UTILITIES, TELECOMMUNICATIONS AND SCHEDULED MONUMENTS

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HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

1. INTRODUCTION

This guidance is about utilities (electricity, gas, water, sewerage), telecommunications and scheduled monuments. It contains advice for anyone involved in maintaining or upgrading existing utilities and telecommunications or planning new infrastructure. It will help you plan and undertake operations in a way that protects scheduled monuments. It has detailed advice on what to do and what permissions you need.

Scheduled monuments are historic sites that have been given protection using an Act of Parliament, the Ancient Monuments and Archaeological Areas Act 1979. We call this 'the 1979 Act'. They are a type of 'protected historic places'.

There are over 8000 scheduled monuments in Scotland. They range from prehistoric rock art, cairns and hillforts to castles, townships and more recent sites such as 20th-century wartime defences.

Historic Environment Scotland (HES) is the regulator for scheduled monuments in Scotland. Where proposed works may impact a scheduled monument, our consent is usually required. This is called scheduled monument consent (SMC). It is an offence to undertake works without SMC.

Many existing utility and telecommunication lines run through and across scheduled monuments. Maintenance of this infrastructure is critical to the people of Scotland. We work closely and constructively with relevant companies to enable these works to take place, whilst protecting our nationally important archaeological and historical remains.

This guidance uses some archaeological terms that you may be unfamiliar with. We have included a **glossary** of these terms to help explain them.

Existing utilities infrastructure can often be located in close proximity to nationally important archaeological remains.

QUICK GUIDE

	Work Area	Description	SMC Requirement	Further Info
Above Ground Infrastructure	Vehicle Access	Cars and other light vehicles	SMC Not required but must not cause damage	s5.5
		Heavy vehicles and machinery	SMC required	s5.5
	Clearance and maintenance work along infrastructure corridors	Tree pruning	SMC not required	s.6.1.1
		Tree felling	SMC may be required	
		Replacement/New fencing and gates	SMC required	
		Resurfacing existing trackways	SMC may be required	
	Maintenance of above ground pole, mast or pylon mounted equipment	Replacement or refurbishment of wires, transformers, conductors, fuse switches etc	SMC not required	s6.1.2
	Removal or replacement of poles, masts and pylons	Removal of wooden poles	SMC required	s6.2.1
		Removal of masts and pylons	SMC required	s6.2.2
		Replacement poles, masts and pylons	SMC required	s6.2.3
Below Ground Infrastructure	Maintenance and repair of buried pipelines/ cables	Re-excavation of existing pipeline/cable route for repairs or maintenance	SMC required	S6.3.1
	Re-routing	Enlargement of existing route/re-routing of section of pipe/cable out with disturbed area	SMC required	S6.3.2

This table should be read in conjunction with the relevant sections of this guidance note.

2. PROTECTION OF SCHEDULED MONUMENTS

National policy for decisions that affect the historic environment is set out in Historic Environment Policy for Scotland (HEPS). Our Managing Change in the Historic Environment Series gives guidance on applying policy.

Once a site is scheduled it is protected in several different ways.

2.1 PROTECTION UNDER THE 1979 ACT

There are strict controls on the types of works or activities which can take place within the protected area of a scheduled monument. Most works need our consent. This includes ground-breaking works for the replacement of poles and pylons, repairing and relaying cables and pipes and installation of new infrastructure. Further information on applying for scheduled monument consent (SMC) is given in the sections below and in our leaflet 'Working on or near scheduled monuments'.

Carrying out work without our permission is against the law. You can read more about our approach to unauthorised works in our leaflet 'Compliance and Enforcement at Scheduled Monuments'.

2.2 PROTECTION WITHIN THE PLANNING SYSTEM

Scheduled monuments, and their **setting** are also protected within the planning system through the national spatial strategy for Scotland - National Planning Framework 4. Our role in the planning system is explained in more detail in Our Regulatory Framework.

3. LOCATION OF SCHEDULED MONUMENTS

The easiest way to check if there are any scheduled monuments on or near where you are planning work is to use our PastMap website or our Designation Map Search. Both of these are online maps that show the boundaries of scheduled monuments in red. They let you zoom in and out so you can explore the maps at different scales and levels of detail. Once you have found the area of land you are interested in, make sure the scheduled monument layer is selected to check for protected sites. If there is a scheduled monument on or near to the land where you are planning work, you can click on it to find out more about it. You should look at the legal document for the scheduled monument for details of what is protected.

We also have digital data for use with geographic information systems (GIS), survey and GPS equipment. You can find this on our website Trove.

We regularly update our scheduled monument data layer, and you should make sure that you use live links to ensure that your downloaded data is up to date.

If you need help, please contact us with details of where you are planning work and we will let you know if there are any scheduled monuments nearby.

