

**Guidance Notes for Utilities, Developers and Contractors when  
working in York: ARCHAEOLOGY**

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If in doubt please contact City Archaeologist Claire MacRae 01904 551402

[archaeology@york.gov.uk](mailto:archaeology@york.gov.uk)

**1) Working on or within a designated Scheduled Monument/Area**

Legislation: [Ancient Monuments and Archaeological Areas Act 1979](#) Part I

<b><u>Your works</u></b>	<b><u>What you should do/info</u></b>	<b><u>When you should do it</u></b>	<b><u>How to apply</u></b>
Works within the boundary of a Scheduled Monument or area	<p>Scheduled monument consent (SMC) applications are decided by the Secretary of State for Culture, Media and Sport but the administration, process and handling of applications are undertaken by Historic England.</p> <p>1) In the first instance you should contact the City of York Archaeologist.</p> <p>2) Consult with Historic England on your application for SMC.</p> <p>3) Fill in all relevant sections of the SMC form and enclose an ordnance survey map showing the location of the site and proposed works.</p>	Before START of any works on the site	<a href="#">Forms and guidance</a> from Historic England.

<u>Your works</u>	<u>What you should do/info</u>	<u>When you should do it</u>	<u>How to apply</u>
	<p>4) Enclose all plans/ sections/ elevations and working drawings that that apply to the works. SMC will only apply to works included on application drawings</p> <p>5) Enclose the archaeologist's comments/ report.</p> <p>Applications must be emailed to <a href="#">Dr. K Emerick</a>, Inspector of Ancient Monuments, Historic England, 37 Tanner Row, York, YO1 6WP.</p> <p>It is a criminal offence to start works of any description before SMC has been formally granted.</p>		
If you intend to use a metal detector or geophysical equipment	You must obtain written consent from Historic England.	Before START of any works on the siTE	<a href="#">Forms and guidance</a> from Historic England.
<b>Emergency</b> utility works within a Scheduled area	<p>Works which are urgently necessary for health and safety can take place under Class 5 consent. These works should be the minimum measures required to ensure safety.</p> <p>Notify Historic England as soon as possible.</p>	As emergency works are taking place	

## 2) Works within designated Areas of Archaeological Importance (AAIs)

Legislation: [Ancient Monuments and Archaeological Areas Act 1979](#) Parts II & III

There are 7 Areas of Archaeological Importance in York. The largest covers the whole of the City Centre. The City of York [online mapping](#) outlines the location of these.

<u>Your works</u>	<u>What you should do</u>	<u>When you should do it</u>	<u>How to apply</u>
If you plan to develop within an AAI through the <b>planning system</b> .	You must establish the existence and importance of any archaeological remains on the development site. Contact City of York Archaeologist ( <b>DO NOT RELY ON ONLINE HER INFORMATION</b> ) and request a check against the Historic Environment Record.	Prior to making a planning application or as part of planning your operation.	<a href="#">HER search form</a> or speak to City Archaeologist directly
<b>Utility works</b> /work outside of the planning system/ within an AAI.	You must complete an Operations Notice and email to City of York Council through the City of York Archaeologist  <i>AND you must send a copy of the notice to the York Archaeological Trust (YAT)</i>  YAT <b>may</b> claim access to observe and record ground works (an archaeological watching brief). YAT have the authority to claim a period of up to 4 months and 2 weeks access to excavate the site if necessary.	6 weeks (or less if agreed with YAT) before the planned commencement of your works on site.	City of York <a href="#">Operations Notice</a>
<b>Emergency</b> utility works within the AAI	Contact YAT in the first instance (at the same time as notifying Highways) and City of York Archaeologist.  Works which are urgently necessary for health and safety can take place.	As soon as possible.	Call CYC YAT and City Archaeologist.
If you plan to disturb, tip on or flood the ground	You must complete an Operations Notice and email to	6 weeks (or less if agreed with YAT) before the planned	City of York <a href="#">Operations Notice</a>

<u>Your works</u>	<u>What you should do</u>	<u>When you should do it</u>	<u>How to apply</u>
	<p>City of York Council through the City of York Archaeologist</p> <p><i>AND you must send a copy of the notice to the York Archaeological Trust (<a href="#">YAT</a>)</i></p> <p>YAT <b>may</b> claim access to observe and record ground works (an archaeological watching brief). YAT have the authority to claim a period of up to 4 months and 2 weeks access to excavate the site if necessary.</p>	commencement of your works on site.	
If you intend to use a metal detector or magnetic prospection equipment on a site.	You must obtain written consent from Historic England.	Before commencement of any use on site.	<a href="#">Dr. K Emerick</a> , Inspector of Ancient Monuments, Historic England.

