

Jacob Farr
National Grid

By email

Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

Dyddiad
Date

Llinell uniongyrchol
Direct line

Ebost
Email:

CM081

11 September 2023

0300 0256004

scheduledmonuments@gov.wales

Dear Jacob Farr,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
CASTELL PYR (CM081)**

1. Introduction

1.1 Thank you for your application of 9 March 2023 to Cadw for scheduled monument consent for:

- (i) the removal of one timber electricity pole and stays, and
- (ii) (ii) installation of a replacement electricity pole and stays

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) the removal of one timber electricity pole and stays, and (ii) installation of a replacement electricity pole and stays. 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
1	SMC application form signed by Jacob Farr and dated 09/03/2023		09/03/2023
2	Access Map		28/03/2023
3	Method Statement		28/03/2023

- c) If the ground surface is wet during the proposed period of operations, Cadw will need to approve the proposed arrangements for vehicle movements to minimise ground disturbance, e.g. use of track mats, prior to works commencing;
- d) If the existing receiver pit cannot be reused, Cadw will need to approve the name of an archaeological contractor to undertake an evaluation of the new location, and their written scheme of investigation, setting out how this will be achieved before work commences;
- e) 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
- 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.

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
CASTELL PYR (CM081)**

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. CASTELL PYR

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

The monument comprises a promontory fort that probably dates from the Iron Age (c. 800 BC - 43 AD). It is triangular in shape and occupies a plateau overlooking the confluence of the rivers Teifi and Nant Cwm-du, the steep natural slopes of which define the N and SW sides of the fort respectively. The defences on the E side consist of two ramparts. The outer bank measures up to c. 4m tall and 110m long. The inner bank measures c. 2m tall and 90m long. The outer ditch measures 3m wide by 1.5-2m deep. The area between the two banks has the appearance of a ditch at the N end, but lessens as the banks

diverge to the S. The fort's entrance is located at the N end of the defences. The enclosure measures c. 76m E-W by 73 N-S, but no surface features can be observed.

The monument is of national importance for its potential to enhance our knowledge of prehistoric defensive and settlement practices. The monument is well preserved and is an important relic of the prehistoric landscape. It retains significant archaeological potential, with a strong probability of the presence of archaeological materials and structural evidence beneath the current ground surface.

The area scheduled comprises the remains described and an area around within which related evidence may be expected to survive. It is an irregular polygon in shape and measures 165m N-S by 185m transversely.

- 2.2 The part of the scheduled monument subject to this application is located within the garden of a domestic property. This area is partially wooded and generally in a stable condition.

3. The Application

- 3.1 This application for scheduled monument consent involves (i) the removal of one timber electricity pole and stays, and (ii) installation of a replacement electricity pole and stays.

4. Assessment

- 4.1 The applicant, Western Power Distribution, is seeking consent to replace an existing timber electricity pole and associated stays due to age and decay. The proposal is for a like-for-like replacement and will not look different to the original once completed. The pole is located on the southern side of the eastern part of the scheduled area adjacent to a track accessed via a road. The supplied method statement states that a tracked, three-tonne excavator will be used to remove the existing pole and to lower the replacement pole into the original receiver pits. Materials will be transported using an all-terrain vehicle with low pressure tyres. These methods are acceptable providing that the ground surface remains dry. Additional protective measures will be required if the ground surface is wet.
- 4.2 Excavation of the original receiver pit will have sterilised archaeological evidence. The reuse of the same receiver pit for the pole and replacing stays in previously disturbed ground will minimise any adverse harm to the underlying protected archaeology, as will the use of tracked vehicles and vehicles with low pressure tyres.
- 4.3 There is a small risk that the existing receiver pit might not be able to be reused. An archaeologist and a written scheme of investigation for an archaeological evaluation would need to be approved in advance by Cadw should a new receiver pit be required at different location within the scheduled area.

- 4.4 In my opinion, the proposed works will not cause any significant alteration or damage, nor have a negative impact to the setting of the remains.

5. Recommendation

- 5.1 I recommend that scheduled monument consent be granted subject 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
1	SMC application form signed by Jacob Farr and dated 09/03/2023		09/03/2023
2	Access Map		28/03/2023
3	Method Statement		28/03/2023

- 6.3 If the ground surface is wet during the proposed period of operations, Cadw will need to approve the proposed arrangements for vehicle movements to minimise ground disturbance, e.g. use of track mats, prior to works commencing.
- 6.4 If the existing receiver pit cannot be reused, Cadw will need to approve the name of an archaeological contractor to undertake an evaluation of the new location, and their written scheme of investigation setting out how this will be achieved before work commences.
- 6.5 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.
- 6.6 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.

Name of Inspector: Louise Mees

Date: 26/07/2023

COMPLETION NOTICE

Name of Monument: CASTELL PYR

Monument Number: CM081

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