ANCIENT MONUMENTS ACT, 1931

ROMAN WALL AND VALLUM
PRESERVATION SCHEME
1938.

Scheme for preserving the amenities of certain parts of the Ancient Monuments known as the Roman Wall & Vallum which run across Northumberland and comprise a stone wall with its ditch, camps, mile castles, turrets and subsidiary works and an earthwork or vallum running at various distances south of the stone wall.
ANCIENT MONUMENTS ACT, 1931.

NOTE. This scheme comes into force on the date specified in the Order confirming it.

SCHEME for preserving the amenities of certain parts of the Ancient Monuments known as the Roman Wall and Vallum which run across Northumberland and comprise a stone wall with its ditch, camps, mile castles, turrets and subsidiary works and an earthwork or vallum running at various distances south of the stone wall.

1. Area of the Scheme.

The areas to which the scheme is applicable, hereinafter referred to as "the controlled areas", are those which lie within the inner edge of the border coloured blue on the map annexed hereto.

2. Restrictions on User of Land and on building.

A. Within the controlled areas coloured yellow on the map:

(1) No new buildings, structures or other works may be constructed, erected or executed above ground except such as are to be occupied together with land which is used mainly or exclusively for agriculture, whether as arable, meadow, pasture ground or orchard or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and is to be used for any of those purposes.

(2) No new building, structure or work and no alteration or extension of any building, structure or work which might materially affect its external appearance shall be commenced until the site, elevation, design and materials of the proposed works have received the approval in writing of the Commissioners of Works.

B. Within the controlled areas coloured pink and edged red on the map:

I. So long as these areas are held under the terms of any lease or Agreement for the purpose of the quarrying or working of any stone or minerals made before the date when notice was published in the London Gazette of the intention to confirm this Scheme:

(1) No new buildings may be constructed, erected or executed above ground except such as are necessary for the purpose of any such lease or Agreement.

(2) No new building, structure or other work or alteration or extension of any existing building, structure or work may be carried to a height exceeding 70 feet from the natural ground level.

(3) No building, structure or other work shall be constructed, erected or executed or materially changed in external appearance except in accordance with elevations and designs approved by the Commissioners of Works in writing.

II. So soon as these areas or any part thereof cease to be held under any such Lease or Agreement, the same shall be subject to the restrictions on user of land and on building contained in the preceding paragraph A.
C. Within the whole of the controlled areas:-

(1) Any person carrying on by himself, his agent or partner any manufacture, industry or occupation (other than agriculture, horticulture, forestry, farming, stock-keeping and the like industries) which it shall appear to the Commissioners of Works expedient to prohibit for the purpose of preserving the amenities of the monuments may be served by the Commissioners of Works with notice to discontinue such manufacture or industry within the controlled areas generally or within such portion or portions thereof as may be specified in the notice and such person shall within 3 months from the service of such notice discontinue such manufacture or industry accordingly. Provided however, that this prohibition shall not apply to manufacture or industries which are already carried on in the controlled areas, at the place or places where they are so carried on at the date when notice was published in the London Gazette of the intention to confirm this Scheme.

(2) No person may excavate for the purpose of obtaining any stone, minerals, sand or gravel or for any other purpose whatsoever or deposit slag heaps or refuse heaps of any description without the consent in writing of the Commissioners of Works who may grant their consent upon such conditions as to them may appear necessary to secure the preservation of the amenities of the Monuments.

Provided that stone or minerals may be quarried or worked in the areas coloured pink and edged red pursuant to and in accordance with (but not otherwise) the terms of any lease or agreement for the purpose of the quarrying or working of any stone or minerals made before the date when notice was published in the London Gazette of the intention to confirm this Scheme.

(3) No person may construct any waterworks or reservoirs except on a site and in a manner approved of in writing by the Commissioners of Works, after consultation with the Minister of Health.

(4) No works may be commenced for the widening or reconstruction of any existing road or for the construction of a new road without the written consent of the Commissioners of Works first had and obtained to the site and nature of the said works and to the manner of their execution; Provided that John Frederick Wake or any person deriving title under him and Sir Hugh Blackett and his successors and lessees in perpetuity may construct along the green line shown on the map annexed to this Scheme an approach road not exceeding fifteen feet in width from the Newcastle and Carlisle main road to his proposed quarry in the Melkridge area coloured pink and edged red. Such road shall be carried over the Vallum on a wooden trestle bridge which shall be removed by the said John Frederick Wake or his assigns at the termination of his present lease of the mineral rights if so required by the Commissioners of Works.

