

Peter Stanley
Natural Resources Wales
Ty Cambria
29 Newport Road
Cardiff
CF24 0TP

Eich cyfeirnod
Your reference

CD145

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

4 December 2022

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Sir/Madam,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
COPA HILL/CWMYSTWYTH LEAD, COPPER AND ZINC MINES (CD145)**

1. Introduction

1.1 Thank you for your application of 3 August 2022 to Cadw for scheduled monument consent to for ground investigation works 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.

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:

- (i) 11 no. machine dug trial pits each measuring 3m² x 2-3m depth to extract material for testing.
- (ii) hand excavation of surface samples from 4 no. locations each 0.5m².
- (iii) c. 3m² modification of existing embankment to enable access to TP29.

- (iv) building up to level ground surface to enable access to TP6.
- (v) modification of embankment to gain access, to be reinstated on completion.
- (vi) reinstatement of trail pits. 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. I have no reason to disagree with the advice of our Regional Inspector and am satisfied that his 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 works as outlined in section 1.1.

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) The applicant shall provide Cadw with reasonable advance notice of commencement of works on site and shall afford access at all reasonable times to any Cadw official or archaeologist nominated by Cadw to monitor progress of the works;
- b) 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 submitted to Cadw
1	SMC application form signed by Peter Stanley and dated 03/08/2022		05/08/2022

2	EV00476-GI-01-TI Ground Investigation drawing		05/08/2022
3	NRW Cwmystwyth Mine Ground Investigation Works 2022 Environment Action Plan v. 1.2 28/07/2022		05/08/2022
4	Tabulated Trial Pit Heritage Information		05/08/2022
5	Cwmystwyth Lead Mine, Cwmystwyth, HRS Wales Report No: 207 March 2019. Cultural Heritage & Archaeological Feasibility Study.		28/07/2022
6	Ground Investigation drawing Revision	EV00476-GI-01-TI C2	21/10/2022
7	Images showing micro sited locations of works marked on ground		21/10/2022
8	Machine Excavated Pits Method Statement	TA8482_MS01_Trial-pit_2022-09-26	08/11/2022
9	Written Scheme of Investigation for an archaeological watching brief during ground investigation works at the Cwmystwyth Lead Mine, Pontarfynach, Ceredigion.		08/11/2022
10	Updated Environmental Action Plan Version 1.4 dated 07/11/2022		

c) The approved works shall be carried out strictly in accordance with a 'Method Statement' revised to include final SMC conditions, to be submitted in advance and formally approved in writing by Cadw before work commences. The 'Method Statement' shall be adhered to throughout the project and any variations shall be approved by Cadw prior to works commencing;

d) The Method Statement shall provide for:

	INFORMATION REQUIRED	Date when information required
1	Ground investigation works and reinstatement – revised Machine Excavated Pits Method Statement to demonstrate requirements for agreement with Cadw over location of works and necessity for archaeological watching briefs.	Before work commences.

e) No works, including site clearance, shall commence until Cadw has been informed in writing of the name of an appropriately qualified archaeologist

operating to ClfA published standards and guidance¹ who is to be present to undertake a watching brief for any works or operation occurring within the scheduled area. No work shall commence until Cadw has confirmed in writing that the proposed archaeologist and their written scheme of investigation for an archaeological watching brief are acceptable;

- f) A digital copy of the draft watching brief shall be submitted to Cadw for approval within 8 weeks of the archaeological fieldwork being completed²;
- g) A digital copy of the approved watching brief shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records³, and the applicant shall inform Cadw when this has been completed;
- h) Cadw shall be invited to attend a site meeting within the first 5 working days of commencement of the project to review the programme, submitted method statement and arrangements that have been established for archaeological mitigation/building recording;
- i) That upon completion of the project the applicant shall produce a completion report including an annotated photographic record detailing the site before, during and after works took place and including a final plan of areas worked upon. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed; and
- j) 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.

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.

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.

¹ Chartered Institute for Archaeologists <https://www.archaeologists.net/codes/cifa> .

² Cadw will retain a copy of the watching brief report for our records.

³ Cadw requires formal confirmation of report deposit to discharge condition.

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 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 Arts and Sport, and Chief Whip, one of the Welsh Ministers

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
COPA HILL/CWMYSTWYTH LEAD, COPPER AND ZINC MINES (CD145)

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. [Copa Hill / Cwmystwyth Lead, Copper and Zinc Mines](#)

- 2.1 [\[INSERT: the scheduling description, the current state of the monument and summary of key values, \(with particular consideration to all the values including, for example, evidential and aesthetic \(visual and setting\)\). From here please have specific regard to TAN 24 and Conservation Principles including an assessment of the impact of the proposed works on the monument alongside the headings\]](#)

