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Eich cyfeirnod Your reference	CM387
Ein cyfeirnod Our reference	DH
Dyddiad Date	11 June 2018
Llinell uniongyrchol Direct line	0300 0256004
Ebost Email:	denise.harris@gov.wales

Dear Sir/Madam

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979  
SECTION 2 AND SCHEDULE 1  
APPLICATION FOR SCHEDULED MONUMENT CONSENT  
PROPOSED WORKS AT: Capel Isaf Cemetery (CM387)**

I refer to your application dated 29 January 2018, for scheduled monument consent to carry out the construction of 29 residential dwellings with associated works at the site of the above scheduled ancient monument.

You declined the opportunity of appearing before, and being heard by, a person appointed for that purpose, afforded to you in the letter dated 17 May 2018. Nor have you submitted any further representations in support of your case.

The proposed works can be carried out without detriment to the historic or archaeological integrity of the monument. The works accord with the sustainable development principle and contribute towards the well-being goals defined in section 4 of the Well-being of Future Generations (Wales) Act 2015.

Accordingly, the Welsh Ministers hereby grant scheduled monument consent for the works described at paragraph 4 of the application dated 29 January 2018, subject to the following conditions:

1. that the applicant shall afford access at all reasonable times to any Cadw official or archaeologist nominated by the Welsh ministers to monitor progress of the works;
2. that, with the exception of the line of the south-western boundary of the proposed garden area and bench indicated on the site layout plan (See Condition 4 below) the works shall be carried out in accordance with the following approved plans and documents listed below. No variations from these plans and documents are

Mae'r 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



permitted unless they have been authorised in advance in writing by the Welsh Ministers:

No.	Document / plan	Ref. No. (if applicable)	Date
I.	Site Location Plan;		07/03/2018
II.	Proposed Site Layout Plan;		07/03/2018
III.	Proposed Landscaping Plan;		07/03/2018
IV.	Landscaping Method Statement		07/03/2018
V.	Scheduled Monument Consent Application form		07/03/2018
VI.	Covering Letter		07/03/2018

3. that no works, including site clearance shall commence until the applicant has confirmed in writing (e mail is acceptable) that shrub planting along the south-eastern boundary of the garden area is to be entirely excluded from the scheduled area;
4. that no works shall commence until the applicant has provided the welsh ministers with a clear method statement setting out how landscaping works will be undertaken to avoid damage to buried archaeology within the scheduled area. This should include the following:
  - Confirmation that toothless machine buckets will be used within the scheduled area.
  - Precautions taken to avoid tracking or other ground disturbance;
5. that no works, including site clearance, shall commence until the Welsh Ministers have been informed in writing (email is acceptable) of the name of an appropriately qualified archaeologist who is to be present during the undertaking of landscaping works in the scheduled area in order to ensure the following:
  - That the limits of the scheduled area are correctly marked out.
  - That no ground disturbance or other incidental damage is caused by vehicle tracking, soil spreading, excavation or any other activity.
  - To identify, notify the welsh Ministers of and record any archaeological remains exposed during the course of works, as per condition 9;
6. that Cadw's representative 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 monitoring;
7. that upon completion of the project the applicant shall produce a brief completion report including an annotated photographic archive detailing the site before, during and on the completion of works. The draft should be sent to the Welsh Ministers in digital format for approval within 25 working days of the works being completed;
8. that all contractors and subcontractors are to be made aware of the scheduled status of the monument and the sensitivities and restrictions that this carries with it;

9. that any historic or archaeological features not previously identified which are revealed when carrying out the works shall be retained in-situ and reported to the Welsh Ministers immediately. 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 then appointed archaeologist in accordance with details submitted to and approved in writing in advance by the Welsh Ministers.

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.

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).

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.

Your attention is drawn to the provisions of Section 55 of the 1979 Act under which, if you are aggrieved by the decision given in this letter, you may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds on which an application may be made to the court are:

- a. that a decision is not within the powers of the Act (that is, the Welsh Government has exceeded its powers);
- b. that any of the relevant requirements have not been complied with and the applicant's interest has been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in Section 55 of the 1979 Act and you are advised to seek legal action before taking any action.

Yours sincerely,

Denise Harris  
**Diogelu a Pholisi/Policy and Protection**

Enc. Interim letter dated 17 May 2018