3.1 IDENTIFYING THE BOUNDARY OF A SCHEDULED MONUMENT

Identifying the protected area of a scheduled monument on the ground can be challenging. Some monuments are depicted on Ordnance Survey maps and some of these will be scheduled. While useful in providing a general location for some sites, Ordnance Survey maps do not indicate whether a site is designated nor the extent of any scheduled area. Each scheduled monument has a legal document. This provides a description and map of the scheduled area and, where relevant, any exclusions to the protected area. Older scheduling records tend to have less full descriptions, and the mapping may not reflect more recent changes in an area. When identifying a scheduled monument both the description and map should be taken into account.

The protected area often includes below-ground features, and some surface features may be concealed by vegetation and trees. Some scheduled monuments are only known through remote sensing techniques and have either very slight surface remains or are not visible at all on the surface. These are particularly vulnerable to accidental damage. If you are in doubt, we are always happy to help. We can provide further information or visit to show you where the protected area is. On some occasions we may review the scheduling to provide an up-to-date understanding of the location and significance of a monument (see our **FAQs** for further information).

Identifying a scheduled monument using a map

We recommend you use a map provided by us. To identify the protected area of a scheduled monument on the ground you will need to use a map which includes:

- **Scale**: The scale of the map will depend on the size of the scheduled monument and surrounding area. The size of the scheduled area must be clear on the map. The map should contain a scale bar or grid lines to allow you to measure distance
- **Scheduled monument**: The map should show the extent of the scheduled monument clearly
- **Fixed points**: The map will need fixed points that you can find on the ground to measure the position of the monument from.

Our publicly available spatial data for scheduled monuments

We publish a range of spatial data for scheduled monuments on our website Trove.

These include shape files, web services and atom feeds for use with geographic information systems, survey and GPS equipment.

If you are planning works on your land which require a survey, your survey team can use this information to mark out the extent of the protected area of a scheduled monument.

If you have any queries about the extent of the legally protected area you should contact us before you begin works.

Our publicly available spatial data can be used alongside survey equipment to mark out the extent of a scheduled monument.

4. CONSENT FOR WORKS ON SCHEDULED MONUMENTS

4.1 SCHEDULED MONUMENT CONSENT

Most works to a scheduled monument need permission from Historic Environment Scotland. We call this permission scheduled monument consent (SMC).
'Works' that need SMC are defined in the 1979 Act, and the definition is very broad:

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

If you want to carry out works to a scheduled monument, you must apply to us for SMC. We do not charge for applications, and we provide free pre-application advice. We normally reach a decision on an application within eight weeks. If you are not happy with our decision you can appeal against it.

You can find all the forms and guidance for scheduled monument consent you might need on our website. Further information on SMC requirements for and the application process is available in our leaflet 'Working on or near scheduled monuments'.

4.2 METAL AND MINERAL DETECTING CONSENT

If you want to use equipment that can detect metals or minerals on a protected place, then you need to get metal and mineral detecting consent. This includes CAT scans, magnetometry, gradiometry and ground penetrating radar surveys. It also includes metal detecting. You can download an application form from the metal and mineral detecting pages of our website. Further information on how to apply and advice is also provided in our leaflet 'Working on or near scheduled monuments'

Existing underground utilities may lie close to or on top of important archaeological remains. Any upgrade or repair work must be planned carefully to ensure the remains are preserved.

4.3 UNDERTAKING WORKS WITHOUT CONSENT

The 1979 Act sets out several criminal offences in relation to scheduled monuments and protected places. We call these 'unauthorised works', and they include:

- damaging a protected monument
- causing, permitting or executing works to a scheduled monument without consent
- not executing works in accordance with the terms of consent and of any conditions attached to it
- using a device capable of detecting metals or minerals in a protected place without our written consent

For utilities and telecommunications works, unauthorised works can sometimes happen when site workers do not know the position or extent of scheduled monuments or do not understand the legal protection that they have. Examples of damage or unauthorised works that have happened in the past include:

