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Mr Rob Dinnis
53 Victoria Street
Dunfermline
Fife
KY12 0LP

Eich cyfeirnod
Your reference

PE005

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

18 March 2020

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Mr Dinnis,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
PEMBROKE CASTLE (PE005)**

1. Introduction

1.1 Thank you for your application of 5 November 2019 to Cadw for scheduled monument consent to carry out archaeological excavation within Wogan Cave and the adjacent cave at the above scheduled monument.

1.2 Cadw is a Department within the Welsh Government that undertakes the statutory functions of the Welsh Ministers in determining applications for scheduled monument consent.

1.3 Each application for scheduled monument consent is considered on its own merits in accordance with *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* ([Conservation Principles](#)) and Annex A of *Technical Advice Note 24: The Historic Environment* ([TAN 24](#)). In particular, TAN 24 explains that the main purpose of scheduling is to ensure the preservation of ancient monuments and, when considering an application for scheduled monument consent, there is a presumption against proposals which would involve significant alteration or cause damage or which would have a significant impact on the setting of remains.

Yn ôl ym 18 Ionawr 2020, mae'r Llywodraeth Cymru yn hysgrifaru gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



2 Assessment

2.1. Your application and supporting documentation has been assessed by our Regional Inspector of Ancient Monuments who has recommended that conditional scheduled monument consent should be approved for archaeological excavation within Wogan Cave and the adjacent cave. The reasons for the Inspector's conclusions are set out in Annex A of this letter.

2.2. I have carefully considered the impact of the proposed development on the scheduled monument and its setting in light of the advice that I have received from our Regional Inspector of Ancient Monuments.

2.3. After very careful consideration I have no reason to disagree with the advice of our Regional Inspector and am satisfied that her recommendation is consistent with the objectives of Conservation Principles and TAN 24.

3. Decision

3.1. Accordingly, I hereby approve conditional scheduled monument consent for the proposed archaeological excavation within Wogan Cave and the adjacent cave. As I have mentioned previously, I have no reason to disagree with the advice of our Regional Inspector and the rationale for my decision is therefore explained in Annex A.

3.2. In reaching this decision, I have taken into account the requirement of sections 3 and 5 of the Wellbeing of Future Generations Act. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of *A Wales of vibrant culture and thriving Welsh Language*.

3.3. Any development control issues associated with wider development will be a matter for any application for planning permission. It is the responsibility of the applicant to establish whether any further approval or consents are required for the proposed development.

4. Proposed Conditions

4.1. The following proposed conditions are intended to protect the monument from damage or significant alteration as set out in TAN 24: *The Historic Environment* and to ensure that details of the project are archived.

- a) That the applicant shall arrange a meeting with Cadw's representative, Louise Mees (0300 0256077) at the commencement of the project to review the programme, submitted method statements and arrangements that have been established for archaeological excavation, sampling, strategy and reinstatement works;

- b) That the first three trenches shall include locations, 1) against the cave wall, and 2) in the centre of the cave. Progress of the excavation to be agreed with Cadw following an assessment of progress within the first three trenches;
- c) The approved works shall be carried out strictly in accordance with the application form, Plans and documents as listed below. No variations are permitted unless they have been authorised in advance, in writing by Cadw;

Number	Document / plan	Reference Number (if applicable)	Date
1	SMC application form signed by Dr Rob Dinnis and dated 31 October 2019		31/10/019
2	Project design for test excavations at Wogan Cavern and adjacent unnamed cave by Rob Dinnis dated October 2019		October 2019
3	Supplementary form for excavations by Dr Rob Dinnis dated 10 January 2020		20/01/2020

- d) That all archaeological excavation and reporting shall comply with the latest standards and guidance as published by the Chartered Institute for Archaeologists (CIfA);
- e) That the trenches cave are covered and secured against interference over night;
- f) Any historic or archaeological features not previously identified which are revealed when carrying out the works shall be retained in-situ and reported to Cadw within two working days. Works shall be halted in the area/part of the site affected until provision has been made for retention and/or recording of the feature by a suitably qualified archaeologist in accordance with details submitted to and approved in writing in advance by Cadw;
- g) That on the completion of excavation, areas to be backfilled shall be distinguished from adjacent undisturbed soil either with a material distinct from the excavated fill or a geotextile barrier against unexcavated surfaces;
- h) That within 6 months of completion of the archaeological excavation, a digital copy of the draft archaeological excavation report shall be submitted by email to Louise Mees, Cadw (Email: louise.mees@gov.wales), for approval. The report must detail and illustrate the works undertaken. Local survey shall be tied into the National OS Grid. The findings, and the preliminary stratigraphic narrative, shall be placed in the context of previous knowledge about the monument, comparable sites, and be related to the Research Agenda for Wales. The report must also contain labelled photographs of the site prior, during and after the

excavations, together with details of the site archive established, including digital, paper and artefactual archives¹;