### **3) Working within historic villages**

There are many historic villages surrounding York which contain archaeological remains (including burials). Depending on the level and location of works archaeological intervention or monitoring may be required.

If you are carrying out ground disturbing work within the **centre** of an historic village surrounding York that is **not** a designated AAI you should contact the City of York Archaeologist to discuss the area and scope of your works.

Acaster Malbis

Askham Bryan

Askham Richard

Bishopthorpe Main St and Chantry Lane

Copmanthorpe

Dunnington

Earswick

Heslington

Hessay

Holtby

Huntington The Old Village area

Knapton

Murton

Naburn

Nether Poppleton

Osbaldwick village

Rufforth

Skelton

Stockton on the Forest

Strensall The Village, Manor House and St Mary's Church area

Upper Poppleton

Wheldrake

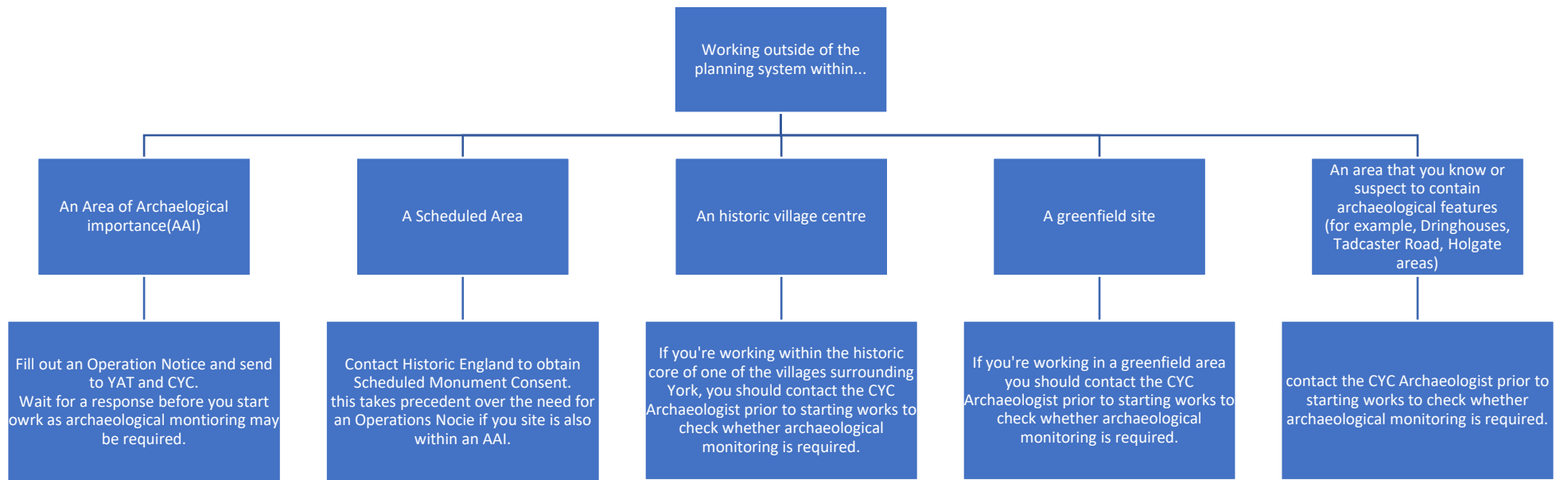
#### **4) Greenfield sites**

Large scale works on greenfield sites (i.e. sewer installation, pylon/cable installation etc) that fall outside of the planning system should also be discussed with the City Archaeologist ahead of works taking place. These may fall outside of Areas of Archaeological Importance or historic village centres.

