

Archaeology Guidance Notes for Utility Companies, Developers and Contractors working in York

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For more information contact Claire MacRae, City of York Archaeologist,
email: archaeology@york.gov.uk.

1. Working on or within a designated Scheduled Monument or Area

See legislation: [Ancient Monuments and Archaeological Areas Act 1979](#), Part 1, in relation to:

- [Working within a boundary](#)
- [Using a metal detector or geophysical equipment](#)
- [Emergency utility works](#)

1.1 Working within a boundary

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.

It is a criminal offence to start works of any description before SMC has been formally granted. Before starting any works on the site:

- contact the City of York Archaeologist in the first instance
- consult with Historic England on your application for SMC
- complete relevant sections of the [SMC form](#), enclosing an ordnance survey map showing the location of the site and proposed works
- enclose all plans, sections, elevations and working drawings applicable to the works; consent will only apply to works included on application drawings
- enclose the archaeologist's comments or report

Applications must be sent to Dr Emerick, Inspector of Ancient Monuments, Historic England, by email:

Keith.Emerick@HistoricEngland.org.uk

1.2 Use of metal detector or geophysical equipment

Before start of any works on site, if you intend to use a metal detector or geophysical equipment, you must obtain written consent from Historic England; see [Forms and guidance](#) from Historic England.

1.3 Emergency utility works

Utility 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 and you must notify Historic England as soon as possible while emergency works are taking place.

2. Working within designated Areas of Archaeological Importance (AAI)

There are 7 Areas of Archaeological Importance in York, see: <https://www.york.gov.uk/AAI>. See legislation: [Ancient Monuments and Archaeological Areas Act 1979](#) Parts 2 and 3 in relation to:

- [developing within an AAI through the planning system](#)
- [working outside of the planning system, within an AAI](#)
- [Emergency utility works within an AAI](#)
- [disturbing, tipping on, or flooding the ground](#)
- [using a metal detector or magnetic prospection equipment](#)

2.1 Developing within an AAI through the planning system

Prior to making a planning application or as part of planning your operation, if you plan to develop within an AAI through the planning system you must establish the existence and importance of any archaeological remains on the development site. Contact the City of York Archaeologist and [request a check against the Historic Environment Record](#) (do not rely on online her information).

2.2 Working outside of the planning system, within an Areas of Archaeological Importance (AAI)

To undertake works outside of the planning system, within an AAI you must complete an Operations Notice. Send completed documents by email to City of York Council, via the City of York Archaeologist, and to York Archaeological Trust (YAT) 6 weeks before the planned commencement of your works on site.

YAT may 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.

2.3 Emergency utility works within an AAI

To undertake emergency utility works within an AAI you must, as soon as possible, contact York Archaeological Trust (YAT) in the first instance, and City of York Archaeologist. Works which are urgently necessary for health and safety can take place.

2.4 Disturbing, tipping on, or flooding the ground

If you plan to disturb, tip on or flood the ground you must complete an Operations Notice. Send completed documents by email to City of York Council, via the City of York Archaeologist, and to York Archaeological Trust (YAT) 6 weeks before the planned commencement of your works on site.

YAT may 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.

2.5 Using a metal detector or magnetic prospection equipment

Before commencement of any use on site, if you intend to use a metal detector or magnetic prospection equipment you must obtain written consent from Historic England. Contact Dr Emerick, Inspector of Ancient Monuments.

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're 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 Street 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 (such as sewer installation, pylons, cable installation) that fall outside of the planning system should be discussed with the City of York Archaeologist ahead of works taking place. These may fall outside of Areas of Archaeological Importance or historic village centres.

5. Dealing with human remains

See legislation: Burial Act 1857 & Disused Burial Grounds Acts 1884 & 1981 in relation to:

- [developing or carrying out ground disturbing works](#)
- [discovering bones that might be human remains](#)
- [removing human remains from a place of burial](#)
- [erecting a building on a disused burial ground](#)
- [carrying out works within a consecrated or structure](#)

5.1 Developing or carrying out ground disturbing works

Before commencement of works on the site, if you plan to develop or carry out ground disturbing works within an AAI or within certain high risk areas (Dringhouses/Tadcaster Road/Holgate) you should ascertain the possibility of presence or absence of burials by contacting the City of York Archaeologist.

5.2 Discovering bones that might be human remains

Immediately on discovery and before removal, if you discover bones that might be human remains on your site, you should stop work and not cause further disturbance to the remains. You should contact the police, the Coroner's Office, and an archaeological unit (who will contact the City Archaeologist) for advice.

5.3 Removing human remains from a place of burial

If you plan to remove human remains from a place of burial you should appoint an archaeologist to do this work and obtain a Section 25 license from the Ministry of Justice before the removal. It is an offence

to remove human remains from a place of burial without a Section 25 license.

5.4 Erecting a building on a disused burial ground

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, and:

- works **will not** involve the disturbance of human remains - 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, before commencement of works on the site
- works **will** involve the disturbance of human remains - you should remove the remains in accordance with the provisions of the Schedule to the 1981 Act, before commencement of works on the site

5.5 Carrying out works within a consecrated or structure

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.

6. Dealing with treasure

Within 14 days of a find you should report to the Coroner's Office if you've discovered:

- coins or articles of silver or gold in the ground that may be over 300 years old
- articles with any coins or articles of silver or gold in the ground that may be over 300 years old
- articles in the ground that may be of base metal and of prehistoric date
- articles in the ground with any articles that may be of base metal and of prehistoric date

7. Useful contacts

Claire MacRae, City Archaeologist

City of York Council
West Offices
Station Rise
York
YO1 6GA

Telephone: 01904 551402

Email: archaeology@york.gov.uk

Website: www.york.gov.uk/archaeology

Diocesan Registrar, Diocese of York

Stamford House
Piccadilly
York
YO1 9PP

Telephone: 01904 623487

Website: dioceseofyork.org.uk/running-your-church

Historic England Yorkshire Region

37 Tanner Row
York
YO1 6WP

Telephone: 01904 601901

Website: [Forms and guidance Historic England for SMC](#)

Ministry of Justice

Ministry of Justice
Coroners Unit, Burial Team
102 Petty France
London
SW1H 9AJ

Telephone: 02033 346390

Email: coroners@justice.gsi.gov.uk

Website: [Burial License application form](#)

North Yorkshire Police

Newby Wiske
Northallerton
North Yorkshire
DL7 9HA

Telephone: 101 (non-emergencies)

Website: www.northyorkshire.police.uk/contact

Ian Milsted, York Archaeological Trust

47 Aldwark
York

Telephone: 01904 663000

Email: imilsted@yorkat.co.uk

Mr Jonathan Leach, York Coroner

Ware and Kay Sentinel House
Peasholme Green
York
YO1 7PP

Telephone: 01904 716000