- i) That within one month of the draft archaeological excavation report having been approved by Cadw the applicant will deposit a final version of the report, incorporating any comments/editorial amendments to:
- Cadw (denise.harris@gov.wales)
 - The regional Historic Environment Record held by Dyfed Archaeological Trust f.sage@dyfedarchaeology.org.uk
 - The National Monument Record Wales held by the Royal Commission on the Ancient and Historical Monuments of Wales (Email: Gareth.Edwards@rcahmw.gov.uk)²; and
- j) That, in addition to reporting in Cave and Karst Science and Antiquity, an appropriate report shall be submitted to Archaeology Wales.

5. Compliance

5.1. Where a condition requires approval or any contact with Cadw you are advised to contact Louise Mees by email scheduledmonuments@gov.wales or by telephone on 0300 0256077.

5.2. When all work has been completed and the conditions have been discharged, please complete and return the 'completion notice' at **Annex B** to Cadw. Section 2(6) of the 1979 Act provides that non-compliance with a condition attached to a grant of scheduled monument consent shall be an offence.

5.3. By virtue of Section 4 of the 1979 Act, if no works to which this consent relates are executed or started within 5 years from the date of this letter, the consent shall cease to have effect at the end of that period (unless it is revoked in the meantime).

5.4. This letter does not convey any approval or consent required under any enactment, bylaw, order or regulation other than Section 2 of the Ancient Monuments and Archaeological Areas Act 1979. It is the responsibility of the applicant to obtain any such approval or consent where necessary.

6. Mechanism for Challenge

6.1 Section 55 of the 1979 Act explains that if you are aggrieved by the decision given in this letter, you may challenge its validity by applying to the High Court within six weeks from the date of my decision. Furthermore, the legislation

¹ Cadw will retain a copy of the archaeological report for our records

² Cadw requires formal confirmation of report deposit to discharge this condition

explains that the grounds on which an application may be made to the Court are;

- a) that my decision is not within the powers of the Act (i.e. that I have exceeded the powers available under the Act); and
- b) that any of the relevant requirements set out in the Act have not been complied with and that your interest has been substantially prejudiced by the failure to comply.

The 'relevant requirements' mentioned above are defined in Section 55 of the 1979 Act and it is advisable to seek legal advice before taking any action.

6.2. Should you have any queries please do not hesitate to contact me.

6.3 Finally, please note that your personal data is managed in compliance with the [General Data Protection Regulations](#).

Yours sincerely,

Denise Harris
Casework Manager
under authority of the Deputy Minister for Culture, Sport and Tourism, one of
the Welsh Ministers

Annex A

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 APPLICATION FOR SCHEDULED MONUMENT CONSENT Pembroke Castle (PE005)

INSPECTOR'S ADVICE

1. Policy Context

- 1.1 An application for scheduled monument consent (SMC) is considered on its own merits in accordance with *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (Conservation Principles) and Annex A of *Technical Advice Note 24: The Historic Environment* (TAN 24). In particular, TAN 24 explains that the main purpose of scheduling is to ensure the preservation of ancient monuments and, when considering an application for SMC there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains. Therefore, applicants are expected to demonstrate that no practicable alternative route or location, avoiding the scheduled area, exists and that the need to undertake works outweighs the presumption in favour of the protection of the scheduled monument.
- 1.2 The Welsh Government's six principles for sustainable management of the historic environment in Wales are also used as a guide when considering applications for scheduled monument consent. These are:
- Historic assets will be managed to sustain their values.
 - Understanding the significance of historic assets is vital.
 - The historic environment is a shared resource.
 - Everyone will be able to participate in sustaining the historic environment.
 - Decisions about change must be reasonable, transparent and consistent.
 - Documenting and learning from decisions is essential.

2. Pembroke Castle

- 2.1 The monument consists of the remains of a medieval castle. Pembroke castle is sited on a high ridge between two tidal inlets, a strategic position located on a major route-way chosen early in the first Norman incursions into south-west Wales, when the castle was founded by Roger of Montgomery in 1093, the castle was never to fall to the Welsh. It was from here that the Normans embarked upon their Irish campaigns. In 1189, the castle came into the hands of William Marshal, who, over the next 30 years transformed an earth-and-timber castle into a mighty stone fortification.