3. Control of Overhead Wires and Ropeways and Railways.

Within the controlled areas no overhead wires or ropeways or railways may be erected or constructed without the prior approval in writing of the Commissioners of Works both to the site and to the design of the proposed works, with the exception that John Frederick Wake or any person deriving title under him and Sir Hugh Blackett and his successors and lessees in perpetuity may construct a ropeway along the broken blue line shown on the map in the Melkridge area coloured pink and edged red provided that the standards of the said ropeway are so placed as not to interfere with the Vallum and the height of the standards does not exceed 50 feet above actual ground level;
and with the exception that Sir Hugh Blackett his successors and
lessees in perpetuity may construct a separate aerial railway a
light railway or any other reasonable means of access to and from
his mineral area lying to the north of the northern boundary of the
area coloured yellow on the map annexed, down to the London and
North Eastern Railway at the Old Blackett Colliery Yard, Maltkrige,
adojining the Three Horseshoes Inn, somewhere between the ropeway
proposed to be constructed by John Frederick Wake under Section 3 of
this Scheme and the western boundary of his royalty.


Within the controlled areas:--

(1) No advertisement may be displayed or hoarding set up
excepting advertisements or hoardings which relate solely to trade
or business carried on or to an entertainment, meeting, auction,
sale or letting to be held upon or in relation to the land upon
which the said hoarding or advertisement is displayed. No board
advertising properties for disposal or letting shall exceed six
feet square in size, and on no property shall more than one such
board be displayed unless such property exceeds ten acres in area
in which case an additional board or boards may be displayed
provided the approval in writing of the Commissioners of Works is
first obtained. No other advertisement or hoarding of any kind
larger than six feet by four feet or having its upper edge more than
ten feet from the surface of the ground may be fixed to the outside
wall of a building or to any other wall, fence or erection.

(2) No visible apparatus in connection with a petroleum filling
station may be erected without the prior approval in writing of the
Commissioners of Works alike to the site of the apparatus or station,
the colour in which it is to be painted and its general elevation.

5. Application for Consent.

All applications under this Scheme for the consent or
approval of the Commissioners of Works shall be made in writing and
served upon them at His Majesty’s Office of Works, Storey’s Gate
S.W.1., by being sent by post as addressed to them.

All applications, plans, sections and other documents
delivered to H.M. Office of Works or to any official of the
Commissioners of Works in pursuance of this Scheme shall on delivery
become the property of the Commissioners of Works.


The Commissioners of Works or any of their officers,
 servants or agents on production of the written authority of the
Commissioners of Works shall after three days notice to the occupier,
if any, be admitted into or upon any property in the controlled areas
at any time between the hours of 9 in the forenoon and 6 in the
afternoon for the purpose of any inspection necessitated by the pro-
visions of this Scheme or of ascertaining whether the provisions of
the Scheme are being observed.

7. Notices required or authorised to be served under the Scheme.

Any notice required or authorised to be served under the
Scheme upon the owner or occupier of any property affected by the
Scheme may be served either by delivering it or leaving it at the
usual or last known place of abode of the person on whom it is to be
served or by sending it by post as a registered letter addressed to
be addressed to the "owner" or "occupier" of the property (describing it) without further name or description.

8. **Interpretation.**

The Interpretation Act, 1889 (52 and 53 Vict. c.65) shall apply to the interpretation of this Scheme as it applies to an Act of Parliament.

9. **Short Title and Deposit of Copies.**

(a) This scheme may be cited as the Roman Wall and Vallum Preservation Scheme 1936.

(b) A sealed copy of this Scheme with map annexed shall be kept available for public inspection at all reasonable times at the Offices of the Commissioners of Works, Storey's Gate, S.W.1, and other such copies shall be so kept at the Office of the Commissioners at 65, Westgate Road, Newcastle-upon-Tyne, at the Rural District Council Offices, Haltwhistle, Northumberland, and at the Rural District Council Offices, Priestpopple House, Hexham, Northumberland.
ANCIENT MONUMENTS ACT, 1931

Section 1. - (1) For the purpose of preserving the amenities of any ancient monument, the Commissioners may, subject to the provisions of this section, prepare and confirm a scheme (hereafter in this Act referred to as "a preservation scheme") for any area comprising or adjacent to the site of the monument, being an area to which, in the opinion of the Commissioners, it is necessary or expedient for that purpose that the scheme should apply.

(2) Every preservation scheme shall define by reference to a map annexed thereto the area to which the scheme is applicable (hereafter in this Act referred to as "the controlled area") and may provide for all or any of the following matters, that is to say:

(a) for prohibiting or restricting the construction, erection or execution of buildings, structures and other works above ground within the controlled area, or the alteration or extension of any such buildings, structures or works in such manner as materially to affect their external appearance;

(b) for prescribing the position, height, size, design, materials, colour and screening, and otherwise regulating the external appearance, of buildings, structures and other works above ground within the controlled area;

(c) for prohibiting or restricting the felling of trees, quarrying and excavations within the controlled area;

(d) for otherwise restricting the use of land within the controlled area to such extent as may appear to the Commissioners to be expedient for the purpose of preserving the amenities of the monument;

(e) for such other matters as appear to the Commissioners to be incidental to or consequential on the foregoing provisions of this section or to be necessary for giving effect to those provisions.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the confirmation, variation and revocation of preservation schemes.