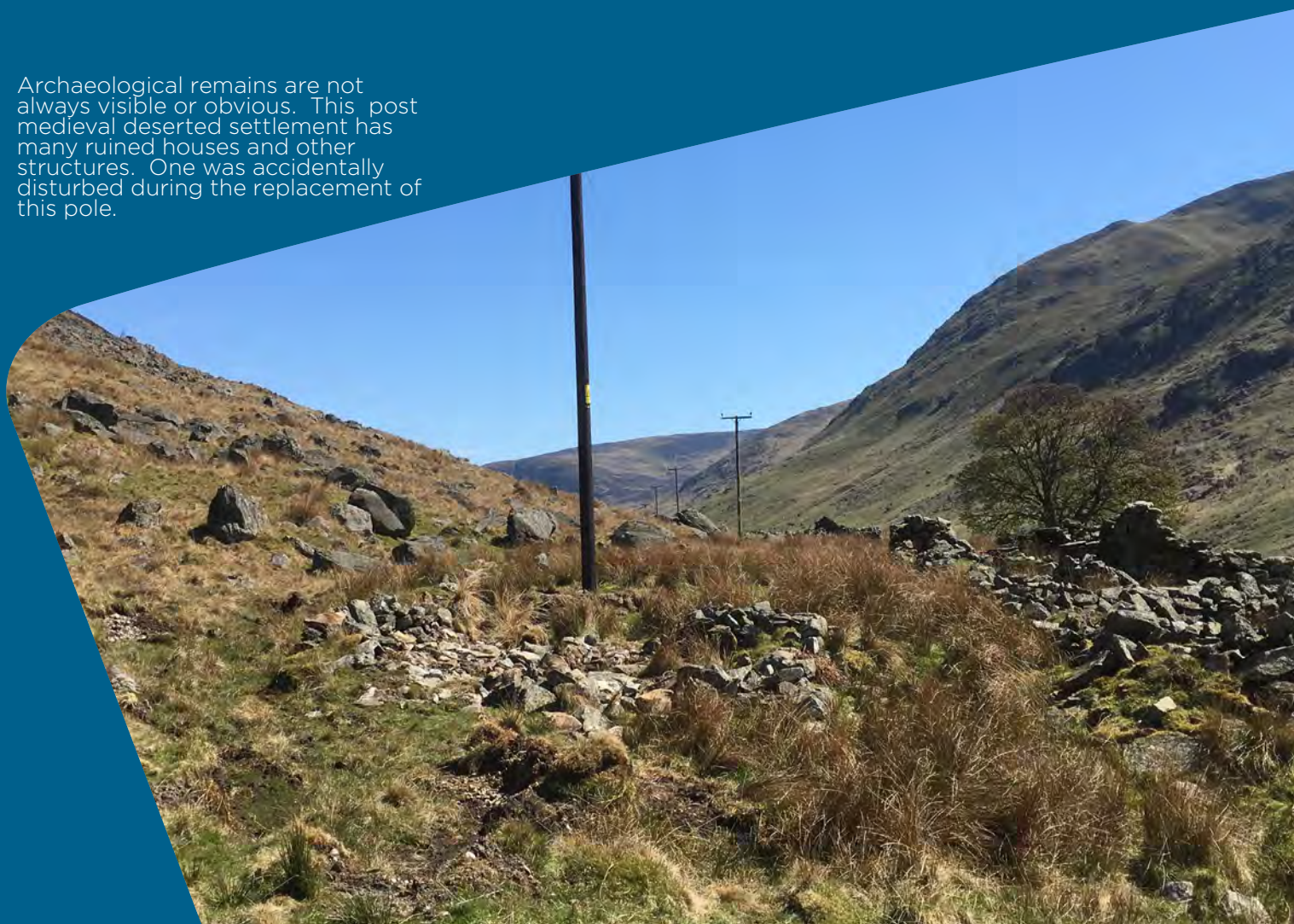
- Installation of new and replacement electricity and telegraph poles
- Excavation of existing service trenches
- Installation of new service trenches

We investigate, and seek to resolve, any works that happen without our permission. We call this process compliance.

We will always try to get all the information we need as quickly as possible. Once we understand what has happened, and how much the scheduled monument has been damaged, we will decide what further action is required and update those involved. You can expect our decisions to be proportionate, consistent and transparent. We will take any relevant circumstances into account.

Our Compliance and Enforcement leaflet explains more about our compliance process and what to expect if you are involved in an investigation of unauthorised works.

Archaeological remains are not always visible or obvious. This post medieval deserted settlement has many ruined houses and other structures. One was accidentally disturbed during the replacement of this pole.



5. GENERAL GUIDANCE AND GOOD PRACTICE

5.1 PLANNING YOUR WORK

If work on or near a scheduled monument is required, it should be carefully planned and considered. You should have a clear justification for the work and have completed a thorough options appraisal for access routes and any ground disturbance. This is to ensure that any impact from works on the scheduled monument is minimised.

5.2 AWARENESS OF SCHEDULED MONUMENTS

You are responsible for identifying and protecting heritage features when planning your work. We recommend that the location and extent of scheduled monuments are prominently displayed on your in-house GIS systems and on any printed utilities maps. Awareness of their position in relation to your infrastructure is the best way of avoiding accidental damage.

It is important that all site staff are made aware of the presence of scheduled monuments. This is usually best achieved by raising awareness of assets during site inductions and at regular toolbox talks, especially if these are carried out when moving along different sections of infrastructure lines to remind staff of the presence of the scheduled monument in the area which must be protected. Constraint maps which clearly identify the extent of the scheduled monument which must be protected and avoided should be made available to site staff and displayed within site compounds.

You should also consider placing visible markers such as warning signs on infrastructure located within scheduled monuments.

When planning maintenance and upgrade works at infrastructure on a scheduled monument, you should follow the advice in this guidance and contact us at the earliest opportunity if works require scheduled monument consent.

5.3 PERMITTED DEVELOPMENT RIGHTS

Some works may benefit from permitted development rights (PDR), under the The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Where works benefit from PDR, requirements to comply with the 1979 Act remain unchanged. This means that scheduled monument consent will usually be required for PDR works within a scheduled area. If you are carrying out works under PDR, you should follow the advice in this guidance to determine whether SMC is required.

