

## **SCHEDULED MONUMENT CONSENT (SMC) NOTES FOR APPLICANTS**

**Please note as of 1st November 2009 the procedure for applying for Scheduled Monument Consent has changed. Scheduled Monument Consent (SMC) applications will continue to be decided by the Secretary of State for Culture, Media and Sport, but the administration process and handling of applications will be transferred to English Heritage. This means that, in future, applications should be sent to the relevant English Heritage regional office (see below for contact details). Please read the following guidance notes, which have been updated to reflect the new process. For any further information or advice, contact the relevant English Heritage regional office.**

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.

### **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 Culture, Media and Sport.
- The SMC application process is handled by English Heritage. The Secretary of State also takes advice from English Heritage 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 the relevant English Heritage regional 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 English Heritage to understand and assess the application. Where the information supplied is inadequate, English Heritage will request additional information. If this is not forthcoming, an application may be rejected.
- English Heritage has prepared further specialist Guidance Notes on various aspects of heritage management to assist applicants in preparing appropriately detailed application. These can be found at [www.helm.org.uk](http://www.helm.org.uk) or by contacting the relevant English Heritage regional office (see below for contact details).

## **Completing the application form (AM112)**

### **1. Applicant Details**

Name and address of the applicant. If the application is being made by an agent on behalf of someone else (such as the owner), the name and address of the agent should go in here. Please also provide your email address and mobile number if you are happy for English Heritage 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 English Heritage 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 English Heritage regional office as follows:

#### **London** (covering Greater London):

English Heritage  
1 Waterhouse Square  
138 – 142 Holborn  
London EC1N 2ST  
Telephone: 020 7973 3000  
Fax: 020 7973 3001  
E-mail: [london@english-heritage.org.uk](mailto:london@english-heritage.org.uk)

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

English Heritage  
Eastgate Court  
195-205 High Street  
Guildford  
GU1 3EH  
Telephone: 01483 252000  
Fax: 01483 252001  
E-mail: [southeast@english-heritage.org.uk](mailto:southeast@english-heritage.org.uk)

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

English Heritage  
29 Queen Square  
Bristol  
BS1 4ND  
Telephone: 0117 975 0700  
Fax: 0117 975 0701  
E-mail: [southwest@english-heritage.org.uk](mailto:southwest@english-heritage.org.uk)

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

English Heritage  
Brooklands  
24 Brooklands Avenue  
Cambridge  
CB2 2BU  
Telephone: 01223 582700  
Fax: 01223 582701  
E-mail: [eastofengland@english-heritage.org.uk](mailto:eastofengland@english-heritage.org.uk)

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

English Heritage  
44 Derngate  
Northampton  
NN1 1UH  
Telephone: 01604 735400  
Fax: 01604 735401  
E-mail: [eastmidlands@english-heritage.org.uk](mailto:eastmidlands@english-heritage.org.uk)

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

English Heritage  
8th Floor, The Axis  
10 Holliday Street  
Birmingham B1 1TG  
Telephone: 0121 625 6820  
Fax: 0121 625 6821  
E-mail: [westmidlands@english-heritage.org.uk](mailto:westmidlands@english-heritage.org.uk)

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

English Heritage  
Suites 3.3 & 3.4, Canada House  
3 Chepstow Street  
Manchester  
M1 5FW  
Telephone: 0161 242 1400  
Fax: 0161 242 1401  
E-mail: [northwest@english-heritage.org.uk](mailto:northwest@english-heritage.org.uk)

**Yorkshire and the Humber** (covering East Riding of Yorkshire, North East Lincolnshire, North Lincolnshire, North Yorkshire, South Yorkshire, West Yorkshire):

English Heritage  
37 Tanner Row  
York  
YO1 6WP  
Telephone: 01904 601 901  
Fax: 01904 601 999  
E-mail: [yorkshire@english-heritage.org.uk](mailto:yorkshire@english-heritage.org.uk)

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

English Heritage  
Bessie Surtees House  
41–44 Sandhill  
Newcastle upon Tyne  
NE1 3JF  
Telephone: 0191 269 1200  
Fax: 0191 261 1130  
E-mail: [northeast@english-heritage.org.uk](mailto:northeast@english-heritage.org.uk)

### **After an application form has been submitted**

After an application has been submitted, an acknowledgement letter will be sent 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, English Heritage will then assess the application and submit their advice to the Department for Culture, Media and Sport.

To inform their assessment, English Heritage staff 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). English Heritage 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 – English Heritage will notify you of the 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, English Heritage 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 English Heritage, 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 the relevant English Heritage regional 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.

If you would like this document in a different format, please contact  
our Customer Services department:  
Telephone: 0870 333 1181  
Fax: 01793 414926  
Textphone: 01793 414878  
E-mail: [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)