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Our aim is to protect, conserve and promote the natural environment and built heritage for the benefit of present and future generations.



Guidance on Scheduled Historic Monuments in Northern Ireland





Lisleitrim Fort Co. Armagh

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Introduction

The modern-day landscape of Northern Ireland is largely the result of 9,000 years of human activity such as forest clearance, cultivation, enclosure, settlement and transport. Many places or features that appear to be 'natural' are in fact the result of such activities and together they make up what we call the Historic Environment. Found throughout Northern Ireland they often have local names such as 'giant's grave', 'fairy fort' or are simply recorded for what they are, standing stones, castles, ruined churches and earthworks.

Some historic monuments have become iconic features of Northern Ireland, such as Navan Fort, the ancient capital of Ulster, the monastic site on Devenish Island, Dunluce and Carrickfergus Castles and Derry's Walls. While others are less dramatic, all are significant as the unique achievements of past generations.

Many of these sites and monuments have been identified as being worthy of protection as scheduled monuments. This work is done for the Department of the Environment by the Northern Ireland Environment Agency (NIEA) and the number of scheduled monuments increases annually.

This booklet is a general guide for owners and occupiers about scheduled historic monuments in Northern Ireland. It covers the various responsibilities as outlined in the **Historic Monuments and Archaeological Objects (NI) Order 1995**. Any works proposed at a scheduled monument may require Scheduled Monument Consent (SMC) and advice about how to apply for this can be obtained by contacting either the local Field Monument Warden (FMW) or the Built Heritage Directorate of the NIEA through the contact points referred to at the end of this booklet or through the website.

www.ni-environment.gov.uk.



Kinbane Castle, Co. Antrim



Killadeas Bishop Stone, Co. Fermanagh

Archaeological Monuments

Archaeological features are found in every type of rural and urban environment together making up what is now called the Historic Environment. The earliest of these, shell heaps from our nomadic ancestors, date to some 9,000 years ago, while others such as 'Samson and Goliath', the Harland and Wolff shipyard cranes, were built in the past 50 years. Archaeologists in NIEA select them for protection according to established criteria and propose them for scheduling in consultation with the Historic Monuments Council.

At present, the record of sites and monuments of archaeological or historical importance comprises some 36,000 individual features, a number which grows annually as new sites are discovered through survey, excavation or re-evaluation of existing records. Selection is made through available data on Sites and Monuments, Industrial Heritage, Parks, Gardens and Demesnes, Defence Heritage and Maritime features.

This information is available for public consultation through our website www.ni-environment.gov.uk, or at the Monuments and Buildings Record (MBR), Waterman House, Hill St, Belfast.



Harland & Wolff cranes, Belfast



Ballyrone Standing Stone, Co. Down

What is a Scheduled Monument?

A Scheduled Monument is an archaeological site or monument that has been given statutory protection under Article 3 of **The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (the Order)**. Once a site has been included in the Schedule, the Department requires that any activity on it be controlled through Scheduled Monument Consent (SMC) to protect it from damage whether deliberate or unintentional. Under the provisions of the Order, conducting damaging activities at a Scheduled Monument without Scheduled Monument Consent (SMC) is an offence and may lead to prosecution.

There are currently over 1,800 Scheduled Monuments in Northern Ireland. Before adding or removing sites from the Schedule the Historic Monuments Council is consulted.

Reasons for Scheduling

Selection of sites for scheduling is based on criteria published in **Planning Policy Statement 6, Planning, Archaeology and the Built Heritage (PPS 6)**. In some cases, the site might be a rare or well-preserved example of its type, or it may form part of a group of individual sites. A site may be much diminished but still represent a fragment of a rare site type or be the last of its kind in a particular region. Some sites may contain valuable information about environmental change, especially those in peatland or lakes. Where development, quarrying or agricultural activities are planned near archaeological sites, protection by scheduling will better manage their fabric and setting. Scheduling brings monuments into a monitoring and management regime where they are protected from damaging activities to preserve their physical features and archaeological and scientific content for present and future generations.



Kilbroney Carved Cross, Co. Down



Duneight Motte, Co. Down

The Process of Scheduling

Once scheduled, the owner/occupier is informed and sent copies of the legal documents and a map and should receive a visit from a Field Monument Warden (FMW) soon after. The site becomes a 'charge' on the land and is notified to the Land Registries of Northern Ireland and published in the Belfast Gazette. A red line on the scheduling map indicates the legally protected area. This may include much land with no clear upstanding features because of the presence of buried remains or a particular aspect of setting may require protection. Sometimes a wide zone around a monument is identified to ensure its physical survival from, for instance, quarrying or tree planting.

The Scheduled Monument

When a site has been scheduled any person permitting the following works to a scheduled monument without SMC is guilty of an offence;

- the demolition, destruction or disturbance of, or damage to, a scheduled monument.
- any works for the purpose of removing or repairing a scheduled monument or any part of it, or making any alterations or additions thereto.
- any flooding or tipping operations on land in, on or under which there is a scheduled monument.



Boho Cross Shaft, Co. Fermanagh



Scheduled Area Map, Tara, Co. Down

Scheduled Monument Consent (SMC)

To undertake works within a scheduled area, Scheduled Monument Consent must be obtained in advance from the Department of the Environment through the NIEA. The Built Heritage inspectorate can advise on ways of carrying out certain activities while ensuring the protection of a monument. Works requiring consent include repairs, erection of signage, the erection of structures or hard standing, infrastructural works, digging, insertion of posts, dumping or churning up the ground for development or through ploughing.

It is an offence to undertake such activities without written consent and doing so may result in a prosecution.

