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Mr Brian Samuel
Ty Gwyn
Trimsaran Road
Llanelli
SA15 4RG

Eich cyfeirnod
Your reference

CM261

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

23 August 2019

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Mr Samuel,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
KYMER'S CANAL AND PWLL Y LLYGOED TRAMROAD BRIDGE (CM261)**

1. Introduction

1.1 Thank you for your application of 5 July 2019 to Cadw for scheduled monument consent for repair and restoration 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.

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo 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 repair and restoration work to Pwll Y Llygoed Tramroad Bridge. 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 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 repair and restoration works. 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

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 by Cadw.

Number	Document / plan	Reference Number (if applicable)	Date received
1	SMC application form signed by Brian Samuel and dated 05/07/2019		22/07/2019
2	Pwll y Llygoed Bridge, Specification, Mike Garner		10/07/2019
3	Pwll y Llygoed Plans 1A, 4A, Mike Garner March 2019	4358/1 A, 4358/2 A, 4358/3 A, 4358/4 A	10/07/2019
4	Pwll y Llygoed Photos, Mike Garner		10/07/2019
5	Pwll y Llygoed RV Williams Plans	North Wall Structural Details, 4199/01, South Wall Structural Details 4199/02	10/07/2019

- c) The approved works shall be carried out strictly in accordance with a 'Method Statement' 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	Erection and removal of access scaffolding	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 individual who shall be carrying out a watching brief and an appropriate programme of **historic building recording** in accordance with a **written scheme of investigation** that has been submitted to and approved by Cadw. No work shall commence until Cadw has confirmed, in writing, that the proposed archaeologist and recording works are acceptable;
- f) A digital copy of the historic building report shall be submitted to Cadw for approval within 8 weeks of the archaeological fieldwork being completed¹;

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

- g) A digital copy of the approved historic building report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records²;
- 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) Upon completion of the project the applicant shall produce a completion report, including an annotated photographic record detailing the site before and after works took place and including final versions 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
- 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 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

² Cadw requires formal confirmation of report deposit to discharge condition

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 Culture, Sport and Tourism, one of the Welsh Ministers

Annex A

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 APPLICATION FOR SCHEDULED MONUMENT CONSENT KYMER'S CANAL AND PWLL Y LLYGOED TRAMROAD BRIDGE (CM261)

INSPECTOR'S ADVICE

1. Policy Context

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.

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. The Monument

The monument consists of a section of canal, a water-filled earthwork, dating to the 18th century and includes c. 380m of the eastern end of the Kymer's Canal. Kymer's Canal was built in 1766-8 and was designed for sea-going barges it is broader than later canals in the area and survives as a partly water filled earthwork 4m wide and 1.5m deep. The northern side is embanked by a clay and earth mound c 2.5m wide and standing 1.5m above its surroundings. The southern side has a similar but wider embankment which originally carried a contemporary tramroad and a railway siding (rails still survive). At the terminus was a small dock or turning bay projecting NE and showing as a slight earthwork in the pasture field. The tramroad crossed the river by an elegant segmentally-arched stone bridge, 3m wide and without parapets, believed to date from the construction of the canal.

The monument is of national importance for its potential to enhance our knowledge of 18th and 19th century transport systems. It retains significant archaeological potential, with a strong probability of the presence of associated archaeological features and deposits. A canal 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.

This application for SMC applies to Pwll y Llygoed Tramroad Bridge.

Thomas Kymer built the small docks at Kidwelly, and owned anthracite collieries and limestone quarries up the valley of the Gwendraeth Fawr. Having used the river for some years and suffered delays he decided to build Wales's first true canal. He obtained an Act in 1766 and the digging of the canal to Pwll y Llygoed and its associated tramroad to the Carway Colliery was opened in 1769. The canal was designed to take sea-going barges and so was wider than the later tub-boat canals in the Llanelli area. The Kymer's Canal became incorporated into the Kidwelly and Llanelli Canal later converted into a railway. This has left the eastern end of Kymer's Canal the only unaltered stretch (Hadfield C/1967/The Canals of South Wales and the Border).

The key values are the evidential and historical values associated with the masonry remains of this early railway structure and its association with the canal, and their relation to the global development of 18th / 19th C transport infrastructure. The monument represents the only unaltered stretch of Wales's oldest canal and the tramroad bridge is believed to be the second oldest railway bridge known in the world, the oldest being the Causey Arch, Tanfield Waggonway, Durham of 1727.

Conservation work is urgently required to prevent the collapse of Pwll y Llygoed Tramroad Bridge. The north arch is peeling away from the main structure. The east embankment on the south side of the bridge is subject to scouring. The Cadw Monument at Risk level of the bridge is High Immediate.

Funding has been secured from Welsh Government's Glastir Agri-Environmental scheme to undertake urgently required conservation work. An application for Ancient Monument Grant funding has been submitted to Cadw for vegetation clearance required in advance of the Glastir funded conservation work, to ensure that the structure is free from tree, sapling and invasive vegetation.

