

2001 No. 101

HISTORIC MONUMENTS AND ARCHAEOLOGICAL OBJECTS

The Historic Monuments (Class Consents) Order (Northern Ireland) 2001

*Made
Coming into operation*

*8th March 2001
23rd April 2001*

The Department of the Environment, in exercise of the powers conferred on it by Article 5(1) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Historic Monuments (Class Consents) Order (Northern Ireland) 2001, and shall come into operation on 23rd April 2001.

Interpretation

2. In this Order—

"the Order" means the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995;

"carried out lawfully" means carried out in accordance with the terms of a consent granted by order under Article 5 of the Order, or which would have been so carried out if during the period in question the monument had been a scheduled monument;

"consent" means scheduled monument consent;

"domestic gardening works" includes works carried out in the non-commercial cultivation of allotments; and

"horticultural works" includes domestic gardening works.

Scheduled monument consent granted by this Order

3.—(1) Subject to the provisions of this Article, consent is hereby granted under Article 5 of the Order for the execution of works of any Class or description specified as permitted works in the Schedule to this Order.

(2) The consent granted is subject to any condition specified in the Schedule in relation to works of a particular Class or description.

(3) Nothing in this Article shall operate so as to grant consent contrary to any limitation or condition specified in a consent granted under Part II of the Order otherwise than by this Order.

Sealed with the Official Seal of the Department of the Environment on

8th March 2001.

L.S.

Sam Foster

Minister of the Environment

SCHEDULE

Article 3

Classes or descriptions of works for the execution of which scheduled monument consent is granted by Article 3 of this Order

Class 1.

Agricultural, horticultural and forestry works

Permitted 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 three years immediately preceding the date on which the works commence; but excluding works falling into one or more of the following categories—

Works not permitted:

- (a) in the case of land, any works likely to disturb the soil of any part of that land, including ploughing and the management of stock leading to erosion;
- (b) sub-soiling, drainage works, the planting or uprooting of trees, hedges or shrubs, the stripping of topsoil, tipping operations, or the commercial cutting and removal of peat;
- (c) the demolition, removal, extension, alteration or disturbance of any scheduled monument;
- (d) the erection of any building or structure;
- (e) 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 of repair or maintenance to a canal

Permitted works:

Works of repair or maintenance to a canal, being works which do not involve a material alteration to a scheduled monument, which are essential for the purpose of ensuring the functioning of a canal.

Class 3.

Works for the repair or maintenance of machinery

Permitted works:

Works for the repair or maintenance of machinery, forming part of a scheduled monument, being works which do not involve a material alteration to the scheduled monument.

Class 4.

Works urgently necessary for safety or health

Permitted works:

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 Department as soon as reasonably practicable.

Class 5.

Works carried out under certain agreements concerning historic monuments

Permitted works:

Works for the maintenance or protection 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 Department under Article 19 of the Order.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order grants scheduled monument consent under Part II of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 ("the Order") for the execution of certain Classes or descriptions of works.

The works for which consent is granted comprise:—

(a) certain agricultural, horticultural and forestry works of the same kind as those carried out lawfully in the same location and on the same spot within that location during the previous three years. "Carried out lawfully" means "carried out in accordance with the terms of a consent granted by order under Article 5 of the Order, or which would have been so carried out if during the period in question the monument had been a scheduled monument";

(b) certain works for the repair or maintenance to a canal;

(c) certain works for the repair or maintenance of machinery;

(d) minimum works urgently necessary in the interests of safety or health subject to giving subsequent notice in writing as soon as reasonably practicable;

(e) certain works carried out in accordance with agreements made between the occupier of a scheduled monument and the Department under Article 19 of the Order.

consent under this Order is for the purposes of Article 5 of the Order only and does not constitute any consent or authority for any other purpose.