

Helene Davies
Bluestone Resorts

By email

Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

Dyddiad
Date

Llinell uniongyrchol
Direct line

Ebost
Email:

PE270

15 July 2024

0300 0256004

scheduledmonuments@gov.wales

Dear Helen Davies,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
NEWTON NORTH CHURCH (PE270)**

1. Introduction

- 1.1 Thank you for your application of 23 November 2023 to Cadw for scheduled monument consent for removal of existing fence and replacement with 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) remove the existing post and chain link fence, and (ii) install a new 1.8 high timber post and galvanized chain link fence relocated beyond the scheduled area boundary.

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. Conditions

4.1 The following 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 will 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 Helene Davies and dated 23/11/2023		23/11/2023
2	Location plan		23/11/2023
3	Proposed plan		23/11/2023
4	Aerial photograph of site and surrounding area		23/11/2023

5	Existing site photographs		23/11/2023
6	Explanation and method statement		23/11/2023
7	Additional information	754 ALP004_P2	07/06/2024

- c) That fence posts on the old fence line shall be cut at ground level, rather than withdrawing posts from the ground;
- d) That redundant posts and wire shall be removed from the scheduled area;
- e) That all new fencing and gate posts will be installed beyond the scheduled area boundary;
- f) 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. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed; and
- g) 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.

6.2 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.

6.3 Should you have any queries please do not hesitate to contact me.

6.4 Finally, please note that your personal data is managed in compliance with the [General Data Protection Regulations](#).

Yours sincerely,

Denise Harris
Historic Environment Branch
under authority of Lesley Griffiths, Cabinet Secretary for Culture and Social Justice



**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
NEWTON NORTH CHURCH (PE270)**

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. Newton North Church

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

The monument comprises the remains of a church, probably dating to the medieval period. The church is ruinous and consists of an aisleless nave with a tower at the west and Chapel on south. The north wall of the nave has 2 light 16th Century windows. The walls and tower are complete to roof height, the tower has a newel stair in its Southwest corner.

The monument is of national importance for its potential to enhance our knowledge of medieval ecclesiastical organisation. The monument forms an



important element within the wider medieval context and the structure itself may be expected to contain archaeological information in regard to chronology, building techniques and functional detail.

The scheduled area comprises the remains described and areas around them within which related evidence may be expected to survive.

2.2 The most recent inspection of the monument was undertaken on 28/05/2024 by Cadw Inspector Louise Mees, accompanied by the applicant and the Head of Projects at Bluestone Resorts Limited. The condition of the existing fence is dilapidated: a replacement fence is required to prevent unauthorised access. The lines of the old and proposed fences were inspected and potential impacts on the monument considered.

2.3 The heritage values of the castle are summarised below:

Evidential Value:

Medieval building and churchyard containing standing and buried remains (including burials).

Historic Value:

Demonstrates development of ecclesiastical organisation and association between the church and secular society.

Aesthetic Value:

Visual remains of medieval structure.

Communal Value:

Currently out of bounds due to ruinous state of the building with associated H&S risks.

3. The Application

3.1 This application for scheduled monument consent involves (i) remove the existing post and chain link fence, and (ii) install a new 1.8 high timber post and galvanized chain link fence relocated beyond the scheduled area boundary.

4. Assessment

4.1 The existing timber post and wire boundary fencing is dilapidated and requires replacement to prevent unauthorised access. Security fencing is needed to prevent harm to unauthorised visitors and to prevent vandalism to nationally important the scheduled building and archaeological remains. Dismantling the fence will remove a modern addition from the scheduled area and permit vegetation clearance work to be undertaken to enable survey.

4.2 Removal of the timber posts has potential to damage buried archaeological remains. The extent of potential damage is highly localised and minimal in relation to the extent of the scheduled area. Damage can be avoided by cutting fence posts off at ground level, to be attached as a condition of the SMC, rather than withdrawing them.

4.3 The applicant proposes to install the new boundary fence parallel to and beyond the scheduled area boundary, providing a buffer of 1.5m around the scheduled



area where possible. Knocking posts into the ground beyond the scheduled area does not require scheduled monument consent.

- 4.4 The new fence will have an impact on the setting of the monument. However, this is intended to be temporary: the applicant intends to reduce the height of the fence following completion of a project to stabilise the ruin.
- 4.5 There is potential for the work to affect a potentially earlier, undesignated enclosure. I recommend that the applicant contact Heneb for advice.

5. Recommendation

- 5.1 I recommend that scheduled monument consent is 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.

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- 6.3 That fence posts on the old fence line shall be cut at ground level, rather than withdrawing posts from the ground.
- 6.4 That redundant posts and wire shall be removed from the scheduled area.
- 6.5 That all new fencing and gate posts will be installed beyond the scheduled area boundary.



- 6.6 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. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- 6.7 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: 07/07/2024



COMPLETION NOTICE**Name of Monument: Newton North Church****Monument Number: PE270**

Conditions	Date	Signature
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;		
The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed.		
That fence posts on the old fence line shall be cut at ground level, rather than withdrawing posts from the ground;		
That redundant posts and wire shall be removed from the scheduled area.		
That all new fencing and gate posts will be installed beyond the scheduled area boundary;		
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. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed;		
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.		

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

