

SCOTTISH DEVELOPMENT DEPARTMENT

APPLICATION FOR SCHEDULED MONUMENT CONSENT

UNDER ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

This form is for use in applying for consent to do works affecting a monument scheduled as of national importance under the Ancient Monuments and Archaeological Areas Act 1979 (hereinafter referred to as the 1979 Act).

IMPORTANT: Please check whether you require planning permission, or permission under any other enactments, in addition to scheduled monument consent. (Listed building consent under the Town and Country Planning (Scotland) Acts is not required where the scheduled monument is also listed as a building of special architectural or historic interest under those Acts).

GENERAL

Under section 2 of the 1979 Act it is an offence to do works affecting a scheduled monument without the prior written consent of the Secretary of State ("scheduled monument consent"). Such works are defined as

"any works 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 or of making any alterations or additions thereto; and

any flooding or tipping operations on land in, on or under which there is a scheduled monument."

Consent may be granted subject to conditions or may be refused and, if so, compensation may be available.

CERTIFICATE OF OWNERSHIP AND NOTIFICATION TO JOINT OWNERS

When completed, this form must be accompanied by one of the appended certificates A, B, C or D about your ownership of the monument and the notice given to joint owners about your application for consent. The form of the notice to be given to joint owners is also appended.

ADDRESS TO WHICH APPLICATION AND CERTIFICATE OF OWNERSHIP ARE TO BE SENT

The completed application form and accompanying certificate should be sent to the Secretary, Scottish Development Department, Ancient Monuments Division, 3-11 Melville Street, Edinburgh EH3 7QD.

It would be helpful to the Department to know whether assistance from the Department of Agriculture for Scotland or the Forestry Commission is to be sought with the works.

PART I

1. Full name and address of applicant(s) (BLOCK LETTERS)

RT. HON. THE EARL CAWDOR, FRICS, FSA
CAWDOR CASTLE, NAIRN
IV12 5RD.
(Telephone number) ... (066 77) 615 214

2. Full name and address of applicant(s) agent, if any

R. B. GOURLAY, M.A. MIFA, FSA SCOT.
ARCHAEOLOGIST, DEPT. LIBRARIES & LEISURE SERVICES
GLENURQUHART ROAD, INVERNESS, IV3 5NX
(Telephone number) ... (0463) 234121 EXT. 447

PART II

I/We hereby apply for scheduled monument consent in respect of proposed works affecting the monument specified in Part III below (which is a monument included in the schedule of monuments of national importance compiled by the Secretary of State) in accordance with the particulars given in Part III of this form and with the plans which accompany this application.

Signature of Applicant or Agent ... *A de Candia*

Date ... 28 Jan 1987

PART III

3. Legal interest of the applicant in the monument eg owner, occupier, lessee

OWNER

4. i. Name and address of owner of the monument (if not the applicant)

ii. Name and address of the occupier of the monument (if not the applicant)

5. Name and location of scheduled monument (attach plan and quote Ordnance Survey reference, if known)

LOCHINDORB CASTLE, NAIRN DISTRICT, HIGHLAND REGION.*

NGR: NH 9745 3632

* LOCATION PLAN ATTACHED.

6. Nature of proposed works. (It should be stated if they involve any demolition or destruction of the monument and/or consist solely of operations incidental to the use of the site of the monument for the purposes of agriculture or forestry). (Attach any plans or drawings necessary to describe the works).

CONSOLIDATION OF STONEMWORK AS PER ATTACHED SCHEDULE.

7. Brief indication of purpose of proposed works

TO MAINTAIN THE FABRIC OF THE MONUMENT AND PROTECT FROM FURTHER DETERIORATION

FULL DETAILS OF LONG-TERM PROPOSAL AS PER ATTACHED SCHEDULE.

8. Have the proposed works received planning permission? YES/NO. If yes, when? OR Have you applied for planning permission? YES/NO. If yes, when? OR Do you intend to apply for planning permission? YES/NO.

If the answer to any of the above questions is YES, please provide details of the area to which the planning permission relates and the authority to whom application has been or will be made.

CERTIFICATE A
(To be used by sole owner)

I hereby certify that, at the beginning of the period of twenty-one days ending with the date of the accompanying application, no person other than [myself] [the applicant]* was the owner (a) of the monument to which the application relates.

Signed

[] on behalf of []*

Date

OR

CERTIFICATE B
(To be used by joint owner)

I hereby certify that [I have] [the applicant has]* given the requisite notice to all the persons other than [myself] [the applicant]* who, at the beginning of the period of twenty-one days ending with the date of the accompanying application, were owners (a) of the monument to which the application relates, viz

Name of owner	Address	Date of service of notice

Signed

[] on behalf of []*

Date

OR

CERTIFICATE C
(To be used by joint owner who is unable to identify all other joint owners)

I hereby certify that

(Certificate A or B)

1. [I am] [The applicant is]* unable to issue a certificate/in accordance with either sub-paragraph (a) or sub-paragraph (b) of paragraph 2(1) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 in respect of the accompanying application.

2. [I have] [The applicant has]* given the requisite notice to the following persons other than [myself] [the applicant]* who, at the beginning of the period of twenty-one days ending with the date of the accompanying application, were owners (a) of the monument to which the application relates, viz

Name of owner	Address	Date of service of notice

3. [I have] [The applicant has]* taken steps reasonably open to [me] [him]* to ascertain the names and addresses of the other owners (a) of the monument and [have] [has]* been unable to do so.

Signed

[on behalf of _____]*

Date

OR

CERTIFICATE D

(To be used by joint owner who is unable to identify any other joint owner)

I hereby certify that [I am] [the applicant is]* unable to issue a certificate in accordance with sub-paragraph (a) of paragraph 2(1) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 in respect of the accompanying application and [have] [has]* taken the steps reasonably open to [me] [him]* to ascertain the names and addresses of all the persons other than [myself] [himself]* who, at the beginning of the period of twenty-one days ending with the date of the application, were owners (a) of the monument to which the application relates and [have] [has]* been unable to do so.

Signed

[on behalf of _____]*

Date

NOTES

(a) "Owner" means a person who, in respect of any part of the monument, is under the Lands Clauses Acts enabled to sell and convey the land to the promoters of an undertaking, any person who is entitled to possession of the land as tenant under a lease, the unexpired period of which is not less than ten years, an agricultural tenant as defined in the Agricultural Holdings (Scotland) Act 1949 or a crofter as defined in the Crofters (Scotland) Act 1955.

NOTICE TO JOINT OWNER

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

Notice of application for scheduled monument consent

Proposal to carry out work affecting (a)

TAKE NOTICE that an application is being made to the Secretary of State for Scotland by (b) for scheduled monument consent to (c). If you wish to make representations to the Secretary of State about the application, you should make them in writing before the time when he considers his decision on the application. In order to ensure that representations are received in time, they should be lodged not later than (d) with the Secretary, Scottish Development Department, Ancient Monuments Division, 3-11 Melville Street, Edinburgh EH3 7QD.

Signed

[on behalf of

]*

Date

*Delete where inappropriate.

NOTES

- (a) Insert name, address or location of the monument with sufficient precision to ensure its identification.
- (b) Insert name of applicant.
- (c) Insert description of proposed works and name, address or location of the monument.
- (d) Insert date 28 days later than the date on which the notice is served.