

SCHEDULE

Article 3

CLASSES OR DESCRIPTIONS OF WORKS FOR THE EXECUTION OF WHICH SCHEDULED MONUMENT CONSENT IS GRANTED BY VIRTUE OF THIS ORDER

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Class I. Agricultural, Horticultural and Forestry Works

Agricultural, horticultural and forestry works, being works of the same kind as works previously executed lawfully in the same location and on the same spot within that location during the period of 6 years (or 10 years in the case of ploughed land) immediately preceding the date on which the works commence, but excluding—

- (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 executed 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, the felling or removal of trees 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

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or the erection of fences  
or other barriers.

Class II. Works by the Coal Authority or their Licensees

Works executed more than 10 metres below ground level by the Coal Authority or any holder of a licence granted under Part II of the Coal Industry Act 1994(1).

Class III. Works by the British Waterways Board

Works executed by the British Waterways Board in relation to land owned or occupied by them, being works of repair or main tenance not involving a material alteration to, or a reconstruction of, a scheduled monument which are essential for the purpose of ensuring the functioning of a canal.

Class IV. Works for the Repair or Maintenance of Machinery

Works for the repair or main tenance of machinery, not involving a material alteration to, or a reconstruction of, a scheduled monument.

Class V. Works urgently necessary for health or safety

Works which are urgently necessary in the interests of health

or safety, provided that:

- (a) (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 Secretary of State as soon as practicable.

Class VI. Works of Archaeological Evaluation

Works of archaeological evaluation executed by or on behalf of a person who has applied for scheduled monument consent, being works executed—

- (a) in order to supply the Secretary of State with information required by him for the determination of that application;
- (b) under the supervision of the Secretary of State or

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(1) 1994 c. 21.

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- a person approved for that purpose in writing by the Secretary of State;
- (c) in accordance with a written specification approved for the purpose by the Secretary of State; and
- (d) with the written agreement of the owner or owners of the scheduled monument where that person is not the sole owner.

Class VII. Certain works executed under Agreements under section 17 of the Act.

Works for the maintenance or preservation of a scheduled monument or its amenities executed in accordance with a written agreement between the occupier and the Secretary of State under section 17 of the Act.

Class VIII. Certain 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 section 24 of the Act whereby the Secretary of State undertakes to defray or contribute towards the costs of such works.

Class IX. Certain works undertaken by the Royal Commission on the Ancient and Historical Monuments of Scotland.

Works comprising 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 Ancient and Historical Monuments of Scotland.