

1984 No 1286

ANCIENT MONUMENTS

Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984

<i>Made</i>	<i>10th August 1984</i>
<i>Laid before Parliament</i>	<i>16th August 1984</i>
<i>Coming into Operation</i>	<i>30th September 1984</i>

The Secretary of State, in exercise of the powers conferred on him by section 37(2) of the Ancient Monuments and Archaeological Areas Act 1979, and of all other powers enabling him in that behalf, hereby makes the following order

1 (1) This order may be cited as the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984 and shall come into operation on 30th September 1984.

(2) This order applies only to operations in areas of archaeological importance in England and Wales.

(3) In this order—

“the Act” means the Ancient Monuments and Archaeological Areas Act 1979;

“drainage body” and “navigation authority” have the same meanings as in the Land Drainage Act 1976; and

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working.

2 (1) Section 35 of the Act (notice required of operations in areas of archaeological importance) shall not apply to the carrying out of operations of the descriptions specified in the Schedule hereto.

(2) The exemptions afforded by paragraph (1) are subject to any particular conditions mentioned in the said Schedule.

SCHEDULE

EXEMPT OPERATIONS

Article 2

1 Operations in connection with the use of land of agriculture, horticulture or forestry; provided that such operations do not disturb the ground below a depth of 600 millimetres.

2 Operations in connection with the landscaping (including screening by the erection of fences or walls), layout, planting, or maintenance of public or private gardens, grounds or parks; provided that such operations do not disturb the ground below a depth of 600 millimetres.

3 Tunneling or other operations affecting the ground in the area only at a depth of 10 metres or more.

4 Mining operations, provided that the operations are carried out in accordance with the Code of Practice for Minerals Operators dated April 1982.

5 Works of repair, renewal or maintenance or emergency works carried out by a drainage body or a navigation authority.

6 Operations for the repair, maintenance, relaying or resurfacing of a highway within the meaning of the Highways Act 1980 or of a footpath as defined in that Act, or of a railway; provided that such operations do not disturb the ground below a depth of 600 millimetres or below the existing foundations, if deeper.

7 Operations for the repair, maintenance or renewal of mains, pipes, cables or other apparatus connected with the supply of electricity, gas, water, drainage services, sewerage services, highway or transport authority services or telecommunication services.

8 Operations for the installation or laying of new mains, pipes, cables or other apparatus connected with the supply of electricity, gas, water, drainage services, sewerage services or telecommunication services where there is a duty by or under any enactment to undertake those operations and to do so within six months of the duty first arising.

9 Operations for the erection or repositioning of street lighting columns not involving excavations to a depth exceeding 1.5 metres.

10 Further operations on a site, wholly specified as the site of other operations in an operations notice already served, provided the further operations are begun at least six weeks after, but not more than 5 years after, the giving of that notice.

11 Operations for which scheduled monument consent is granted in pursuance of section 2 or section 3 of the Act.

EXPLANATORY NOTE

(This note is not part of the order.)

Section 35 of the Ancient Monuments and Archaeological Areas Act 1979 requires written notice to be given to a local authority (or in certain cases to the Secretary of State) at least six weeks before operations which disturb the ground or flooding or tipping operations are carried out on land in an area of archaeological importance.

Exemption from this requirement can be given by an order made by the Secretary of State under section 37 of the Act.

This order exempts certain operations in areas of archaeological importance in England and Wales. Exempted operations include agricultural and forestry operations and landscaping and gardening where the operation does not disturb the land below a depth of 600 millimetres; mining operations carried out in accordance with the code of practice for minerals operators dated April 1982; repair and other works by drainage bodies or navigation authorities; certain operations for the repair, maintenance or relaying of highways, footpaths or railways and certain operations relating to public utilities. There is also an exemption for operations more than 10 metres below ground level; operations for which there is scheduled monument consent under the 1979 Act; and other operations started within five years of the service of notice of other operations on the same site.

At the date of making this order 5 areas have been designated under section 35 of the 1979 Act as areas of archaeological importance. They comprise the historic centres of Canterbury, Chester, Exeter, Hereford and York.

The code of practice for mineral operators dated April 1982 is obtainable from the Confederation of British Industry, Centre Point, 103 New Oxford Street, London WC1A 1DU at a price of 25p per copy.