

Mr Jacob Farr
Western Power Distribution
Llanfihangel – Ar – Arth
Pencader
Carmarthenshire
SA39 9HT

Eich cyfeirnod
Your reference

CM188

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

20 August 2021

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

scheduledmonuments@gov.wales

Dear Mr Farr,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
LLANDOVERY ROMAN SITE (CM188)**

1. Introduction

1.1 Thank you for your application of 18 August 2021 to Cadw for scheduled monument consent for replacement of poles 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) the removal of two timber electricity poles, and (ii) the subsequent erection of two replacement timber electricity poles. 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. 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 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 Jacob Farr, Western Power Distribution and dated 2021		18/09/2021
2	Method statement submitted with SMC application		18/09/2021
3	Plan submitted with SMC application		18/09/2021

- c) If the ground surface is wet during the proposed period of operations, Cadw will need to approve the proposed arrangements for vehicle movements to minimise ground disturbance, e.g. use of track mats, prior to works commencing;
- d) If the existing receiver pits cannot be reused, Cadw will need to approve the name of an archaeological contractor to undertake an evaluation of the new locations and their written scheme of investigation setting out how this will be achieved before work commences;
- e) 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 and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed; and
- f) 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 Dr Jonathan Berry 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.

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

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
LLANDOVERY ROMAN SITE (CM188)**

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. Llandovery Roman Site

- 2.1 The following provides a general description of the Scheduled Monument: The monument comprises two overlapping Roman forts at Llandovery. The monument survives as buried features, except for part of the defensive circuit of the later fort on the W and N sides, which is marked by a significant break in slope. The later fort is rectangular in shape and masks much of the earlier fort. It measures c. 160m SW-NE by c.120m transversely. The primary Roman fort network was designed and constructed by the Roman army for the purpose of military conquest and garrison and dates from the Flavian-Trajanic period (AD 74 to 117). The monument is of national importance for its potential to enhance our knowledge of Roman military organisation. The monument is an important element of the Roman occupation of Wales and the structures have been demonstrated, through excavation and geophysical survey, to contain well

preserved archaeological evidence concerning chronology, stratigraphy, layout and building techniques.

- 2.2 The monument was last visited by Cadw's Field Monument Warden in February 2014, when its condition was recorded as: condition trend – stable, current condition – favourable, vulnerability – low, and at risk – low.

3. The Application

- 3.1 This application for scheduled monument consent involves (i) the removal of two timber electricity poles, and (ii) the subsequent erection of two replacement timber electricity poles.

4. Assessment

- 4.1 The applicant, Western Power Distribution, is seeking consent to replace two existing timber electricity poles and associated stays due to age and decay. The proposals are a like-for-like replacement and will not look different to the originals once completed. They are located on the south-eastern edge of the scheduled area adjacent to the road. The supplied method statement states that a tracked, three-tonne excavator will be used to remove the existing poles and to lower the replacement poles into the original receiver pits. Materials will be transported using an all-terrain vehicle with low pressure tyres. These methods are acceptable providing that the ground surface remains dry. Additional protective measures will be required if the ground surface is wet.
- 4.2 The excavation of the original receiver pits will have sterilised any Roman archaeological evidence. The reuse of the same receiver pits for poles and stays will minimise any adverse harm to the underlying protected archaeology, as will the use of tracked vehicles and vehicles with low pressure tyres.
- 4.3 There is a small risk that the existing receiver pits might not be able to be reused. An archaeologist and a written scheme of investigation for an archaeological evaluation would need to be approved in advance by Cadw should new receiver pits be required at different locations.
- 4.4 In my opinion, none of the proposed works will cause any significant alteration or damage, nor have a significant impact on the setting of the remains.

5. Recommendation

- 5.1 I recommend that scheduled monument consent be granted subject to the proposed conditions set out in section six below.

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 Jacob Farr, Western Power Distribution and dated 2021		18/09/2021
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6.3 If the ground surface is wet during the proposed period of operations, Cadw will need to approve the proposed arrangements for vehicle movements to minimise ground disturbance, e.g. use of track mats, prior to works commencing.

6.4 If the existing receiver pits cannot be reused, Cadw will need to approve the name of an archaeological contractor to undertake an evaluation of the new locations, and their written scheme of investigation setting out how this will be achieved before work commences.

6.5 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 and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.

6.6 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: Dr Jonathan Berry

Date: 19th August 2021

COMPLETION NOTICE

Name of Monument: LLANDOVERY ROMAN SITE

Monument Number: CM188

Conditions	Date	Signature
Completion of works on site		
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 and elevations as built. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.		

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