

Mr David Howell Whitney
Grange Lodge
Llanfair Hill
Llandovery
Carmarthenshire
SA20 0YF

Eich cyfeirnod
Your reference

CM188

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

9 December 2022

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear David Whitney,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
LLANDOVERY ROMAN SITE (CM188)**

1. Introduction

1.1 Thank you for your application of 22 August 2022 to Cadw for scheduled monument consent to erect a new boundary fence 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) new fencing along a previously undemarked land boundary within the scheduled area, comprising posts, 'pig netting' single plain wire and wooden top rail and (ii) a gatepost, straining post and 10ft wooden gate. 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 DH Whitney and dated 22/08/2022		06/09/2022
2	Images provided in 2 emails		06/09/2022
3	Plan		06/09/2022

- c) That fence and gate posts shall be driven into the ground;
- d) That vehicle movement shall not damage the ground surface;

- 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. 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 and Sport, and Chief Whip, one of the
Welsh Ministers

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
LLANDOVERY ROMAN SITE (CM188)**

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. Llandovery Roman Site

- 2.1 The following provides a general description of the Scheduled Monument: The monument comprises two overlapping Roman forts at Llandovery. The monument survives as buried features, except for part of the defensive circuit of the later fort on the W and N sides, which is marked by a significant break in slope. The later fort is rectangular in shape and masks much of the earlier fort. It measures c. 160m SW-NE by c.120m transversely. The primary Roman fort network was designed and constructed by the Roman army for the purpose of military conquest and garrison and dates from the Flavian-Trajanic period (AD 74 to 117). The monument is of national importance for its potential to enhance our knowledge of Roman military organisation. The monument is an important element of the Roman occupation of Wales and the structures have been demonstrated, through excavation and geophysical survey, to contain well

preserved archaeological evidence concerning chronology, stratigraphy, layout and building techniques.

- 2.2 The monument was last visited by Cadw's Inspector of Ancient Monuments on 6th July 2022, when the condition of the area affected by this application was recorded as: condition trend – stable, current condition – favourable, vulnerability – low, and at risk – low. This assessment correlates with the MaR assessment of the entire scheduled area undertaken by the FMW on 12th February 2014

- 2.3 The part of the monument affected by these proposals has not previously been excavated. The area has not been ploughed for almost 100 years.

3. The Application

- 3.1 This application for scheduled monument consent involves (i) new fencing along a previously undemarked land boundary within the scheduled area, comprising posts, 'pig netting' single plain wire and wooden top rail and (ii) a gatepost, straining post and 10ft wooden gate.

4. Assessment

- 4.1 The applicant is seeking consent to install a stock fence and gate along the land boundary of their property using posts knocked into the ground surface. The boundary has been unfenced for many years and stock from the neighbouring farm permitted to graze the applicant's land. The applicant would like to define their land boundary and enable grazing and movement of their own stock to be restricted to their property. The applicant also wished to divide up the paddock with additional stock fencing. However, following advice from the IAM to reduce impacts on the monument, has opted to use electric fencing for this purpose.
- 4.2 Knocking fence and gate posts into previously undisturbed ground has potential to damage in situ archaeological deposits. Any damage will be limited and localised. Knocking in posts is preferable to excavating receiver pits and concreting in posts.
- 4.3 Controlled grazing in this part of the fort will improve grazing of the slope of the defensive bank.
- 4.4 Installing new fencing and a gate will introduce modern materials into the scheduled area, restricting movement within the scheduled area, and causing disruption to views of, from and within the monument. Stock fencing is a traditional method to use in this location, enables views through the netting, and will have minimal impact on aesthetic values.
- 4.5 In my opinion, the proposed works will not cause significant alteration or damage to physical remains, nor have a significant impact on aesthetic values of the monument.

5. Recommendation

5.1 I recommend that scheduled monument consent be granted subject to the proposed conditions below:

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 DH Whitney and dated 22/08/2022		06/09/2022
2	Images provided in 2 emails		06/09/2022
3	Plan		06/09/2022

- 6.3 That fence and gate posts shall be driven into the ground.
- 6.4 That vehicle movement shall not damage the ground surface.
- 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. 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

Signature of Inspector:

Date: 28/11/2022

COMPLETION NOTICE

Name of Monument: LLANDOVERY ROMAN SITE

Monument Number: CM188

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. 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