally take the form of a public inquiry – we will notify you of the Secretary of State's provisional decision, including, where appropriate, any conditions that would be attached to the consent.

In many cases, this notification will be carried out by telephone, but where the application or proposed conditions are complex, we may send you the Secretary of State's provisional decision by post or email. As the applicant you must then respond, by telephone or email, to us, to either a) accept the conditions and waive the right to a public hearing or b) contest the conditions and request a hearing.



If you confirm that you are content with the provisional decision and you do not require a hearing, then a formal decision letter will be issued and copies sent to the relevant County Archaeologist and Historic Environment Record.

If, however, you confirm that you are not content with the provisional decision and do require a hearing, arrangements will be made accordingly for a suitable date and venue.

Please note that it is an offence to commence works of any description (as set out in Section 2(2) of the 1979 Act) before Scheduled Monument Consent has been formally granted. Any letter or email giving a provisional decision in reply to an application does not mean that Scheduled Monument Consent has been granted, nor does a notification by telephone.

Urgent works (Health & Safety)

Works to a scheduled monument may be needed as a matter of urgency in the interest of health and safety. In this instance, the minimum work required in the interests of safety and health may be carried out under a Class 5 Consent (as defined in the 'Class Consents Order'). If it is necessary to carry out such works, you should contact your Local Office. Initial contact can be made by telephone or email. However, you will need to detail in writing, as soon as is reasonably practicable, the works proposed or undertaken, and to present a full justification of why they are or were necessary.

Freedom of Information

We are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which provide a general right of access to information we hold or are responsible for.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@HistoricEngland.org.uk