Not all scheduled monuments are visible on the ground. This multiperiod settlement site has no visible remains, but survives as buried archaeology which can be identified through cropmarks. The legally protected area of a scheduled monument can extend some distance beyond any visible remains to ensure buried archaeological remains are also protected, so it is important to understand the extent of the protected area and properly identify it on the ground before works begin.

5.4 EMERGENCY WORKS

Whilst most works to existing utilities and telecommunication infrastructure is planned in advance, we recognise that unplanned emergency works sometimes need to be undertaken at short notice. In these situations, you should still follow the advice in this guidance to determine whether SMC is required. We recommend you then contact us by telephone or mark your email contact as urgent, explaining the nature and timescale of the works. We will work with you to try to meet your timescales and avoid unnecessary delays.

The exception to this is in the case of works urgently required in the interest of health or safety. These types of works are covered under 'Class Consent' by an Order called the Ancient Monuments (Class Consents) (Scotland) Order 1996. Work that is urgently necessary for health or safety is defined in the Order as works which are urgently necessary in the interests of health or safety, provided that:

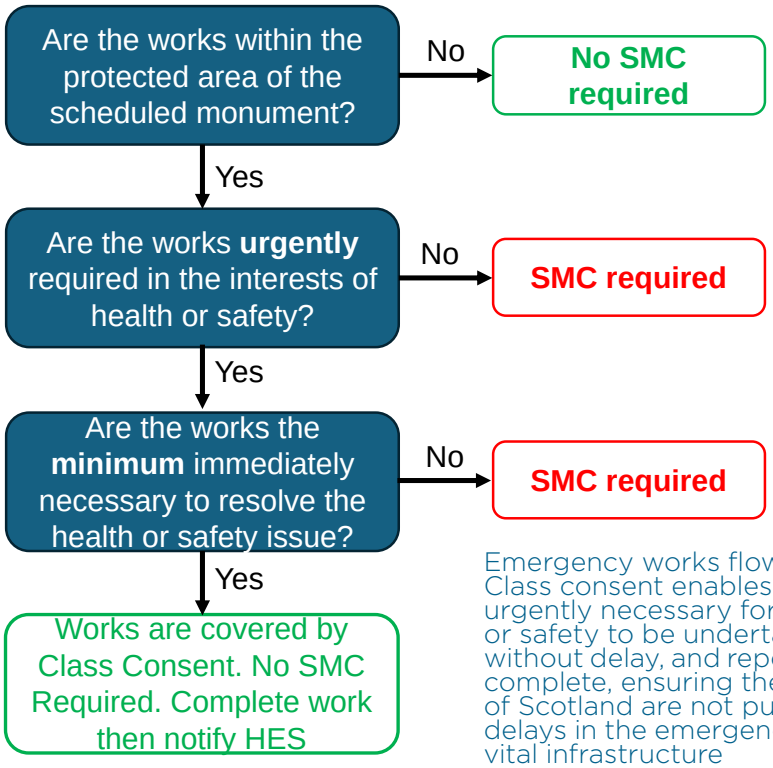
- The works are limited to the minimum measures immediately necessary: and
- Notice in writing justifying in detail the need for the works is given to Historic Environment Scotland as soon as practicable

In general, these are works which must be carried out urgently to remove the health or safety issue. Examples of this include:

- Emergency repairs to a gas pipeline
- Emergency repairs to a storm-damaged power network delivering supplies to vulnerable customers
- Emergency repairs to low hanging cables which represent a public health and safety concern

If you need advice about class consent please get in touch by phone or email. However, we do not have a 24 hr helpline. If you believe your works are the minimum measures immediately necessary in the interests of health or safety, you should undertake the works without delay.

You do not need to apply for SMC for these works, but you must notify us in writing as soon as you can after completing any work under this class consent. You can do this online using our class consents notification form.



Emergency works flowchart - Class consent enables works urgently necessary for health or safety to be undertaken without delay, and reported when complete, ensuring the people of Scotland are not put at risk by delays in the emergency repair of vital infrastructure

5.5 VEHICLE MOVEMENTS ACROSS SCHEDULED MONUMENTS

Vehicles and machinery risk physical damage to scheduled monuments through soil vibration, compaction and erosion. The risk of damage to a scheduled monument is increased when ground conditions are wet and the ground is soft.

If you intend to access the scheduled area in a vehicle you should ensure the ground is dry and firm. You must ensure you are aware of any areas of upstanding archaeology (where remains are visible above the surface of the ground) and avoid them. You should regularly monitor the ground for signs of disturbance and cease access if noted. Access should be reassessed if weather conditions change. Damaging a scheduled monument is a criminal offence.

If heavy vehicles or machinery are required to complete a maintenance or upgrade task you should contact us to seek site-specific advice on whether ground protection measures may be required. Ground protection measures such as temporary trackways require SMC and you may be required to provide information on vehicle weight, compaction and likely impacts on buried archaeological remains.