On receipt of a SMC application NIEA will consider the impact of the proposed works to the scheduled area (both above and below ground) as well as any changes to the visual appearance of the site which may occur. Requests for supplementary information may be made to assist the decision which will be made within three months of receiving enough information on which to base a decision. SMC may be granted with legally-binding conditions or withheld for reasons which would be fully explained in writing.

SMC for large, staged projects may be given incrementally to enable certain aspects to proceed in advance of others.

SMC application forms are available on request from NIEA or can be downloaded from the NIEA web site at www.ni-environment.gov.uk.



Castle Curlews, Co. Tyrone



Ticloy Portal Tomb, Co. Antrim



Strabane Canal, Co. Tyrone



Derryneill Raised Rath, Co. Down

Management Agreements

Where work is necessary to maintain a monument in good condition or to improve the condition by, for example, the exclusion of livestock, the Department may enter into a Management Agreement with an owner. Such agreements can be set up to fence a site off, repair an earthwork or masonry monument or provide public access if the owner so wishes. The FMW is the first contact for establishing these agreements.

The Role of the Applicant

It is essential that as much detail as possible is included in an SMC application. NIEA cannot provide a decision on an SMC until sufficient information is provided about a particular proposal. For example, if the application is for fencing, the type of fence should be described, as well as the number of posts and their sizes and intended depths. The exact location of works should be indicated on a copy of the map of the scheduled area or one larger in scale (as appropriate). Illustrations including drawings and photographs should be included where they would provide a better understanding of the proposed works. It is useful to discuss an application with the local FMW and/or an NIEA Inspector in advance of submission to get an indication of what would be acceptable. Site visits are offered to discuss the intended work.

Once SMC has been granted, the applicant should ensure that all concerned with a particular project are fully informed of the legally-binding conditions in the consent letter and relevant papers and illustrations should be given to any agents or contractors working on site.

Field Monument Wardens

Field Monument Wardens (FMWs) routinely inspect every scheduled site in a cycle every 3-4 years. After scheduling, each owner will learn the name and phone number of their FMW and have an opportunity to discuss the condition and management of sites with them and agree solutions which are in the best interests of a site. They are the first point of contact for owners who wish to do work on or near a scheduled site or monument. Contact details can be obtained from our website or by phoning **(028) 9054 3030**.

Ownership

Most scheduled monuments in Northern Ireland are in private ownership, although some are owned or managed by local authorities, other government bodies or corporate owners. Unregistered land can also be scheduled by placing a notice on site. Scheduling does not affect ownership of a site in any way, nor does it provide a right of access for the general public. However, scheduling does mean that NIEA brings the site into a regular monitoring regime and engages with the owner/occupier to effect appropriate management for its better protection.



Field Monument Warden Inspecting Site



Discussing a scheduled area with the owner

Premitted Work

The Historic Monuments (Class Consents) Order (Northern Ireland) 2001 sets out five classes of activity which are permitted without the need to apply for SMC.

In brief these are;

- Class 1 Certain agricultural, horticultural and forestry works (but excluding ploughing, drainage, tree-planting and the erosion of a scheduled area by grazing stock).
- Class 2 Essential repair or maintenance of a canal.
- Class 3 Repair or maintenance of machinery.
- Class 4 Works carried out under certain agreements with the Department.
- Class 5 Urgent works, necessary for safety or health. In such cases, works must be limited to the minimum measures immediately necessary. Notice of the urgent works carried out must be provided to NIEA in writing as soon as is reasonably practicable and justification for the work must be provided.

Where there is any doubt whether or not a certain activity is legal on a scheduled monument, please contact the local FMW or NIEA: Built Heritage directly for advice.



BEFORE: Duncarbit, Standing Stones, Co. Antrim with erosion hollow



AFTER: Duncarbit when packed with gravel

SMC and Archaeological Excavation

SMC is not normally granted for excavation of a scheduled site unless there are specific research reasons for the excavation. SMC must be obtained before applying for an archaeological licence to excavate and it is important for a copy of the SMC to be included with a licence application.

Metal Detecting

It is an offence in Northern Ireland to actively search for archaeological objects without a licence issued by NIEA under Article 29 of the Order. Unauthorised metal-detecting on an archaeological site can result in the removal or destruction of archaeological remains. Landowners and detectorists should be aware that it is an offence to undertake metal-detecting at a scheduled site (or any other archaeological site) without prior consent from the Department. It is also an offence to be in possession of a metal detector without consent (whether using it or not) on a scheduled monument.



Carrick East Court Tomb, Co. Londonderry



Clonbunniagh Rath, Co. Fermanagh



Mullaghglass Rath, Co. Armagh



Portaferry Windmill, Co. Down

Further Information

A list of all Scheduled Monuments (and those in State Care) is updated and published each year. This is available from our website at www.ni-environment.gov.uk

A copy of the Schedule is available, on application, for public inspection at the Monuments and Buildings Record, 5-33 Hill St, Belfast BT1 2LA.

NIEA also publishes other guidance booklets for scheduled monuments which are available on request or through the website: www.ni-environment.gov.uk:

The Conservation of Scheduled Masonry Monuments;

Dealing with Vegetation on Historic Masonry Monuments;

Work Practice Guidelines for conservation works to scheduled masonry monuments, aimed specifically at contractors. (An On-Site Summary is also available).

For further information about any issues relating to scheduled monuments or to obtain the contact details for a Field Monument Warden please contact:

NIEA - Built Heritage
Waterman House
5-33 Hill Street
Belfast BT1 2LA.
Phone: (028) 90543030
Email: hm@doeni.gov.uk
Web: www.ni-environment.gov.uk



Bright Castle, Co. Down



Reyfad cup and ring stone,
Co. Fermanagh



Moneydorrugh Standing Stone, Co. Down