



Historic England

Ms Lisa Dent

Direct Dial: 0207 973 3700

Malmesbury Town Council

Town Hall

Our ref: S00246434

Cross Hayes

Malmesbury

Wiltshire

SN16 9BZ

4 November 2024

Dear Ms Dent

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

**MARKET CROSS**

**Scheduled Monument No: SM WI 261, HA 1005660**

**Our ref: S00246434**

**Application on behalf of Malmesbury Town 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 received 19 September 2024 in respect of proposed works at the above scheduled monument concerning the repairs to Malmesbury Market Cross which include re-pinning a number of the finials and repairs to leadwork. The works were detailed in the following documentation submitted by you:

- The application form
- Malmesbury Market Cross 2023 Condition Survey



1ST FLOOR FERMENTATION NORTH FINZELS REACH HAWKINS LANE BRISTOL BS1 6JQ

Telephone 0117 975 1308  
HistoricEngland.org.uk

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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 Historic England 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 (Historic England) before deciding whether or not to grant Scheduled Monument Consent. Historic England considers the effect of the proposed works upon the monument to be beneficial for the preservation of the monument and unlikely to damage archaeological deposits; there is no requirement for archaeological 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:

- (a) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by Historic England. At least 4 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to Alex Bellisario (Alex.Bellisario@HistoricEngland.org.uk) in order that an Historic England representative can inspect and advise on the works and their effect in compliance with this consent.
- (b) Works shall not take place until a specification of works has been submitted to, and approved by the Secretary of State, as advised by Historic England.
- (c) The extent of work for which consent is granted shall be executed in full.
- (d) An initial site meeting with the Assistant or Inspector of Ancient Monuments must be arranged to discuss the scope of works, and for approval of mortar mixes, pointing style, and replacement materials samples.
- (e) A Photographic survey to a scale and quality to be agreed in writing shall be prepared of the monument before the start and after completion of the works and a set of the digital images shall be sent to Historic England (Alex.Bellisario@HistoricEngland.org.uk) within 2 months of the completion of the works (or such other period as may be mutually agreed).
- (f) Mortar samples shall be taken from the individual areas of the monument identified in the specification, and sample panels prepared accordingly.
- (g) Mortar work shall not take place when temperatures are expected to fall below 5 degrees centigrade with 72 hours of undertaking the work (taking into account windchill).



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(h) All pointing and mortar work shall be in a mixture and finish to match the existing in composition, colour, texture and style.

(l) All those involved in the implementation of the works granted by this consent must be informed by the applicant that the land is designated as a scheduled monument under the Ancient Monuments and 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.

(j) 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 or result in ground disturbance other than that which is expressly authorised in this consent.

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.

Yours sincerely

Alex Bellisario

**Alex Bellisario**

Inspector of Ancient Monuments

E-mail: [Alex.Bellisario@HistoricEngland.org.uk](mailto:Alex.Bellisario@HistoricEngland.org.uk)

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



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cc: Neil Adam, Assistant County Archaeologist



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