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Kenneth Murphy
Dyfed Archaeological Trust

By email: info@dyfedarchaeology.org.uk

Eich cyfeirnod
Your reference

PE273

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

26 June 2019

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

amadminplanning@gov.wales

Dear Mr Murphy,

Ancient Monuments and Archaeological Areas Act 1979
Section 2 and Schedule 1
Application for Scheduled Monument Consent
Proposed works at: Porth-y-Rhaw Camp (PE273)

I refer to your application of 26 April 2019 for scheduled monument consent to excavate the remains of the entrance to the promontory fort at the above scheduled monument.

You declined the opportunity of appearing before, and being heard by, a person appointed for that purpose, afforded to you in the letter of 21 June 2019. 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 the Wellbeing 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 of 8 February 2019, subject to the following conditions.

Conditions

Proposed Conditions

Pre-works:

Before commencement of the works Cadw's Historic Environment Branch shall receive in writing (notice via email is acceptable):

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



1. that confirmation is provided that access to the site shall be afforded to our representatives throughout the project to inspect the works in progress;
2. that confirmation is provided that 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 permitted unless they have been authorised in advance in writing by the Welsh Ministers:

No.	Document / plan	Ref No (if applicable)	Date submitted to Cadw
1	SMC application form (signed by Kenneth Murphy)		1 st May 2019
2	Written Scheme of Investigation		1 st May 2019

3. that the landowners consent is secured in advance of any works beginning;

During works

4. that the applicant shall arrange a meeting with Cadw's representative, Louise Mees (03000 256077), within the first 5 working days of commencement of the project to review the programme, submitted method statements and arrangements that have been established for archaeological excavation and reinstatement works. At this meeting the frequency of future monitoring meetings shall be agreed. The applicant shall be responsible for recording meetings and issuing minutes thereafter;
5. that the applicant shall arrange a meeting with Cadw's representative, Louise Mees (03000 256077), prior to backfilling, to inspect the trench in order to fully understand the limitations of any information gained and how the site has been left;

Archaeological and recording requirements

6. that all archaeological excavation shall comply with the latest standards and guidance as published by the Chartered Institute for Archaeologists (CIfA);

Completion

7. that the scheduled area shall be left in a stable and tidy condition upon completion of work, to the satisfaction of Cadw and the landowner;
8. that within 6 months of completion of the archaeological evaluation, a digital copy of the draft archaeological excavation report shall be submitted by email to Louise Mees, Cadw (Email: louise.mees@gov.wales), for approval. The report must detail and illustrate the works undertaken, the findings, and the preliminary stratigraphic narrative, and set this in the context of previous knowledge about the monument. The report must also contain labelled photographs of the site prior, during and after the excavations, together with details of the site archive established, including digital, paper and artefactual archives;
9. that within one month of the draft archaeological excavation report having been approved by the Welsh Ministers the applicant shall deposit a final version of the report, incorporating any comments/editorial amendments to:
 - Cadw (denise.harris@gov.wales)
 - The regional Historic Environment Record held by Dyfed Archaeological Trust f.sage@dyfedarchaeology.org.uk
 - the National Monument Record Wales held by the Royal Commission on the Ancient and Historical Monuments of Wales (Email: Gareth.Edwards@rcahmw.gov.uk)
10. that the applicant shall provide proof that the reports have been received by the HER and NMRW.

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
Policy and Protection
under authority of the Deputy Minister for Culture, Sport and Tourism, one of
the Welsh Ministers