(4) Nothing in any preservation scheme shall affect any building, structure or other work above ground or any alteration or extension thereof, if it was constructed, erected or executed before the date when notice of intention to confirm the scheme was published in the London Gazette under the First Schedule to this Act, and for the purpose of this provision a building, structure or other work and any alteration or extension thereof shall be deemed to have been constructed, erected or executed before that date -

(a) if its construction, erection or execution was begun before that date, or

(b) if and so far as its construction, erection or execution was necessary for the purpose of performing a contract made before that date.
(5) Any person whose property is injuriously affected by the coming into force of a preservation scheme shall be entitled to obtain compensation in respect thereof from the Commissioners, subject to the provisions of the Second Schedule to this Act.

(6) If any person contravenes any provision of a preservation scheme for the time being in force, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which the contravention occurs or continues.

(7) If, after any person has been convicted of a contravention of a preservation scheme by reason that any building, structure or other work is not in conformity with the scheme, the contravention continues after the expiration of such period as the court before whom he was convicted may determine, the Commissioners shall have power to do all such acts as, in their opinion, are necessary for removing so much of the building, structure or work as is not in conformity with the scheme, or for making it conform with the scheme, and any expenses incurred by the Commissioners in so doing shall be recoverable summarily as a civil debt from the person convicted.
ANCIENT MONUMENTS ACT, 1931

FIRST SCHEDULE

PROVISIONS AS TO CONFIRMATION, VARIATION AND REVOCATION
OF PRESERVATION SCHEMES

1. Before confirming a preservation scheme (hereafter in this Schedule referred to as a "scheme"), the Commissioners shall cause to be published in the London Gazette, and in such other manner as they think best for informing persons affected, notice of their intention to confirm the scheme, of the place where copies thereof may be inspected, and of the time (which shall not be less than three months) within which and the manner in which representations with respect to the scheme may be made, and shall cause such notice as aforesaid to be given to every local authority whose area comprises any part of the controlled area.

2. Any person affected by the scheme may, within the time appointed under the last foregoing paragraph for making representations, send to the Commissioners written objection to the scheme stating the specific grounds of objection and the specific modifications required.

3. The Commissioners, after considering any representations and objections duly made with respect to a scheme, and after consulting the Minister of Health and the Minister of Transport, may by order confirm the scheme either with or without modifications:

Provided that -

(a) where an objection has been duly made to the scheme by any person appearing to the Commissioners to be affected thereby and has not been withdrawn, the Commissioners, unless they consider the objection to be frivolous or have modified the scheme as required by the objection, shall, before confirming the scheme, direct a public inquiry to be held as hereinafter provided and consider the report of the person who held the inquiry; and

(b) a scheme so confirmed shall not apply to any area to which it would not have applied if it had been confirmed without modification.

4. Any inquiry under this Schedule shall be held in accordance with rules made by the Commissioners for the purpose, and such rules may contain provisions as to the costs of the inquiry.

5. A scheme when so confirmed shall come into force on such date as may be specified in the order confirming it.

6. A scheme may be varied or revoked by a subsequent scheme, and the Commissioners may, after consulting the Minister of Health, by order revoke a scheme if they think in the circumstances that the scheme ought to be revoked.

7. As soon as practicable after the making of an order under this Schedule confirming or revoking a scheme, the order shall be published in the London Gazette, and in such other manner as the Commissioners think best for informing persons affected, and a copy of the order shall be sent to every local authority whose area comprises any part of the controlled area.
8. In this Schedule the expression "local authority" means, in England, the council of a county, county borough, county district or metropolitan borough or the Common Council of the City of London or, in Scotland, any county or town council.

SECOND SCHEDULE

PROVISIONS AS TO COMPENSATION

1. No person shall be entitled to compensation in respect of a preservation scheme unless within three months from the date on which the scheme comes into force, or within such further time as the Commissioners may in special circumstances allow, he makes a claim for the purpose in such manner as the Commissioners may by regulations prescribe.

2. A person shall not be entitled to compensation by reason of the fact that any act or thing done or caused to be done by him has been rendered abortive by a preservation scheme, if or so far as the act or thing was done after the date on which the Commissioners published in the London Gazette notice of their intention to confirm the scheme, or by reason of the fact that the performance of any contract made by him after that date is prohibited by the scheme.

3. Where any provision of a preservation scheme was, immediately before the scheme came into force, already in force by virtue of this or any other Act, no compensation shall be payable by reason of any property being injuriously affected by that provision of the preservation scheme if compensation has been paid, or could have been claimed, or was not payable, by reason of that property having been injuriously affected by the provision already in force.

4. Where any provision of a preservation scheme could, immediately before the scheme came into force, have been validly included in a scheme, order, regulation or byelaw by virtue of any other Act, then -

   (a) if no compensation would have been payable by reason of the inclusion of that provision in that scheme, order, regulation or byelaw, no compensation shall be payable in respect of that provision of the preservation scheme; and

   (b) if compensation would have been so payable, the compensation payable in respect of that provision of the preservation scheme shall not be greater than the compensation which would have been so payable.

5. Any dispute as to whether any property is injuriously affected by a preservation scheme, or as to the amount of the sum which is to be paid as compensation in respect of such a scheme, shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.