



ENGLISH HERITAGE
EAST OF ENGLAND REGION

Mr Chris Burton
Managing a Masterpiece
c/o Suffolk County Council
Endeavour House
Ipswich
IP1 2BX

Direct Dial: 01223 582711
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7 December 2011

Dear Mr Burton

**Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2
control of works
Application for Scheduled Monument Consent**

**CLARE CASTLE, CLARE, SUFFOLK
Scheduled Monument No: SM SF 52, HA 1006044
Our ref: S00022972
Application on behalf of Suffolk County Council**

1. I am directed by the Secretary of State for Culture, Media & Sport to advise you of the decision regarding your application for Scheduled Monument Consent dated 17 October 2011 in respect of proposed works at the above scheduled monument concerning the installation of a flag pole attached to shell keep. The works were described in the following documentation submitted by you:

- Application
- Civil and Structural Engineering Report

2. In accordance with paragraph 3(2) of Schedule 1 to the 1979 Act, the Secretary of State is obliged to afford you, and any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed for that purpose. This opportunity was offered to you by English Heritage and you have declined it.

3. The Secretary of State is also required by the Act to consult with the Historic Buildings and Monuments Commission for England (English Heritage) before deciding whether or not to grant Scheduled Monument Consent. English Heritage considers the effect of the proposed works upon the monument to be beneficial for the presentation



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*English Heritage is subject to the Freedom of Information Act. All information held by the organisation will be accessible in response to a Freedom of Information request, unless one of the exemptions in the Act applies.
English Heritage will use the information provided by you to evaluate your application for Scheduled Monument Consent. Information contained in this application and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration, where applicable.*



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and public enjoyment of the monument with only a minor impact on the monument which is unlikely to cause significant archaeological damage and which does not require any archaeological supervision or recording.

I can confirm that the Secretary of State is agreeable for the works to proceed providing the conditions set out below are adhered to, and that accordingly Scheduled Monument Consent is hereby granted under section 2 of the 1979 Act for the works described in paragraph 1 above, subject to the following conditions:

- (i) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by English Heritage. At least 2 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to John Ette, Inspector of Ancient Monuments and Robert Parkinson, Historic Buildings Architect in order that an English Heritage representative can inspect and advise on the works and their effect in compliance with this consent.
- (ii) Photographs shall be prepared of the monument before the start and after completion of the works and a set of the prints shall be sent to English Heritage John Ette within 3 months of the completion of the works (or such other period as may be mutually agreed).
- (iii) Where consent is transferable to future owners, English Heritage shall be notified of land disposal upon completion of the sale.
- (iv) Original material shall be reused wherever possible.
- (v) Any replacement stone shall be of a suitable size, and laid in courses to match the original courses and joint widths.
- (vi) All fixings shall be made into the joints and not into the brick/ stone.
- (vii) All pointing and mortar work shall be in a mixture and finish to match the existing in composition, colour, texture and style.
- (viii) Care shall be taken that fittings do not rust so as to stain the brickwork/ masonry.
- (ix) All those involved in the implementation of the works granted by this consent must be informed by the owner, occupier and/or developer that the land is designated as a scheduled monument under the Ancient Monuments and



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Archaeological Areas Act 1979 (as amended); the extent of the scheduled monument as set out in both the scheduled monument description and map; and that the implications of this designation include the requirement to obtain Scheduled Monument Consent for any works to a scheduled monument from the Secretary of State prior to them being undertaken.

- (x) Equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument other than that which is expressly authorised in this consent.
- (xi) No building works shall take place until the applicant has confirmed in writing the commissioning of a programme of archaeological work before and during the development in accordance with a written scheme of investigation which has been submitted to and approved by the Secretary of State advised by English Heritage.

4. By virtue of section 4 of the 1979 Act, if no works to which this consent relates are executed or started within the period of five years beginning with the date on which this consent was granted (being the date of this letter), this consent shall cease to have effect at the end of that period (unless a shorter time period is set by a specific condition above).

5. This letter does not convey any approval or consent required under any enactment, bye law, order or regulation other than section 2 of the Ancient Monuments and Archaeological Areas Act 1979.

6. Your attention is drawn to the provisions of section 55 of the 1979 Act under which any person who is aggrieved by the decision given in this letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds upon which an application may be made to the Court are (1) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded the relevant powers) or (2) that any of the relevant requirements have not been complied with and the applicant's interests have been substantially prejudiced by the failure to comply. The "relevant requirements" are defined in section 55 of the 1979 Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 and the requirements of any regulations or rules made under those Acts.



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Yours sincerely

John Ette

Team Leader and Inspector of Ancient Monuments

E-mail: john.ette@english-heritage.org.uk

For and on behalf of the Secretary of State for Culture, Media and Sport

cc David Kenny, HEFA



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