



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 0300 025 6000
ebost cadw@llyw.cymru
www.cadw.gov.wales

Plas Carew, Unit 5/7 Cefn Coed
Parc Nantgarw, Cardiff CF15 7QQ
Tel 0300 025 6000
email cadw@gov.wales
www.cadw.gov.wales

Miss Sylvia Blake
Merlins Gardens Residents Association
3 Merlins Gardens
The Norton
Tenby
Pembrokeshire
SA70 8AE

Eich cyfeirnod
Your reference

PE420

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

25 September 2019

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Miss Blake,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
Tenby Market Cross (PE420)**

1. Introduction

1.1 Thank you for your application of 28 July 2019 to Cadw for scheduled monument consent to replace roof tiles 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.

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



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 works to remove broken tiles from the folly roof, like-for-like replacement of the tiles and bedding with lime mortar. 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.

2.3. After very careful consideration 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 to remove broken tiles from the folly roof, like-for-like replacement of the tiles and bedding with lime mortar. As I have mentioned previously, I have no reason to disagree with the advice of our Regional Inspector and the rationale for my decision is therefore explained in Annex A.

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 like for like works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations shall be permitted unless they have been authorised, in advance, in writing, by Cadw;

Number	Document / plan	Reference Number applicable)	Date
1	SMC application form signed Miss Sylvia Blake and dated 28/7/19		30/07/2019

- c) Upon completion of the works, the applicant shall produce a completion report, including an annotated photographic record detailing the site before and after works took place. The draft shall be sent to Cadw in digital format for approval within 25 working days of the works being completed.

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 or by telephone on 0300 0256077.

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 Culture, Sport and Tourism, one of the Welsh Ministers

Annex A

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 APPLICATION FOR SCHEDULED MONUMENT CONSENT

Tenby Market Cross (PE420)

INSPECTOR'S ADVICE

1. Policy Context

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.

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. The Monument

The monument consists of a market cross, dating to the medieval period. Formerly the wool market cross, it stood in the centre of Tenby opposite St John's Hospital before being removed to its present location c. 1808. It consists of an octagonal sandstone shaft measuring 0.35m by 0.25m at the base and is 2.2m high, tapering towards the top. It is thought to be a 13th century canopied cross-shaft. The cross head is now missing. The shaft is set into a modern base mounted on the front wall of a square rubble stone well-chamber incorporating re-used medieval arcading from another location.

The cross shaft and the folly well chamber on which it is placed are located within a private garden. Recent alterations undertaken by the county council to the road above the garden mean that water no longer flows freely above ground to the monument's chamber and the flow of water within the chamber is now much restricted. This has affected the management of the wildlife pond immediately south of the monument but does not impact on the scheduled area.

The base of the cross shaft is spalling. The photographic record created during FMW condition monitoring visits suggest that this may have occurred in the 12 years since the last visit and the monument has been given a medium at risk level as a result though it may be borderline high risk if it were not for the favourable management. Repairs to the cross shaft are not the subject of this application for SMC. In general the folly is in a stable condition excepting a few slates dislodged from the roof. The resident's association are seeking to undertake repairs to the roof of the chamber as slates have become dislodged.

3. The Application

The application for scheduled monument consent involves (i) removing broken tiles from the folly roof (ii) like-for-like replacement of tiles and bedding with lime mortar.

4. Assessment

The proposed work constitutes repair and periodic renewal according to Cadw's Conservation Principles. The proposed replacement of tiles will ensure weather proofing of the well and prevent damage to the structure. The like-for-like repairs to the 19th century folly will not affect the physical remains of the cross shaft. The appearance of the monument will be improved by repairs to the roof.

5. Recommendation

I recommend that SMC is granted according to the following conditions.

6. Proposed Conditions

- 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, like for like works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations shall be permitted unless they have been authorised, in advance, in writing, by Cadw;

Number	Document / plan	Reference Number applicable)	Date
1	<i>SMC application for signed by Miss Sylvia Bla and dated 28/7/19</i>		30/07/2019

- c. Upon completion of the works, the applicant shall produce a completion report, including an annotated photographic record detailing the site before and after works took place. The draft shall be sent to Cadw in digital format for approval within 25 working days of the works being completed.

Name of Inspector: Louise Mees

Date: 19 August 2019

COMPLETION NOTICE

Name of Monument: Tenby Market Cross

Monument Number: PE420

Conditions	Date	Signature
Completion of works on site		
Submission of archaeological report(s) / Completion report to Cadw		

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