The monument is of national importance for its potential to enhance our knowledge of medieval defensive practices. The monument is well-preserved and an important relic of the medieval landscape. It retains significant archaeological

potential, with a strong probability of the presence of both structural evidence and intact associated deposits.

Today the castle is well-maintained and presented to the public by the Pembroke Castle Trust. The proposed project forms part of a wider programme of investigation of the castle, which is to be published as part of a comprehensive monograph.

This application for SMC is made regarding Wogan Cave and the adjacent unnamed cave, both in the outcrop upon which the medieval remains of Pembroke Castle are located. Though the caves are naturally formed, existing records demonstrate human activity within them evidenced by archaeological finds of Mesolithic and Romano-British date. However, little is known of find contexts, deposit formations or their significance.

The floor of the cave has suffered from historic and recent disturbance, though the extent of this disturbance is not mapped or understood. Wogan Cave is accessible to visitors to the castle, and is also used as a filming location. The impact of access on cave and archaeological deposits, which may have national significance, is currently unknown.

3. The Application

- 3.1 The application for scheduled monument consent involves (i) archaeological excavation within Wogan Cave, and (ii) archaeological excavation within the adjacent unnamed cave.

4. Assessment

- 4.1 The applicant has submitted a Project Design and Supplementary form for excavation, including research objectives, trench plans, evaluation strategies, sampling strategies, staffing details, reinstatement proposals and post excavation arrangements, to support this application for SMC. The applicant justifies the archaeological intervention on the basis that the evidence will provide information that will increase our understanding of this cave and inform conservation / management decisions.

According to Cadw's Conservation Principles (Welsh Government 2011) archaeological Intervention into an historic asset, which involves the material loss of evidence, would normally be acceptable only if:

- a) *preservation in situ is not reasonably practicable; or*
- b) *it is demonstrated that any potential increase in knowledge*
 - *cannot be achieved using non-destructive techniques; and*
 - *is unlikely to be achieved at another place whose destruction is inevitable; and*
 - *is predicted decisively to outweigh the loss of the primary resource;**or*
- c) *it is required to evaluate the potential harm of a development proposal.*

If acceptable, an archaeological intervention demands:

- d) *a skilled team, with the resources to implement a project design based on explicit research objectives;*
- e) *the production of an authoritative record;*
 - a. *funding arrangements for the subsequent conservation and public deposit of the site archive, and for appropriate analysis and dissemination of the results within a set timetable;*
 - b. *a strategy to ensure that other elements and values of the place are not prejudiced by the work, whether at the time or subsequently, including the conservation of any elements to be left exposed.*

Due to potential impacts upon Holocene remains I consulted the National Museum of Wales for their views on the proposed excavation. Their comments have informed this assessment and subsequent recommendations for conditions to be attached to scheduled monument consent.

It is likely that archaeological deposits within the cave have been extensively disturbed or removed as a result of historic clearance of the cave to create a useable space. However, the proposed intervention will affect previously undisturbed deposits and could potentially cause damage to in situ nationally important archaeological remains. Cleaning of sections and sample excavation of deposits constitute excavation, which by its nature involves destruction of the archaeological record, is essentially at odds with the primary purpose of scheduling: preservation in situ.

The ground disturbance will cause a negative impact to the appearance of the monument. This impact will be temporary and cease when the area is reinstated. The work will enable features, which are usually hidden from view, to be exposed to the public, reported and interpreted.

The applicant's justification for the intervention is acceptable and robust:

- it has been proven that the information cannot be obtained by using non-intrusive techniques;
- Wogan Cave and the un-named cave at Pembroke Castle are unique and the information held therein could not be obtained elsewhere or from an undesignated monument ; and
- The information produced and high quality of reporting is predicted decisively to outweigh the loss of the primary resource.

In my opinion, this project is justified to investigate the archaeological significance of both caves and potential relations with finds previously recovered from the monument, and to inform future management decisions. However, excavation of undisturbed deposits would archaeologically sterilise these parts of the site and should, therefore, be limited through an excavation strategy agreed by Cadw. This can be controlled by a condition attached to SMC that "the first 3 trenches shall include locations i) against the cave wall, and ii) in the centre of the cave. Progress of the excavation to be agreed with Cadw following an assessment of progress within the first 3 trenches". This will ensure that the extent of excavation is appropriate.

Dr Rob Dinnis and his team have a proven record for excavation, reinstatement of trenches, and the provision of records at the required standard. Accordingly, the loss of original material is offset by the retention of information and additional analysis undertaken during the post-excavation phase. Therefore, justification for the intervention is acceptable and robust.