The following provides a general description of the Scheduled Monument. The monument comprises the remains of a lead mining complex, which also produced copper and zinc. Work at the Cwmystwyth Mines can be dated back as far as the Bronze Age (c.2300 BC - c.800 BC) and continued intermittently over many centuries until all activity finally ceased in around 1939. The visible

features within the scheduled area include numerous shaft and adit entrances, areas of opencast working, water-management and transport systems, extraction and dressing processes with their power systems, as well as remains of office and residential buildings, garden plots and even an early 20th-century tennis court. The mines consist of four distinct areas which were sometimes worked as separate undertakings and sometimes combined. Working from west to east these are Pugh's Mine (Item A), the Kingside Mine (Item B), Penguelan Mine (Item C), and Copa Hill, which can be subdivided into the prehistoric opencast on the Comet Lode together with the tips to the west of it (Item E), and the remainder (Item D).

The earliest workings on the site date back to the Bronze Age, confirmed by the C14 dating, to 2205-1950 CalBC, of timbers found in excavations. Roman working at the site has been claimed but never positively attested. Historical sources for the mine, which are numerous, take the story back to the medieval period (roughly, in this case, the 13th to 15th centuries), when the mine came under the auspices of the Cistercian abbey at Strata Florida. Work in this period is however likely to have remained relatively small-scale, though as time went on, rights were increasingly sub-let to tenants. Around the time of the dissolution of the abbey in 1536, interest from private entrepreneurs increased and Leland's account of the mine at this time suggests that there was already a substantial enterprise with pollution from smelting affecting the woodland for some way around. Despite much of the site coming under the aegis of the Society of Mines Royal from the mid-16th century until 1693, disputes continued between lessees and potential lessees, which make it clear that work was underway during the 16th century on 'Craig y Mwyn', probably the area around the Nant y Gwaith, and in the 17th century in the area beside the Nant yr Onnen at the north end of Copa Hill. In 1698, the Company of the Mine Adventurers was formed, and under their supervision, and in particular that of William Waller, activity in the early 18th century was much more extensive across the scheduled area. This episode ended in a fraud scandal, and the extent of the Company's further involvement is not altogether clear. Other lessees took over, and activity in most parts of the complex continued during the century, with, in particular, the construction of a very impressive array of hushing reservoirs and gullies which would have been used for the removal of overburden using water pressure. By the end of the century the mines were being worked very successfully by Thomas Bonsall. This was however their high point, and though the 19th century saw technology of increasing complexity put to work in the mines by a variety of lessees, which included John Taylor and Sons, whose interests were widespread in Ceredigion, the most easily available deposits were by this time largely mined out, and deeper, more difficult and poorer ores were being worked, with consequent greater expense and diminishing returns. The long history of earlier mining added to the problems, with unsurveyed earlier workings providing constant difficulties for the various enterprises when encountered unexpectedly, and even known workings necessitating extra expense when planning new developments. Bad weather and drought, which meant water-wheels could not work, added to the woes of the various enterprises, as did falling prices due to the development of more economical mineral sources overseas. Nonetheless, production continued with varying success for most of the century. In 1900 a substantial investment was made by

yet another newly established company under Henry Gamman, including the construction of the large processing mill at the heart of the complex which remains a major feature today, albeit at ground level only, and of new housing for the workforce. The mines themselves were developed considerably in the following years but were never altogether successful and by 1916 Gamman's means were exhausted and he faded from the scene. Very limited production limped on between the wars, largely involving the re-exploitation of older dumps, but in 1939-40 wartime bureaucracy put a stop even to this, and the mine never re-opened.

The monument is of national importance for its potential to enhance and illustrate our knowledge and understanding of mining technology from a variety of periods. Lead mines may be part of a larger cluster of industrial monuments and their importance can further enhanced by their group value. The scheduled area comprises the remains described and areas around them within which related evidence may be expected to survive.

At the time of the most recent Cadw MaR monitoring visit on 15th September 2022 the MaR level was recorded as 'high' according to the following criteria:

Condition trend: worsened – moderate

Condition current: unfavourable

Vulnerability: medium

The main threats to the monument include natural erosion/decay and limited vegetation management.

Key values include:

- Evidential: extensive above and below ground remains of mining technology, infrastructure, processing, management and domestic occupation from a variety of periods.
- Aesthetic: dramatic remains visible on a landscape scale.
- Historical: connections with Strata Florida Abbey and later private industrial interests with development of technological innovations over centuries.
- Communal: managed by the Cambrian Mines Trust, who provide interpretation and enable public access.

3. The Application

- 3.1 This application for scheduled monument consent involves work to be undertaken as part of a wider scheme of geotechnical/geo-environmental ground investigations (GI) at Copa Hill/Cwmystwyth Lead, Copper and Zinc mines. The following proposed works are located within the scheduled area:
- (i) 11 no. machine dug trial pits each measuring 3m² x 2-3m depth to extract material for testing.
 - (ii) hand excavation of surface samples from 4 no. locations each 0.5m².
 - (iii) c. 3m² modification of existing embankment to enable access to TP29.
 - (iv) building up to level ground surface to enable access to TP6.
 - (v) modification of embankment to gain access, to be reinstated on completion.