## 5) Dealing with Human Remains

Legislation: Burial Act 1857 & Disused Burial Grounds Acts 1884 & 1981

<u>Your works</u>	<u>What you should do</u>	<u>When you should do it</u>
If you plan to develop or carry out ground disturbing works within an AAI or within certain high risk areas (Drinhouses/Tadcaster Road/Holgate).	You should ascertain the possibility of presence or absence of burials. Contact City of York Archaeologist.	Before commencement of works on the site.
If you discover bones that might be human remains on your site and <b>don't</b> already have an archaeologist present.	You should stop work and not cause further disturbance to the remains. For historic remains (i.e. likely over 100 years old) you should contact a local archaeological unit (who will contact the City Archaeologist) for advice.  You should only contact the police if you believe the remains to be of more modern origin or suspect foul play.	Immediately on discovery and before removal.
If you plan to remove human remains from a place of burial.	Appoint an archaeologist to do this work if you haven't already done so. Obtain a Section 25 license from the Ministry of Justice.  It is an offence to remove human remains from a place of burial without a Section 25 license.	Apply for <a href="#">license</a> before the removal.
If you plan to erect a building on a disused burial ground that is not a church, chapel, meeting house, or other place of worship.	If your works will not involve the disturbance of human remains then you should obtain an Order from the Ministry of Justice under Section 2(2) of the 1981 Act to dispense with the requirements of Section 2(1) of the Act.  If your works will involve the disturbance of human remains then you should remove the remains in accordance with the provisions of the Schedule to the 1981 Act.	Before commencement of works on the site.  Before commencement of works on the site.
If you plan to carry out works within a consecrated church, chapel burial ground or other structure of the Church of England.	You must contact the Diocesan Registrar and obtain a Faculty from the Diocese of York. Contact the Diocesan Registrar.	Before commencement of works on the site.





## 6) Dealing with Treasure

Legislation: Treasure Act 1996

<u>Your works</u>	<u>What you should do</u>	<u>When you should do it</u>
If you discover any coins or articles of silver or gold in the ground that may be over 300 years old.	You should report these to the Coroner's Office.	Within 14 days of the find.
If you discover any articles with any coins or articles of silver or gold in the ground that may be over 300 years old.	You should report these to the Coroner's Office.	Within 14 days of the find.
If you discover any articles in the ground that may be of base metal and of prehistoric date.	You should report these to the Coroner's Office.	Within 14 days of the find.
If you discover any articles in the ground with any articles that may be of base metal and of prehistoric date.	You should report these to the Coroner's.	Within 14 days of the find.

## 7) Useful contacts

<u>Name</u>	<u>Address</u>	<u>Telephone / Email</u>
Claire MacRae City Archaeologist, City of York Council	West Offices Station Rise York YO1 6GA	01904 551402 Claire MacRae  <a href="mailto:archaeology@york.gov.uk">archaeology@york.gov.uk</a>  <a href="#">Operations Notice</a> application form
Diocesan Registrar, Diocese of York	Stamford House, Piccadilly, York YO1 9PP	01904 623487  <a href="#">Diocesan Registry Website</a>
Historic England	Yorkshire Region 37 Tanner Row York YO1 6WP	01904 601901  <a href="#">Forms and guidance</a> Historic England for SMC
Ministry of Justice	Ministry of Justice, Coroners Unit,  Burial Team 102 Petty France, London SW1H 9AJ	(0203) 334 6390  <a href="mailto:coroners@justice.gsi.gov.uk">coroners@justice.gsi.gov.uk</a>  <a href="#">Burial License</a> application form
North Yorkshire Police	North Yorkshire Police Newby Wiske Northallerton North Yorkshire DL7 9HA	<a href="http://www.northyorkshire.police.uk/contact">http://www.northyorkshire.police.uk/co ntact</a>  Call 101 - for all non-emergencies
York Archaeological Trust (York Archaeology)	Paul Flintoft Regional Manager 47 Aldwark York	07908210025  <a href="mailto:pflintoft@yorkat.co.uk">pflintoft@yorkat.co.uk</a>
York Coroner	Mr Jonathan Leach  Ware and Kay Sentinel House Peasholme Green York YO1 7PP	

## 8) Copy of Operations Notice

Available to download <https://www.york.gov.uk/downloads/download/349/operations-notice>

NOTICE TO BE GIVEN BEFORE CARRYING OUT IN AN AREA OF ARCHAEOLOGICAL IMPORTANCE, OPERATIONS WHICH DISTURB THE GROUND, FLOODING OPERATIONS, OR TIPPING OPERATIONS

### OPERATIONS NOTICE

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979: SECTION 35

*(To be completed by or on behalf of the Developer (footnote 1), please type or use block letters)*

Name

.....

Address

.....

.....

.....

Postcode ..... Phone

.....

Email .....

hereby give notice of my/our intention to carry out the operations described below.

A certificate in accordance with section 35 of the Ancient Monuments and Archaeological Areas Act 1979 accompanies this notice *(see second page)*

I/We understand that if within six weeks of serving this notice I/We carry out or cause or permit to be carried out any operations referred to in this notice I/We may be guilty of an offence under section 35 of the 1979 Act.