5.6 ARCHAEOLOGICAL REMAINS BEYOND THE BOUNDARY OF A SCHEDULED MONUMENT

Archaeological remains often exist beyond the boundary of a scheduled monument. You should ask the local authority archaeology service about protecting and managing other heritage features that are not covered by HES. They will normally be able to provide information from a local Historic Environment Record. You can get contact details from the Association of Local Government Archaeological Officers.

The defensive ramparts of this Iron Age hillfort are clearly visible from the air. The existing telecommunications mast and associated building are excluded from the legally protected area of the scheduled monument, but all surrounding ground is protected.

6. EXISTING INFRASTRUCTURE

6.1 ROUTINE MAINTENANCE ON ABOVE GROUND INFRASTRUCTURE

You do not generally need to get in touch with us before undertaking routine checks on your above ground network infrastructure located on scheduled monuments. There are no specific permissions you require from us to do this. However, you should follow the guidance on **vehicle movements across scheduled monuments**.

6.1.1 Clearance and maintenance works along infrastructure corridors

Infrastructure corridors may cross a scheduled monument. Advice on various access and clearance works along infrastructure corridors which are located within the protected area of a scheduled monument are outlined below:

- Tree pruning works within infrastructure corridors do not require SMC, but you should follow the guidance on **vehicle movements across scheduled monuments**.
- Tree felling works may require SMC – please contact us for site specific advice.
- Fencing and gate access works – Replacement/new fencing and gate access works with a scheduled monument will always require SMC.
- Resurfacing of existing trackways may require SMC - please contact us for site specific advice.

6.1.2 Maintenance of above ground pole, mast or pylon mounted infrastructure and lines

Maintenance and refurbishment of pole, mast or pylon mounted infrastructure such as wires, transformers, conductors and fuse switches do not require SMC. This includes the installation of new infrastructure on existing poles, masts or pylons. You should follow the guidance on **vehicle movements across scheduled monuments**.

A telecommunications mast at the top of a later prehistoric fort. General maintenance of equipment on the mast does not need our permission. However any groundbreaking works require SMC, even within pre-disturbed areas. We recommend any existing poles within scheduled areas are clearly marked to avoid accidental damage.

6.2 REMOVAL AND/OR REPLACEMENT OF REDUNDANT POLES, MASTS AND PYLONS

Removal of redundant poles, masts and pylons requires SMC. Further advice on methodology- and mitigation is given below:

6.2.1 Removal of wooden poles

Where feasible, wooden poles should be cut at ground level and the below ground portion left to rot in situ. This will ensure that buried archaeological remains are not disturbed. Where this is not possible, the method of pole removal and appropriate mitigation will depend on the way in which the pole was installed.

Where a pole has been driven into the ground it may be possible to pull it vertically out of the ground without causing any significant ground disturbance. It is still necessary to apply for SMC for such works, but no **archaeological mitigation** will be required.

Where a pole has been placed within a small pit and has buried stays or has been concreted into the ground, its removal is likely to cause further ground disturbance. In these circumstances we will ask you to engage the services of an archaeologist to undertake archaeological monitoring to provide a record of **archaeological remains** encountered during the operation.

If it is unclear how the pole was installed, you should include provision for **archaeological monitoring** in your SMC application.

Occasionally more detailed archaeological mitigation may be required if poles have been inserted into a particularly sensitive area of a scheduled monument, or into upstanding remains which are likely to be disturbed or destabilised by the pole removal. In these circumstances further **archaeological evaluation** is likely to be required.

Removal of redundant telegraph and electricity poles from scheduled monuments requires careful planning to ensure there is no accidental damage to buried archaeological features.

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6.2.2 Removal of telecommunications masts and electricity pylons

Most telecommunication masts and pylons have been installed on a concrete foundations or pads. The removal of the infrastructure above the concrete pad, when planned carefully, is likely to have no impact on archaeological remains. However, in cases where large pylons are collapsed onto scheduled monuments care should be taken that they do not fall on upstanding remains. Ground protection may be required to avoid accidental damage.

Where feasible, concrete foundations should be left in situ to ensure that buried archaeological deposits are not disturbed. Where this is not possible,

archaeological mitigation will be required.

Breaking out of concrete will often require excavation. The level of **archaeological mitigation** will depend on the nature of the scheduled monument. If the pad is located within an archaeologically sensitive area, we may recommend a two-stage approach:

1. An initial SMC for an **archaeological evaluation** to determine the extent of previous disturbance around the pad, and the level and nature of **archaeological remains**. This information will be used to inform the second application below.
2. A second SMC for the breaking out of the pad – this will build on the information obtained from the initial application, to provide a detailed **archaeological excavation** strategy to excavate and record identified archaeological remains ahead of the breaking out of the concrete pad. As nationally important archaeological remains will be destroyed during these operations, the SMC application will require **notification to Scottish Ministers**.

6.2.3 Replacement of poles, masts and pylons

Wherever possible, when poles, masts or pylons are being replaced, consideration should be given to relocating them outwith the protected area of the scheduled monument. However, we recognise due to the linear nature of much of the utilities and telecommunications infrastructure, that this is sometimes not possible. Replacement of poles, masts and pylons will always require SMC.