(vi) reinstatement of trail pits.

4. Assessment

- 4.1** The applicant has submitted a detailed application including an Environmental Action Plan (EAP) (produced in consultation with various organisations including Cadw and Dyfed Archaeological trust), drawings and a Cultural Heritage and Archaeological Feasibility Study. Following the issue of interim consent by Cadw the applicant provided two covering emails with revised details including: additional hand dug test pit HS30, revised access plans including reduced routes and modification to bank; Ground Investigation drawing Revision; Images showing micro sited locations of works marked on ground; Machine Excavated Pits Method Statement; Written Scheme of Investigation for an archaeological watching brief; and Updated Environmental Action Plan Version 1.4 dated 07/11/2022, which have been reviewed and my comments incorporated into this updated advice.

The proposed works are required to fully understand the site and develop a programme of remedial works to address heavy metal pollution. Some pits specifically target historic features, other unknown features may be in the test pit areas. The works may potentially damage nationally important archaeological remains (evidential value). Archaeological sterilisation of these features is contrary to the primary purpose of scheduling: preservation in situ. Limited and localised damage would be outweighed by improving our understanding of the monument and the overall works to improve the environmental impact of the site.

A watching brief during excavation work will ensure that archaeological features are identified and recorded. If significant features are identified a condition requiring works to stop will enable Cadw to undertake an assessment and require that pits are relocated, if required. The watching brief, reporting and recording will improve knowledge and understanding of the monument. This information will inform future remedial works intended by NRW.

The ground disturbance will cause a negative impact to the appearance of the monument (aesthetic value). This impact will be temporary and cease when the area is reinstated.

The works will disrupt public access to the monument (community value). This impact will be temporary.

5. Recommendation

- 5.1** I recommend that SMC should be granted and recommend that the following conditions are included within the SMC:

6. Proposed Conditions

- 6.1 The applicant shall provide Cadw with reasonable advance notice of commencement of works on site and will afford access at all reasonable times to any Cadw official or archaeologist nominated by Cadw to monitor progress of the works.
- 6.2 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 submitted to Cadw
1	SMC application form signed by Peter Stanley and dated 03/08/2022		05/08/2022
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- 6.3 The approved works shall be carried out strictly in accordance with a 'Method Statement', revised to include final SMC conditions, to be submitted in advance and formally approved in writing by Cadw before work commences. The

'Method Statement' shall be adhered to throughout the project and any variations shall be approved by Cadw prior to works commencing.

6.4 The Method Statement shall provide for:

	INFORMATION REQUIRED	Date when information required
1	Ground investigation works and reinstatement – revised Machine Excavated Pits Method Statement to demonstrate requirements for agreement with Cadw over location of works and necessity for archaeological watching briefs.	Before work commences.

- 6.5 No works, including site clearance, shall commence until Cadw has been informed in writing of the name of an appropriately qualified archaeologist operating to ClfA published standards and guidance⁴ who is to be present to undertake a watching brief for any works or operation occurring within the scheduled area. No work shall commence until Cadw has confirmed in writing that the proposed archaeologist and their written scheme of investigation for an archaeological watching brief are acceptable.
- 6.6 A digital copy of the draft watching brief report shall be submitted to Cadw for approval within 8 weeks of the archaeological fieldwork being completed⁵.
- 6.7 A digital copy of the approved watching brief report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records⁶, and the applicant shall inform Cadw when this has been completed.
- 6.8 Cadw shall be invited to attend a site meeting within the first 5 working days of commencement of the project to review the programme, submitted method statement and arrangements that have been established for archaeological mitigation/building recording.
- 6.9 That upon completion of the project the applicant will produce a completion report including an annotated photographic record detailing the site before, during and after works took place and including a final plan of areas worked upon. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- 6.10 Any historic or archaeological features not previously identified which are revealed when carrying out the works shall be retained *in situ* and reported to

⁴ Chartered Institute for Archaeologists <https://www.archaeologists.net/codes/cifa> .

⁵ Cadw will retain a copy of the watching brief report for our records.

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

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.

Name of Inspector: Louise Mees

Date: 16/11/2022

COMPLETION NOTICE

Name of Monument: COPA HILL/CWMYSTWYTH LEAD, COPPER AND ZINC MINES

Monument Number: CD145

Conditions	Date	Signature
Completion of works on site.		
A digital copy of the draft watching brief report shall be submitted to Cadw for approval within 8 weeks of the archaeological fieldwork being completed.		
A digital copy of the approved watching brief report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records , and the applicant shall inform Cadw when this has been completed.		
That upon completion of the project the applicant will produce a completion report including an annotated photographic record detailing the site before, during and after works took place and including a final plan of areas worked upon. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed		

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