5. Recommendation

5.1 I recommend that consent is granted subject to the following conditions:

6. Proposed Conditions

- 6.1 That the applicant arranges a meeting with Cadw's representative, Louise Mees (03000 256077), at the commencement of the project to review the programme, submitted method statements and arrangements that have been established for archaeological excavation, sampling strategy and reinstatement works.
- 6.2 That the first 3 trenches shall include locations i) against the cave wall, and ii) in the centre of the cave. Progress of the excavation to be agreed with Cadw following an assessment of progress within the first 3 trenches.
- 6.3 The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations are permitted unless they have been authorised in advance in writing by Cadw.

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3	Supplementary form for excavations by Dr Rob Dinnis dated 10 January 2020		20/01/2020

- 6.4 That all archaeological excavation and reporting shall comply with the latest standards and guidance as published by the Chartered Institute for Archaeologists (CIfA).
- 6.5 That the trenches cave are covered and secured against interference over night;
- 6.6 Any historic or archaeological features not previously identified which are revealed when carrying out the works shall be retained in-situ and reported to Cadw within two working days. Works shall be halted in the area/part of the site affected until provision has been made for retention and/or recording of the feature by a suitably qualified archaeologist in accordance with details submitted to and approved in writing in advance by Cadw.

- 6.7 That on the completion of excavation, areas to be backfilled shall be distinguished from adjacent undisturbed soil either with a material distinct from the excavated fill or a geotextile barrier against unexcavated surfaces;
- 6.8 That within 6 months of completion of the archaeological excavation, a digital copy of the draft archaeological excavation report shall be submitted by email to Louise Mees, Cadw (Email: louise.mees@gov.wales), for approval. The report must detail and illustrate the works undertaken. Local survey shall be tied into the National OS Grid. The findings, and the preliminary stratigraphic narrative, shall be placed in the context of previous knowledge about the monument, comparable sites, and be related to the Research Agenda for Wales. The report must also contain labelled photographs of the site prior, during and after the excavations, together with details of the site archive established, including digital, paper and artefactual archives³.
- 6.9 That within one month of the draft archaeological excavation report having been approved by Cadw the applicant will deposit a final version of the report, incorporating any comments/editorial amendments to:
- Cadw (denise.harris@gov.wales)
 - The regional Historic Environment Record held by Dyfed Archaeological Trust f.sage@dyfedarchaeology.org.uk
 - The National Monument Record Wales held by the Royal Commission on the Ancient and Historical Monuments of Wales (Email: Gareth.Edwards@rcahmw.gov.uk)⁴.
- 6.10 That, in addition to reporting in Cave and Karst Science and Antiquity, an appropriate report shall be submitted to Archaeology Wales.

Name of Inspector: Louise Mees

Date: 02/03/2020

³ Cadw will retain a copy of the archaeological report for our records

⁴ Cadw requires formal confirmation of report deposit to discharge this condition

COMPLETION NOTICE

Name of Monument: Pembroke Castle

Monument Number: PE005

Conditions	Date	Signature
That on the completion of excavation, areas to be backfilled shall be distinguished from adjacent undisturbed soil either with a material distinct from the excavated fill or a geotextile barrier against unexcavated surfaces;		
That within 6 months of completion of the archaeological excavation, a digital copy of the draft archaeological excavation report shall be submitted by email to Louise Mees, Cadw (Email: louise.mees@gov.wales), for approval. The report must detail and illustrate the works undertaken. Local survey shall be tied into the National OS Grid. The findings, and the preliminary stratigraphic narrative, shall be placed in the context of previous knowledge about the monument, comparable sites, and be related to the Research Agenda for Wales. The report must also contain labelled photographs of the site prior, during and after the excavations, together with details of the site archive established, including digital, paper and artefactual archives ⁵ ;		
That within one month of the draft archaeological excavation report having been approved by Cadw		

⁵ Cadw will retain a copy of the archaeological report for our records

<p>the applicant will deposit a final version of the report, incorporating any comments/editorial amendments to:</p> <ul style="list-style-type: none">• Cadw (denise.harris@gov.wales)• The regional Historic Environment Record held by Dyfed Archaeological Trust f.sage@dyfedarchaeology.org.uk• The National Monument Record Wales held by the Royal Commission on the Ancient and Historical Monuments of Wales (Email: Gareth.Edwards@rcahmw.gov.uk)⁶; and		
<p>That, in addition to reporting in Cave and Kars Science and Antiquity, an appropriate report shall be submitted to Archaeology Wales.</p>		

Applicant Name:

Signature:

When all work has been completed and the conditions have been discharged, please complete and return this completion notice to Cadw at scheduledmonuments@gov.wales

⁶ Cadw requires formal confirmation of report deposit to discharge this condition