

Mr Kenneth Murphy
Dyfed Archaeological Trust
Corner House
6 Carmarthen Street
Llandeilo
SA19 6AE

Eich cyfeirnod
Your reference

PE273

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

12 May 2022

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Mr Murphy,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
PORTH-Y-RHAW CAMP (PE273)**

1. Introduction

1.1 Thank you for your application of 19 April 2022 to Cadw for scheduled monument consent for archaeological excavations 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 excavation of part of the promontory fort on the narrow isthmus before it is lost because of coastal erosion. This work is the final phase of a three-year project. 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 her 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 Kenneth Murphy and dated 19/04/2022		05/05/2022
2	Supplementary form for research excavations		21/04/2022

- c) The Cadw Inspector must be provided with regular updates on the progress of the excavation. Updates can be via text, telephone or email;

- d) No works, including site clearance, shall commence until a Written Scheme of investigation according to ClfA published standards and guidance¹ has been submitted to, and approved in writing by, Cadw. No work shall commence until Cadw has confirmed in writing that the proposed archaeological works are acceptable;
- e) That within 6 months of completion of the archaeological excavation, 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 archives²;
- f) A digital copy of the approved archaeological report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records³.

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

¹ Chartered Institute for Archaeologists <https://www.archaeologists.net/codes/cifa> .

² Cadw will retain a copy of the archaeological report for our records.

³ Cadw requires formal confirmation of report deposit to discharge this condition.

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

Porth y Rhaw Camp (PE273)

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. Porth y Rhaw Camp (PE273)

2.1 The monument comprises the remains of a defended enclosure, a site typical of the Iron Age period (c. 800 BC - AD 43). Radiocarbon dates from excavation suggest that the occupation of the site began during the early-to-mid Iron Age and continued into the 4th century AD. The enclosure is located on a narrow coastal promontory above the sea that marks part of the defensive circuit. The construction of ramparts placed across the neck of the promontory divide it from the mainland. Porth-y-Rhaw Camp is defended on the landward side by three great triple banks and ditches. The interior of the camp has been largely eroded by the sea.

The monument is of national importance for its potential to enhance our knowledge of later prehistoric defensive organisation and settlement. The site forms an important element within the wider later prehistoric context and within the surrounding landscape. The site is well preserved and retains considerable archaeological potential. There is a strong probability of the presence of evidence relating to chronology, layout, building techniques and functional detail.

At the time of the Cadw MaR monitoring visit on 28th May 2014 the MaR level was recorded as 'medium' according to the following criteria:

Condition trend: stable: good vegetation cover including grass and coastal flowering plants. There were two areas of erosion caused by natural erosion which did not appear to be particularly problematic at that time and their impact on the condition of the fort was considered slight.

Vulnerability: medium. The site is vulnerable to the results of coastal erosion.

Current condition: favourable.

Overall risk level: medium.

Visit text: *The coastal footpath has been successfully diverted to run alongside the hedge boundary to the north of the fort defences and the former path that climbed the defences at the east end probably has nothing more than casual use. It still remains and has not grassed over but there has been no removal of its blocking. At this point an erosion scar at the terminus of the outer bank which was present in photographs of 2008 by comparison has not altered. A new area of erosion has developed on the outer bank on the west promontory where turf and topsoil has been lost over c 10m of the south side. The exposure is grassing over well and sufficient plants may establish before the end of the year to prevent any further loss over the winter season although monitoring would be advisable. Nearby the inner bank has an area of bared ground of about 2 square metres, here however the topsoil remains and is grassing over quickly.*

From its original form, the monument has been much reduced by coastal erosion. Recorded loss has occurred since excavations were undertaken in 1995-1998.

In 2019 the original entrance was partially excavated, revealing phased revetment walls constructed from large boulders and the remains of part of a probable round house.

During 2021 an area was excavated to link up the 2019 and 1990's trenches, focussing on the round house discovered during the preceding season's excavation.

3. The Application

3.1 This application for scheduled monument consent is for excavation of part of the promontory fort on the narrow isthmus before it is lost because of coastal erosion. This work is the final phase of a three-year project.

4. Assessment

4.1 The applicant has submitted documentation, including research objectives, trench plan, excavation strategies, reinstatement proposals and post excavation arrangements to support their application.

According to Cadw's Conservation Principles (Welsh Government 2011) archaeological intervention into an historic asset, which involves the material loss of evidence, would normally be acceptable only if:

- a) *preservation in situ is not reasonably practicable; or*
- b) *it is demonstrated that any potential increase in knowledge*
 - *cannot be achieved using non-destructive techniques; and*
 - *is unlikely to be achieved at another place whose destruction is inevitable; and*
 - *is predicted decisively to outweigh the loss of the primary resource; or*
- c) *it is required to evaluate the potential harm of a development proposal.*

If acceptable, an archaeological intervention demands:

- d) *a skilled team, with the resources to implement a project design based on explicit research objectives;*
- e) *the production of an authoritative record;*
- f) *funding arrangements for the subsequent conservation and public deposit of the site archive, and for appropriate analysis and dissemination of the results within a set timetable;*
- g) *a strategy to ensure that other elements and values of the place are not prejudiced by the work, whether at the time or subsequently, including the conservation of any elements to be left exposed.*

Archaeological excavation is invasive and destructive. In this case the extent of the proposed works will result in archaeological sterilisation of nationally important archaeological remains and is essentially contrary to the primary purpose of scheduling: preservation in situ.

The ground disturbance will cause a negative impact to the appearance of the monument. This impact will be temporary and cease when the area is reinstated.

Preservation in situ is not a long-term possibility for parts of Porth-y-Rhaw Promontory Fort which are subject to ongoing coastal erosion. Excavation before these areas become too dangerous to work upon will ensure preservation by record of nationally important archaeological remains that would otherwise be lost. The applicant has a proven record for excavation at the required standard, reinstatement of trenches, and the provision of appropriate records. Therefore, justification for the intervention is acceptable and robust.

5. Recommendation

5.1 I recommend that 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.

Number	Document / plan	Reference Number (if applicable)	Date
1	SMC application form signed by Kenneth Murphy and dated 19/04/2022		05/05/2022
2	Supplementary form for research excavations		21/04/2022

6.4 The Cadw Inspector must be provided with regular updates on the progress of the excavation. Updates can be via text, telephone call or email.

6.5 No works, including site clearance, shall commence until a Written Scheme of investigation according to ClfA published standards and guidance⁴ has been submitted to, and approved in writing by, Cadw. No work shall commence until Cadw has confirmed in writing that the proposed archaeological works are acceptable.

6.6 That within 6 months of completion of the archaeological excavation, 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 archives⁵.

6.7 A digital copy of the approved archaeological report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records⁶.

Name of Inspector: Louise Mees

Date: 09/05/2022

⁴ Chartered Institute for Archaeologists <https://www.archaeologists.net/codes/cifa> .

⁵ Cadw will retain a copy of the archaeological report for our records.

⁶ Cadw requires formal confirmation of report deposit to discharge this condition.

COMPLETION NOTICE**Name of Monument: Porth-y-Rhaw Camp****Monument Number: PE273**

Conditions	Date	Signature
Completion of works on site		
That within 6 months of completion of the archaeological excavation, 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 .		
A digital copy of the approved archaeological report shall be submitted to the regional Historic Environment Record and National Monuments Record of Wales to be incorporated into these public records .		

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