3. The Application

The application for scheduled monument consent involves

- i) Rebuilding collapsed masonry,
- ii) Anchoring fissures in masonry,
- iii) Dismantling masonry to remove tree and woody roots and rebuilding,
- iv) General repointing and consolidation.

4. Assessment

The proposed work to restore the bridge includes repair and restoration work as defined in Cadw's Conservation Principles (2011). These works are urgently required and will benefit the physical remains and appearance of the monument.

According to Conservation Principles, the restoration of an historic asset will normally only be acceptable if:

- a. the enhanced heritage value of the elements that would be restored decisively outweighs the value of those that would be lost; and
- b. the work proposed is justified by compelling evidence of the evolution of that place, and is executed in accordance with that evidence; and
- c. the form in which the asset currently exists is not the result of a significant historical event but rather due to progressive decay or mis-management; and
- d. the work proposed respects previous forms of that place and is designed not to prejudice alternative solutions in the future; and
- e. the maintenance implications of the proposed restoration are considered to be sustainable.

The bridge is currently in a dangerous and precarious state due to lack of maintenance and natural decay. Without intervention the bridge will undoubtedly deteriorate further and collapse into the Gwendraeth Fawr River. The applicant has investigated the structural integrity of the bridge and provided detailed plans and specifications of work detailing the proposed conservation works.

Evidential impact: due to the extremely poor current condition of the bridge, conservation will require partial removal and rebuilding of masonry. However, this work will be localised, restricted to areas damaged by erosion and tree root damage and be undertaken in a like-for-like manner. Restoration of the bridge is justifiable as a sustainable means of preserving this rare structure of national importance.

Aesthetic impact: The bridge has intrinsic aesthetic values as an engineering structure and also contributes to the aesthetic qualities of its location as a historic bridge crossing the river beneath. Localised removal and rebuilding of masonry will have an impact on the aesthetic qualities of the bridge itself. However, this will be limited to the minimum necessary, and the impacts will be temporary and outweighed by the benefit of restoring the structural integrity of the bridge.

A watching brief will be undertaken during the removal of vegetation from highly vulnerable parts of the bridge to ensure that the structure is not damaged. Watching brief records will be incorporated into the building record. A laser scan survey and subsequent production of archaeological survey plans and elevations, a point cloud and pano-tour will provide a record of the bridge in advance of conservation works.

The monument is located on an agricultural holding which is not publicly accessible. The dangerous condition of the bridge currently precludes public access. The owner intends to allow partial public access following completion of conservation works: viewing of the bridge will be enabled from the west bank. Access onto the bridge will not be possible due to the low parapet and associated H&S risks.

Without intervention the catastrophic loss of this important monument to Carmarthenshire's industrial heritage is certain. While the conservation project will involve physical intervention to its fabric, the long term benefits of conservation considerably outweigh these impacts.

Regardless of the level of physical public access that can be offered post-conservation, restoration of the bridge to a stable condition is justifiable due to the significant contribution that it plays to the wider industrial landscape.

5. Recommendation

The proposed conservation work is urgently required to save this monument from complete collapse and loss. I recommend approval of Scheduled Monument Consent and recommend inclusion of the following conditions:

6. Proposed Conditions

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 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 by Cadw.

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1	SMC application f signed by Brian Samuel dated 05/07/2019		22/07/2019
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3	Pwll y Llygoed Plans 1A- Mike Garner March 2019	4358/1 A, 4358/2 A, 435 A, 4358/4 A	10/07/2019
4	Pwll y Llygoed Photos, M Garner		10/07/2019
5	Pwll y Llygoed RV Willie Plans	North Wall Struct Details, 4199/01, Sc Wall Structural De 4199/02	10/07/2019

- c) The approved works shall be carried out strictly in accordance with a 'Method Statement' 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	Erection and removal of scaffolding	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 individual who shall be carrying out a watching brief and an appropriate programme of historic building recording in accordance with a written scheme of investigation that has been submitted to and approved by Cadw. No work shall commence until Cadw has confirmed, in writing, that the proposed archaeologist and recording works are acceptable;
- f) A digital copy of the historic building report shall be submitted to Cadw for approval within 8 weeks of the archaeological fieldwork being completed³;
- g) A digital copy of the approved historic building report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records⁴;
- 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) Upon completion of the project the applicant shall produce a completion report, including an annotated photographic record detailing the site before and after works took place and including final versions 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
- 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.

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

⁴ Cadw requires formal confirmation of report deposit to discharge condition

Name of Inspector: Louise Mees

Date: 31 July 2019

COMPLETION NOTICE

Name of Monument: KYMER'S CANAL AND PWLL Y LLYGOED TRAMROAD BRIDGE

Monument Number: CM261

Conditions	Date	Signature
Completion of works on site		
Submission of archaeological report(s) / Completion report to Cadw		
Submission of archaeological report(s) to NMR and HER		

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