

Mr Adrian & Mrs Estelle Cobb

Eich cyfeirnod  
Your reference

By email  
[cobbsofcheddarEJC@outlook.com](mailto:cobbsofcheddarEJC@outlook.com)

Ein cyfeirnod  
Our reference

CM226 – SMC24-026

Dyddiad  
Date

28 October 2024

Llinell uniongyrchol  
Direct line

0300 0256004

Ebost  
Email:

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

Dear Mr & Mrs Cobb,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979  
APPLICATION FOR SCHEDULED MONUMENT CONSENT  
PUMPSAINT ROMAN FORT (CM226)**

**1. Introduction**

- 1.1 Thank you for your application of 12 July 2024 to Cadw for scheduled monument consent for the installation of a temporary free-standing timber aviary 14.32m long x 7.31m wide x maximum height of 2m 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) installation of a temporary free-standing timber aviary 14.32m long x 7.31m wide x maximum height of 2m. 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 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 Estelle and Adrian Cobb and dated 12/07/2024		12/07/2024
2	Aviary dimensions.jpg		12/07/2024
3	Aviary exterior.jpg		12/07/2024
4	Aviary with run.jpg		12/07/2024
5	DA AVIARY PICS.docx		12/07/2024
6	Dolaucothi Arms mews_Heitage Impact Statement.pdf		12/07/2024

- 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; and



- c) The structure is removed (subject to a new application for scheduled monument consent) when the applicants' tenancy at the Dolaucothi Hotel expires.

## **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.

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 Jack Sargeant MS – Minister for Culture, Skills and Social Partnership



**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979**  
**APPLICATION FOR SCHEDULED MONUMENT CONSENT**  
**Pumpsaint Roman Fort (CM226) – Aviary -**

**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. Pumpsaint Roman Fort (CM226)**

- 2.1 The monument comprises buried features and earthworks representing a Roman fort. The primary Roman fort network was designed and constructed by the Roman army for the purpose of military conquest and rule. The fort, originally probably measuring c.150m x 125m, and enclosing 1.9ha, was founded in the mid AD 70s, and was reduced in size to c.0.9ha c. AD 100, before apparently being abandoned by the AD 120s, a fairly typical chronological range. The fort may have had a special function in relation to the nearby Dolaucothi gold mines. Excavations within the fort, west of the main A482 both north and south of the Dolaucothi Arms, have revealed a number of phases of internal buildings, including a granary, as well as a well/cistern, and a burnt timber structure in a 2m-deep pit which was dated to the later 3rd or early 4th century AD, raising interesting questions about the nature of later

Roman occupation on the site, traces of which are otherwise extremely elusive. Geophysical survey in unexcavated areas suggests that further structures, including a probable bath house on the eastern outskirts, remain to be found here.

The monument is of national importance for its potential to enhance our knowledge of Roman military organisation. The monument forms an important element within the wider context of the Roman occupation of Wales and the structures may contain well preserved archaeological evidence concerning chronology, layout and building techniques.

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

- 2.2 The scheduled monument was last visited by Cadw's Field Monument Warden in 2017 but its condition was not assessed on this occasion.

### **3. The Application**

- 3.1 This application for scheduled monument consent involves (i) installation of a temporary free-standing timber aviary 14.32m long x 7.31m wide x maximum height of 2m.
- 3.2 The aviary was installed in April 2024 without consent from Cadw.
- 3.3 The applicant subsequently submitted this application for scheduled monument consent, which is supported by documentation including drawings, images and a heritage impact statement including a visual impact assessment.
- 3.4 The applicant is a tenant of the National Trust.

### **4. Assessment**

- 4.1 This application is for a temporary wooden structure 14.32m long x 7.31m wide x maximum height of 2m, located to the west of Dolaucothi Arms Hotel, to house birds of prey. The aviary is free-standing.
- 4.2 I agree with the conclusion of the HIS that the free-standing aviary has caused no damage to physical remains (evidential values) of the monument.
- 4.3 The HIS concludes that the aviary has caused negligible impact to the setting of the scheduled monument.
- 4.4 The HIS does not include images showing relevant views and does not reference Cadw's guidance on Setting of Historic Assets in Wales. Views of the structure from the west are currently obstructed by trees, however, these can be affected by windfall or felling. The aviary is larger than other garden sheds in the village and stands away from the main building of the Dolaucothi Hotel and therefore does not blend with this building. The cumulative impact of



structures within the scheduled area is a concern. In my opinion, the impact of the aviary on the setting of the scheduled monument is minor.

4.5 It is a matter for the local authority to assess the impact of the aviary on the settings of listed buildings.

4.5 According to Cadw's Conservation Principles (2011) installation of this modern addition is new work within the scheduled area. The installation has caused no damage to physical remains and caused minor harm to the monuments setting. This minor harm to setting is outweighed by use of the structure as an aviary, which will attract visitors to the Dolaucothi Hotel thus enabling public access to this part of the scheduled area. The temporary installation is reversible and long-term consequences can be mitigated by requiring removal as a condition of scheduled monument consent.

## 5. Recommendation

5.1 I recommend that this scheduled monument consent application for installation of an aviary is approved, subject to the proposed conditions set out in section six below.

## 6. Proposed Conditions

6.1 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.

Num ber	Document / plan	Reference Number (if applicable)	Date
1	SMC application form signed by Estelle and Adrian Cobb and dated 12/07/2024		12/07/2024
2	Aviary dimensions.jpg		12/07/2024
3	Aviary exterior.jpg		12/07/2024
4	Aviary with run.jpg		12/07/2024
5	DA AVIARY PICS.docx		12/07/2024
6	Dolaucothi Arms mews_Heitage Impact Statem ent.pdf		12/07/2024

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.

6.3 The structure is removed (subject to a new application for scheduled monument consent) when the applicants' tenancy at the Dolaucothi Hotel expires.

Name of Inspector: Louise Mees

Date: 24/10/2024

**COMPLETION NOTICE****Name of Monument: Pumpsaint Roman Fort****Monument Number: CM226**

<b>Conditions</b>	<b>Date</b>	<b>Signature</b>
The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed		
The structure is removed (subject to a new application for scheduled monument consent) when the applicants' tenancy at the Dolaucothi Hotel expires.		

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)