Where there is an unavoidable need to replace a pole, mast or pylon within a scheduled monument, wherever possible you should plan to replace it in the area of ground already disturbed by the previous infrastructure. Where masts and pylons are being replaced the previous concrete pad should be used.

Where it is not technically feasible to use the previously disturbed ground or existing concrete pad, significant **archaeological mitigation** is likely to be required to facilitate installation of replacement infrastructure.

We will work with you and your appointed archaeological contractor to understand the network requirements, preferred installation area and any potential for micrositing to avoid significant **archaeological remains**. We may ask you to undertake **archaeological evaluation** to better understand the nature of **archaeological remains** within the installation area. This will enable a greater understanding of the potential impacts of the planned works.

In most circumstances it is likely that a solution will be found. However, you should be aware that in the event particularly sensitive and significant **archaeological remains** are uncovered, SMC may not be granted for the installation of the replacement infrastructure and we may require the line to be realigned to avoid this area.

6.3 ROUTINE MAINTENANCE ON BELOW GROUND INFRASTRUCTURE

6.3.1 Re-excavation for maintenance and in-situ repairs

Any works to re-excavate a buried cable or pipeline within a scheduled monument needs SMC. The area around the cable/pipeline will have been disturbed during the original installation so it is unlikely your works will disturb **archaeological remains.** We will normally grant SMC for these works but will ask you to employ an archaeological contractor to undertake **archaeological monitoring** to ensure any excavation is within the pre-disturbed corridor.

6.3.2 Replacement or repair works on below ground infrastructure which require an enlarged or new route

Where it is not technically feasible to use the previously disturbed ground or existing route and where it cannot be re-routed outwith the scheduled area, significant **archaeological mitigation** is likely to be required to facilitate installation of replacement infrastructure.

We will work with you and your appointed archaeological contractor to understand the network requirements, preferred installation area and any potential for micrositing to avoid significant **archaeological remains**. We may ask you to undertake an **archaeological evaluation** to better understand the nature of **archaeological remains** within the installation area. This will enable a greater understanding of the potential impacts of the planned works.

In most circumstances it is likely that a solution will be found. However, you should be aware that in the event particularly sensitive and significant **archaeological remains** are uncovered, SMC may not be granted for the installation of the replacement infrastructure, and we may require the line to be realigned to avoid this area.

Replacement and repair of below ground infrastructure needs careful planning. SMC will be required for all ground-breaking works within the legally protected area of the scheduled monument.

7. NEW INFRASTRUCTURE

7.1 PROTECTION OF SCHEDULED MONUMENTS IN THE PLANNING SYSTEM

Some works may require planning permission, consent under the Electricity Act and/or **Environmental Impact Assessment (EIA)** before the works can be undertaken. Works for new electricity infrastructure, for example, including overhead power lines (OHLs) require consent under Section 37 of the Electricity Act 1997 with very limited exceptions. Some overhead line developments will also require to be accompanied by an EIA (Schedule 1 developments including OHLs of over 220kV and more than 15km in length, and Schedule 2 developments which are likely to have a significant effect on the environment including OHLs with a voltage over 132kV or those connecting to a generating station which requires consent under Section 36 of the Electricity Act). New gas pipelines and associated infrastructure may also require EIA.

Further information on EIA and details of the relevant EIA Regulations can be found in the Environmental Impact Assessment Handbook. The Handbook also provides detailed good practice advice on assessing impacts on historic environment assets in the context of the EIA process in Appendix 1.

When planning new above ground infrastructure near to scheduled monuments, you should ensure that any impacts on the monument and its **setting** are minimised. Our Managing Change in the Historic Environment: Setting guidance gives more information on how to identify the setting of a scheduled monument and assess any impacts on it. Where the assessment indicates that there will be an adverse impact on the setting of a historic asset or place, even if this is perceived to be temporary or reversible, alterations to the siting or design of the new development should be considered to remove or reduce this impact.

We are a statutory consultee in the planning system and are happy to provide pre-application advice at an early stage in the development of your plans for new infrastructure.

We recognise the significant challenges of planning new essential infrastructure and will work with you at an early stage in your project to provide advice on the potential impacts on designated heritage assets.

7.2 CROSSING SCHEDULED MONUMENTS

Where new utilities are required in the vicinity of scheduled monuments they should be routed outwith the legally protected area. With a few exceptions, it is extremely unlikely that SMC will be granted for new utilities infrastructure within a scheduled area.

Most scheduled monuments cover a small area of land and are easily avoided. However, there are some linear scheduled monuments which may require more detailed planning.

7.2.1 Above ground infrastructure

For new above ground infrastructure, crossing points should be carefully planned to avoid direct impacts on the scheduled area, and located at a point where setting impacts are avoided or minimised. We are happy to provide site specific advice early in your planning process.