#### ***Particulars of proposed operations***

**1. Brief description of proposed operations *(footnote 2)***

.....

*(Please enclose all relevant plans, sections and other drawings which adequately describe the proposed operation)*

**2. The Site on which the operations are to be carried out**

Name *(if any)*

.....

Address or location

.....

.....

Ordnance Survey National Grid Reference

.....

*( A clear plan showing the extent of the site and a 1:1250 location plan must be provided)*

**3. The date on which it is proposed to begin the operations**

.....

4. **Where the operations are to be carried out after clearance of the site** (footnote3), **the estimated date for completion of the clearance operations** (footnotes 4 & 5) (Delete if not applicable)

Signature ..... Date .....

on behalf of

.....  
Please give the name and address of the agent (if any) to whom correspondence should be sent.

Name

.....  
Address

.....  
Postcode.....Phone

.....Email.....

**SERVICE OF THIS NOTICE**

This notice is to be served on the City of York Council, Design and Conservation (2<sup>nd</sup> floor), West Offices, Station Rise, York, YO1 6GA [archaeology@york.gov.uk](mailto:archaeology@york.gov.uk)

A copy should also be sent to [pflintoft@yorkat.co.uk](mailto:pflintoft@yorkat.co.uk) York Archaeological Trust, Cuthbert Morrell House, 47 Aldwark, York, YO1 7BX.

**FOOTNOTES**

1. "Developer" means any person carrying out or proposing to carry out any operations: (section 35(3) of the 1979 Act).
  
2. "Operations" means operations which disturb the ground; flooding operations; and tipping operations; (section 35(2) of the 1979 Act). "Flooding operations" means covering land with water or any other liquid or partially liquid substance; (section 61 (1) of the 1979 Act). "Tipping operations" means tipping soil or spoil or depositing building or other materials or matter (including waste materials or refuse) on any land; (section 61(l) of the 1979 Act). A reference to operations on any land includes a reference to operations in, under or over the land in question; (section 41(l)(c) of the 1979 Act).
  
3. "Clearance of the site" means the demolition and removal of any existing building or other structure on the site and the removal of any other materials thereon so as to clear the surface of the land (but does not include the leveling of the surface or the removal of the materials from below the surface); (section 41(l)(d) of the 1979 Act).
  
4. "Clearance operations" means operations undertaken for the purpose of or in connection with the clearance of any site; (section 4(l)(e) of the 1979 Act).
  
5. Immediately on completion of clearance of the site the developer must notify the investigating authority for the **Area of Archaeological Importance** in question. The investigating authority is York Archaeological Trust, Cuthbert Morrell House, 47 Aldwark, York, YO1 7BX. Phone: 01904 663018

**6.** *It is not necessary to serve a notice in this form in a case where the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984 provides exemption for the proposed operations.*

**CERTIFICATE FOR THE PURPOSES OF SECTION 35 OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979**

Certificate accompanying an operations notice

**1. Name**

.....

Address

.....

.....

Postcode.....Phone.....Email.....

hereby certify that with regard to the accompanying operations notice dated

.....

*(insert date)*

given by or on behalf of

.....

*(insert name of the Developer in the operations notice)*

relating to operations at

.....

*(give particulars of the site of the proposed operations)*

(a) I/We have an interest in the site of the operations which (apart from any restrictions imposed by law) entitles me/us to carry out the operations in question; or

(b) I/We have a right to enter on and take possession of the site of the operations under section 11 (1) or (2) of the Compulsory Purchase Act 1965 (powers of entry on land subject to compulsory purchase);

(c) This certificate is issued by statutory undertakers entitled to carry out the operations in question by or under the following enactment

*(see footnote & insert enactment)*

.....

*Tick the box which applies*

Signed ..... Date .....

on behalf of

.....

*Please give the name and address of the agent (if any) to whom correspondence should be sent*

*Name*

.....

*Address*

.....

.....

*Postcode.....Email.....*

2. (To be completed only where the person issuing this certificate is not the Developer)

I ..... (name of person

issuing certificate) hereby state that I have authorised the Developer mentioned in the accompanying operations notice

dated .....(insert date of operations notice) to carry out the operations referred to in that notice.

Signed ..... (signature of the person issuing this Certificate)

Date.....

NOTE It is an offence for anyone to issue a certificate which contains a statement which they know to be false or misleading.

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**FOOTNOTE**

"Enactment" includes an enactment in any local or private Act of Parliament, and order, rule, regulation, bye-law or scheme made under an Act of Parliament; (section 61(l) of the 1979 Act).