

**Guidance on making a request to Review a Scheduling Decision**

Requests may be made to review scheduling decisions made by the Secretary of State for Digital, Culture, Media & Sport (DCMS). This applies to decisions to add to, not to add to, to delete from or not to delete from the statutory schedule of ancient monuments. Please read these notes carefully before completing the Review Request Form.

**General information when requesting a scheduling review**

1. The review process allows requests to overturn a scheduling decision only when there is significant evidence to indicate that a decision has been wrongly made.
2. The Secretary of State’s published policy allows a period of 28 consecutive days from the date of the decision letter from Historic England in which a review may be requested. A review request must be received by the Department within that 28 day period preferably on the Department’s Review Request Form. The Department does not extend this deadline except in very exceptional circumstances.
3. The review request must contain substantive grounds with significant evidence. Speculative review requests relying on the possibility of substantive grounds emerging, for example from excavation of the monument or from the response to a request under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, will not be accepted. The 28 day period will not be extended while speculative research is carried out.
4. The opportunity remains, under the Ancient Monuments and Archaeological Areas Act 1979, for a further scheduling application to be made to Historic England should significant new information come to light at a date after the 28 days have elapsed.

**Completing the review request form**

It is important that you complete all sections as fully as you can. Sections marked with an asterisk must be completed for a review to be considered.

**Section A – Key dates**

Review requests and supporting evidence must be submitted to DCMS within 28 days of the date of the decision letter from Historic England (see general information above).

**Section B – Applicant contact details**

Please provide your name and contact details. We are unable to process review requests unless we have your name and are able to contact you.

**Section C – Details of the monument**

Please provide the name, location and case number for the monument (not the schedule entry number). A case number appears on the decision letter from Historic England and on their advisor’s report.

**Section D and E – Your grounds for requesting a review**

Please provide a very brief summary of your grounds for review in Section D, followed by your detailed but concise arguments in Section E. The Secretary of State only considers overturning decisions in certain circumstances. Consideration for overturning a decision will only be given if there is evidence that the original decision has been wrongly made. Examples of a wrongly made decision would be:

1. Where there has been a significant factual error, e.g. the wrong monument was scheduled; or
2. Where there has been some irregularity in the process that has affected the outcome, e.g. significant relevant considerations have not been taken into account/significant irrelevant considerations have been taken into account.

The Secretary of State also considers overturning decisions if there is significant **new** evidence, not previously considered, relating to the **national importance of the monument** as defined by the Ancient Monuments and Archaeological Areas Act 1979. For example:

1. Where significant new evidence relating to the extent or survival of the monument has been discovered; or
2. Where there has been a material change of circumstances affecting the assessment of a monument, e.g. where the monument has been altered to such an extent that it has lost its features of national importance.

Please note that, in all the above cases, the Secretary of State can only consider issues which relate to the national importance of the monument. This can be measured using the non-statutory criteria for scheduling which are published as *Annex 1* of the DCMS document *Scheduled Monuments*. The document can be downloaded at: https://www.gov.uk/government/publications/scheduled-monuments-policy-statement or if you would like this document in a different format, please contact 020 7211 6200. Please also note that the inclusion of monuments in the schedule (or their removal from it) is at the discretion of the Secretary of State.

The non-statutory criteria are supported by the Historic England Scheduling Selection Guides for particular monument types. These are available on the Historic England website at:

<https://www.historicengland.org.uk/listing/selection-criteria/scheduling-selection/>

If you would like these documents in a different format, please contact the Historic England Customer Services Department. Telephone: Telephone: 0370 333 0607.

Textphone: 0800 015 0516. Email: customers@HistoricEngland.org.uk

Other factors, such as the cost of upkeep or maintenance of a scheduled monument, planning considerations and local importance, cannot be taken into account. The repeated submission of evidence previously considered will not on its own be sufficient to trigger a review. The Secretary of State is also unable to conduct a review if you disagree with Historic England’s advice or the Secretary of State’s decision but do not provide new supporting evidence.

You should set out clearly your grounds for review and evidence with reference both to the four numbered points above and to the non-statutory criteria in the DCMS document *Scheduled Monuments.* You should detail clearly and concisely how you think the monument meets, or does not meet, the non-statutory criteria for scheduling. If you are providing additional documentation in support of your review request please ensure that the sections relevant to your grounds for review are clearly identified on the document itself. The onus is on you to provide the evidence to support your review request; DCMS and Historic England are not able to undertake additional research on your behalf.

Please remember that until and unless the Secretary of State overturns his original decision the original decision stands.

**Section F – Supporting Documentation**

In this section please provide a checklist of the documents you are submitting, if any.

**Section G – Current threats to the monument**

Please provide details of any current substantiated threats to the monument. This will help us to prioritise our assessment of your review request but does not otherwise contribute to the review decision.

**Submitting your scheduling review request**

Please submit your completed Review Request Form with any supporting evidence, **preferably by e-mail**, to: review.requests@DCMS.gov.uk (file attachments may not exceed 24 MB). Documents submitted by e-mail do not also need to be provided in hard-copy.

If you do not have access to e-mail, or your documents exceed the 24MB limit, review requests may be posted to:

The Listing and Scheduling Review Team,

Department for Digital, Culture, Media & Sport,

4th Floor,

100 Parliament Street,

London

SW1A 2BQ