7.2.2 Below ground infrastructure

Routing through breaks in the protected area of a scheduled monument

Whilst linear scheduled monuments can often extend a considerable distance, there are often breaks in the protected area where there are existing

The Antonine Wall, Forth and Clyde Canal and Union Canal all run across the central belt of Scotland. They are a significant challenge to the installation of new infrastructure running N/S. We will work with you at an early stage in your planning process to determine whether there are acceptable routes to cross these areas

roads and other infrastructure. When considering new below ground infrastructure, you should plan to route services through these gaps.

Unscheduled archaeological remains may exist within these gaps and it will be important to consult the relevant local authority archaeology service to ensure appropriate mitigation is in place.

Routing through existing service trenches

Where there are no gaps in the scheduled area, you may wish to investigate whether there are any existing service trenches within the scheduled area which could be reused/repurposed. Geophysical works to locate these services will require our permission. You should get in touch with us to determine whether SMC or metal and mineral detecting consent will be required for your surveys or other ground investigation works.

If existing service trenches are located and can be reused without extending their depth and width, you will require SMC for the installation of your new services. We will normally ask you to include a provision for **archaeological monitoring** within your application.

Horizontal directional drilling

Horizontal directional drilling will not normally be granted SMC. The exception to this is works to cross Scotland's Canal Network, where directional drilling is preferred as an alternative to laying utilities on the canal bed.

If planning directional drilling to cross a canal, you should contact Scottish Canals to get advice on the depths required and ensure they have no concerns about the impacts of your proposals. Once you have this information you should contact us for pre-application advice on your SMC application.

Microtrenching

Utilities that only require microtrenching, such as fibre cables, can in some cases be laid within scheduled monuments where there is no other viable route. Where roads or paved paths cross the scheduled area, shallow and narrow trenches can sometimes be accommodated within already disturbed ground, such as roadside verges. Proposals for microtrenching will be evaluated on a case-by-case basis and will depend on the presence and sensitivity of archaeological remains and the extent of previous disturbance. These works will always require SMC with appropriate **archaeological monitoring**.

7.2.3 Construction and access routes and ancillary works

When planning new infrastructure, you should ensure all construction and access routes, laydown areas, borrow pits and other ancillary works avoid the protected area of a scheduled monument. If access routes come close to a scheduled area, you should consider temporary freestanding fencing to ensure the scheduled area is adequately protected from accidental damage. Fencing should be placed outwith the boundary of the scheduled monument.

Where existing access routes are present within a scheduled area and need upgraded, these works will require SMC. You should contact us at the earliest opportunity to discuss these plans as there may be significant restrictions on the depth and width of any upgrades allowed.

8. FREQUENTLY ASKED QUESTIONS

HOW DO I CONTACT HES TO DISCUSS A SCHEDULED MONUMENT?

We recommend you consult us in advance when planning utility or telecommunications work which may affect a scheduled monument. You can contact us by email at hmenquiries@hes.scot or by phone on 0131 668 8716.

DO I REQUIRE SCHEDULED MONUMENT CONSENT FOR UTILITIES AND TELECOMMUNICATIONS OPERATIONS?

You will normally need SMC for operations on a scheduled monument. The information in this leaflet contains further information. Use the **quick guide** to find the relevant section. If you are unsure if your planned works require consent, you should get in touch with us for free pre-application advice.

WHAT PRECAUTIONS SHOULD I TAKE IF I AM WORKING NEAR A SCHEDULED MONUMENT?

When working near a scheduled monument, it is important that the edge of the scheduled area is clearly marked out on all maps and on the ground; no equipment or materials are stockpiled on monuments; and all staff carrying out works are briefed on nearby monuments. We are happy to provide site-specific advice on how to protect monuments during works where this is needed.

Before works begin, site- specific advice should also be sought from the relevant local authority archaeologist for addressing potential impacts on other sites outwith the scheduled area.

CAN I USE MACHINERY ON A SCHEDULED MONUMENT?

Machinery has high potential to cause accidental damage to scheduled monuments. There may also be a risk of you breaking the law. Where feasible, we normally recommend that no machinery is used on scheduled monuments and that machines are located outside protected scheduled areas. However, there may be situations where machinery may be acceptable, with careful advance planning of access routes and ground protection. See **vehicle movements across scheduled monuments** for further information.

I HAVE ACCIDENTALLY CAUSED DAMAGE TO A SCHEDULED MONUMENT DURING UTILITIES/ TELECOMMUNICATIONS OPERATIONS. WHAT SHOULD I DO?

If something goes wrong the best thing you can do is stop all works and get in touch with us straight away. We will work with you to make sure the situation doesn't get any worse and, if appropriate, agree any actions that may be necessary.

CAN I REQUEST A REVIEW OF A SCHEDULED MONUMENT?

Yes. If you consider there is an issue with a scheduling record such as incorrect or inadequate mapping, you can request a review of an existing scheduling. Such requests are made using our application form. Application forms will be published on our portal. More information and the application form can be found on our website.

WHAT ABOUT OTHER DESIGNATED HERITAGE ASSETS? DO I NEED PERMISSION TO WORK ON OR NEAR THEM?

We are responsible for designating listed buildings, gardens and designed landscapes, and historic battlefields. We also advice the Scottish Government on designating sites as historic marine protected areas. There is more information about these on our website.

