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Mr Keiran Mclenaghan  
Conservation works and properties  
Manager, Cadw  
40 Wesley Place  
Trecwn  
Haverfordwest  
SA62 5XR

Eich cyfeirnod  
Your reference

PE077

Ein cyfeirnod  
Our reference

DH

Dyddiad  
Date

17 October 2022

Llinell uniongyrchol  
Direct line

0300 0256004

Ebost  
Email:

[scheduledmonuments@gov.wales](mailto:scheduledmonuments@gov.wales)

Dear Keiran Mclenaghan,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979  
APPLICATION FOR SCHEDULED MONUMENT CONSENT  
WISTON CASTLE (PE077)**

**1. Introduction**

1.1 Thank you for your application of 28 July 2022 to Cadw for scheduled monument consent to repair three erosion scars 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) erosion repairs to be undertaken by infilling with imported, graded, screened and sterile topsoil to re-establish a profile with adjacent stable earthworks, then re-seeding. 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 Andre Berry and dated 28/07/2022		02/08/2022
2	Wiston Castle PE077 Erosion Repair - specification	V10 06 2022	02/08/2022
3	Wiston Castle PE077 Erosion Repair – vehicle	v.10 06 2022	02/08/2022

	access route and constraints		
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- c) 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
- d) 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](mailto: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  
WISTON CASTLE (PE077)**

**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. Wiston Castle**

- 2.1 The monument comprises the remains of a motte and bailey castle, a military stronghold built during the medieval period. A motte and bailey castle comprises a large conical or pyramidal mound of soil or stone (the motte) surrounded by, or adjacent to, one or more embanked enclosures (the bailey). Both may be surrounded by wet or dry ditches and could be further strengthened with palisades, revetments, and/or a tower on top of the motte. The motte at Wiston measures c 50m in diameter is c 9m high and 18m in diameter at its summit. On the flat top are the ruins of a shell keep or encircling stone wall that formed the main defence, within this would have stood other, probably timber buildings. Internally the shell keep wall is circular but externally the face is polygonal having 18 sides. On the south side facing the bailey, is an arched entrance on

either side of which are draw holes for securing a wooden gate. The wall varies from 1.5 to 2m in width and now stands 3 to 4m in height. The large oval bailey measures c 130m east to west by 90m and is surrounded by a bank which crosses the motte ditch to abut the motte mound. The bailey ditch survives on the north and west but is filled in on the other two sides. The entrance to the bailey is on the north east, strengthened by an outer protective earthwork.

The castle was probably established by an early Flemish settler Wizo (d 1130) and is first mentioned in 1147 when taken by the Welsh. It was taken again in 1193 when it apparently fell by treachery, to Hywel Sais, the son of the Lord Rhys, but was recaptured in 1195. In 1220 during one of his campaigns of Llywelyn the Great, Prince of Gwynedd in south Wales it was captured and destroyed. Though ordered rebuilt by William Marshall, earl of Pembroke as no further masonry additions were made it can be assumed the castle was abandoned sometime soon afterwards.

Key values include:

- Evidential: well preserved earthworks, standing masonry and high potential for buried archaeological remains relating to chronology, building techniques and functional detail.
- Aesthetic: visual remains of impressive and classic medieval motte and bailey castle.
- Historical: part of a wider context of Norman invasion and medieval defensive organisation.
- Communal: Cadw guardianship site popular with local visitors and tourists.

### **3. The Application**

- 3.1 This application for scheduled monument consent involves (i) erosion repairs to be undertaken by infilling with imported, graded, screened and sterile topsoil to re-establish a profile with adjacent stable earthworks, then re-seeding.

### **4. Assessment**

- 4.1 Cadw's Properties Manager for this guardianship monument has responded to concerns raised about unmanaged tree cover and erosion of the earthworks. Tree management works have been completed (undertaken according to a methodology approved by the IAM and not requiring SMC) and the next phase of work is to infill erosion scars.

The application includes a specification for works and vehicular access, designed in consultation with Cadw's IAM.

The proposed work will involve importing material into the scheduled area. However, the imported material will enable erosion scars to be infilled, re-seeded and to recover, thus preventing further attrition of nationally important archaeological remains (evidential value). The repairs will improve the

appearance of the monument and ensure that the ground surface is safe for public access (aesthetic and communal values).

- 5.1 I recommend that SMC should be granted and recommend that the following conditions are included within the SMC:

## **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 Andre Berry and dated 28/07/2022		02/08/2022
2	Wiston Castle PE077 Erosion Repair - specification	V10 06 2022	02/08/2022
3	Wiston Castle PE077 Erosion Repair – vehicle access route and constraints	v.10 06 2022	02/08/2022

- 6.3 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.
- 6.4 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: 10/10/2022

## COMPLETION NOTICE

**Name of Monument: WISTON CASTLE**

**Monument Number: PE077**

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](mailto:scheduledmonuments@gov.wales)