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James Tinney
Natural Resources Wales
Llandovery Forest District Office
Llanfair Road
Llandovery
Carmarthenshire
SA20 0AL

Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

Dyddiad
Date

Llinell uniongyrchol
Direct line

Ebost
Email:

CM044

12 July 2023

0300 0256004

scheduledmonuments@gov.wales

Dear James Tinney,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
CARREG CASTELL-Y-GWYNT BURIAL CHAMBER (CM044)**

1. Introduction

1.1 Thank you for your application of 26 January 2023 to Cadw for scheduled monument consent to remove a large area of windblown trees 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) cutting and clearance of windblown trees and (ii) cutting and removal of standing trees vulnerable to blowing over, resulting in the removal of most of the timber crop from the scheduled area. 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 James Tinney, 26/01/2023		2023-04-24
2	Scheduled Ancient Monument Management Plan signed by James Tinney 12/06/2023		2023-06-13

- c) Cadw shall be invited to attend a site meeting at the commencement of the project to review the programme and agree a review date to assess the area

following removal of timber by machine and potential further works to remove remaining timber;

- d) 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 final versions of plans and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed; and
- e) 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.

2. Next Steps

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.

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, Sport and Tourism, one of the Welsh Ministers

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
Carreg Castell-y-Gwynt Burial Chamber (CM044)
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. Carreg Castell-y-Gwynt Burial Chamber

- 2.1 The following is a general description of the Scheduled Ancient Monument.

This site comprises the remains of a burial cairn which dates to the Bronze Age (c. 2300 –c 800 BC). It consists of a large capstone, 3.9m long, 2.1m wide and 0.5m thick, which rests on a raised mound of earth and stone. A slight hollow is visible under the capstone. In 1938 the monument stood in farmland and a probable 'marker stone' stood 30ft to the NW. Today the monument stands in a forestry plantation, adjacent to a forest road. The capstone and raised mound are still clearly visible, but the 'marker stone' has been lost.

The monument is of national importance for its potential to enhance our knowledge of Bronze Age burial and ritual practices. In particular, it has group

value since there are a number of similar cairns on these slopes above Llanfynydd. The preservation of the capstone and the hollow beneath it highlights the potential for the survival of buried archaeology relating to the construction of the monument, and also palaeo-environmental evidence preserved beneath the cairn.

The scheduled area is rectangular, and measures 50m N-S and 35m E-W.

- 2.2 In addition: the location of an associated standing stone, recorded as having once stood c. 9m to the northwest, is under an area of fallen timber and there is potential for archaeological remains to have been disturbed and so this may warrant further investigation.
- 2.3 A Cadw / NRW Scheduled Monument Management Plan for the site was produced by Cadw on 31/03/2022 and agreed by NRW on 12/06/2023.
- 2.4 The existing crop of trees were planted before 1992 (Cadw records) and is estimated to be c 35 years old. The scheduled area was overplanted so that the capstone and surrounding cairn were located between two rows of trees.
- 2.5 There has been extensive windblow in the coup in which the scheduled area is located such that the majority of the trees within the scheduled area have fallen. Many have brought up root plates and the result has been significant disturbance to the ground surface. However, wind direction meant trees fell away from the capstone and the immediate cairn area which remains undamaged. The nearest uprooted trees are approximately 6.5m to the south and southwest of the capstone.

3. The Application

- 3.1 This application for scheduled monument consent involves (i) cutting and clearance of windblown trees and (ii) cutting and removal of standing trees vulnerable to blowing over, resulting in the removal of most of the timber crop from the scheduled area.

4. Assessment

- 4.1 The applicant has provided a copy of the Cadw / NRW Scheduled Monument Management plan (which sets out issues and recommended actions to improve the condition of the monument, includes a plan of the site and specifies those works which require SMC), specified that the scheduled area will be carefully marked out before contractors work within the woodland, and that trees within the scheduled area will be cut and removed using a harvesting machine located beyond the scheduled area.
- 4.2 Felling and timber extraction will be undertaken under supervision of the NRW forestry officers. There is a risk that localised damage may occur, however, if the work is undertaken according to the proposed methodology and under supervision it is likely that damage to the monument will be minimised.

- 4.3 Removal of standing trees from the scheduled area will remove the threat of further root damage to standing remains and buried archaeology. Removing standing and windthrown trees will improve the appearance of the monument and views of, from and within the monument opened. Public access to the monument will be restricted whilst the work is underway. Access will be reinstated on completion. The access will be safer due to the removal of potentially unsafe trees.

5. Recommendation

- 5.1 I recommend that SMC is granted according to the following conditions:

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
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2	Scheduled Ancient Monument Management Plan signed by James Tinney 12/06/2023		2023-06-13

- 6.3 Cadw shall be invited to attend a site meeting at the commencement of the project to review the programme and agree a review date to assess the area following removal of timber by machine and potential further works to remove remaining timber.
- 6.4 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 final versions of plans and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- 6.5 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.

Name of Inspector: Louise Mees

Date: 07/07/2023

COMPLETION NOTICE

Name of Monument: Carreg Castell-y-Gwynt Burial Chamber

Monument Number: CM044

Conditions	Date	Signature
Completion of works on site		
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 final versions of plans and elevations as built. 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