Designated historic assets are protected within the planning system. We are a statutory consultee on proposals which may impact the historic environment. More information on our role in planning is available on our website.

Listed Building consent is the mechanism by which planning authorities ensure that any changes to listed buildings are appropriate and sympathetic to their character. Some utilities may require listed building consent – you should seek advice from the relevant planning authority if you are planning works on a listed building.

Conservation area consent controls the demolition of unlisted buildings in conservation areas. Article 4 Directions complement conservation areas and remove certain permitted development rights for these areas. If working within a conservation area you should confirm with the relevant planning authority whether Article 4 Directions apply.

WHO SHOULD I CONTACT ABOUT UNDESIGNATED HERITAGE ASSETS?

You should ask the local authority archaeology service about protecting and managing other heritage features that are not covered by HES. They will normally be able to provide information from a local Historic Environment Record. You can get contact details from the Association of Local Government Archaeological Officers.

Officers from our Planning, Consents and Advice Service are happy to provide advice as you plan your project, and meet on site to discuss protection of the scheduled monument.

9. FURTHER INFORMATION

FINDING OUT ABOUT SCHEDULED MONUMENTS

There is much more information about the scheduling process, management and advice on our website.

To find out about a particular scheduled monument and our decisions, use Trove or search for a scheduled monument using our interactive PastMap.

RELEVANT LAWS AND POLICY

- Ancient Monuments and Archaeological Areas Act 1979
- The Ancient Monuments (Class Consents) (Scotland) Order 1996
- Historic Environment Policy for Scotland (HEPS)
- Scheduled Monument Consents Policy
- Designations Policy and Selection Guidance

GUIDANCE

- Environmental Impact Assessment Handbook
- Our Managing Change in the Historic Environment Series:
  * Working on or near Scheduled Monuments
  * Scheduled Monument Consent for Archaeological Excavation
  * Setting
- Our guidance leaflets:
  * Scheduled Monument Condition Monitoring
  * Metal Detecting in Scotland
  * Compliance and Enforcement at Scheduled Monuments

USEFUL INFORMATION FROM OTHER ORGANISATIONS

- Association of Local Government Archaeological Officers

CONTACTING US

Call our Planning, Consents and Advice Service on:
0131 668 8716
Or Email:
hmenquiries@hes.scot

Existing infrastructure may be located close to or within the legally protected area of a scheduled monument. Careful planning is required to ensure there is no accidental damage during upgrade and maintentance works.

GLOSSARY

archaeological evaluation
A limited programme of archaeological work to evaluate the presence of archaeological deposits or features. This would normally include the removal of topsoil to the depth of the first archaeological layer or **horizon**. Archaeological deposits would be preserved. An archaeological evaluation would normally be a requirement of works undertaken on scheduled monuments where the potential for the survival of archaeological remains is unknown. The information gained from the evaluation would inform mitigation and redesign of any future planned work, ensuring important archaeological deposits are preserved.

archaeological excavation
A programme of archaeological work that aims to record and excavate archaeological remains, removing them prior to other planned works. An archaeological excavation would normally be a requirement of works undertaken on scheduled monuments where archaeological remains are known to be present and exceptional circumstances support their removal. The programme would involve onsite work and post excavation analysis and reporting. Most utilities and communications works are unlikely to be granted SMC for the removal of nationally important archaeological remains.

archaeological horizon
A horizontal plane where archaeological remains are encountered.

archaeological mitigation
Programme of works undertaken to reduce or offset negative impact of proposed development on a scheduled monument. The sensitivity of monuments and the survival of archaeological remains will determine the extent of the work required.

archaeological monitoring
An archaeologist will observe the planned works to ensure that archaeological deposits or features are not disturbed. This is also called a watching brief. A watching brief would normally be a requirement of works undertaken on scheduled monuments where there is low potential for the survival of archaeological remains, e.g. within areas that have previously been disturbed.

archaeological remains
Any remains of past human activity. When evaluating the impact of work on scheduled monuments significant archaeological remains are defined as those that are integral to the cultural significance of a scheduled monument.

Environmental Impact Assessment (EIA)
The EIA process is intended to improve environmental protection. It informs the decision making processes by which public bodies, referred to as 'competent authorities', determine whether certain projects should go ahead. It provides these bodies with a written statement about the project's effects on the environment that are likely to be significant (The EIA Report), together with the comments of the public and statutory environmental organisations. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the competent authority before it makes its decision.

notification to Scottish Ministers
If Historic Environment Scotland intends to grant scheduled monument consent, an application for SMC must be notified to the Scottish Ministers under paragraph 2C(1) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 where: The works which would be permitted to the scheduled monument, should scheduled monument consent be granted, would allow a greater level of intervention than the minimum level of intervention that is consistent with conserving what is culturally significant in the monument. Normally Ministers will make a decision on this within 28 days, but there is a possibility that it may take longer.

setting
'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. Monuments, were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained. Our Setting Guidance provides further information.

You can download this publication from our website at
www.historicenvironment.scot

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

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