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Consultation

Drafts of a new ecclesiastical exemption order and best-practice guidance documents

Annex C

Draft

Managing Scheduled Monuments in Wales

The Historic Environment (Wales) Act 2016 was enacted to make important improvements to the existing systems for the protection and management of the Welsh historic environment. It also stands at the centre of an integrated package of secondary legislation, new and updated planning policy and advice, and best-practice guidance on a wide range of topics. Taken together, these will support and promote the careful management of change in the historic environment in accordance with current conservation philosophy and practice.

This guidance document has been published as part of the third public consultation on secondary legislation and best-practice guidance linked to the implementation of the Historic Environment (Wales) Act 2016 and wider complementary measures.

Visit the Welsh Government's consultation web pages for all of the documents for this consultation (<https://beta.gov.wales/consultations>) and information on how to respond. The consultation will close on 13 July 2018.

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Managing Scheduled Monuments in Wales

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Statement of Purpose

Managing Scheduled Monuments in Wales sets out the general principles to consider when managing and making changes to scheduled monuments. It explains how to apply for scheduled monument consent, including the roles and responsibilities of owners and Cadw, the Welsh Government's historic environment service.

This best-practice guide is aimed principally at owners, occupiers and managers of scheduled monuments. It explains what it means to own a scheduled monument and how to care for it, and provides details about where to get further help and assistance. It should also help owners, occupiers and managers to take account of Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*¹ (*Conservation Principles*) to achieve sensitive management.

The management and maintenance practices explained in this best-practice guide are also suitable to be used when considering all monuments, whether or not they are scheduled. *Managing Scheduled Monuments in Wales* will therefore be helpful for anyone with an interest in understanding and caring for Wales's historic environment.

Decision-making authorities should use this guidance alongside *Planning Policy Wales*,² *Technical Advice Note 24: The Historic Environment*³ and Cadw's *Conservation Principles* to inform their own policies and advice, and the statutory decision-making process.

¹ *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011

<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

² *Planning Policy Wales* (Edition 9, Chapter 6), The Historic Environment

<http://gov.wales/topics/planning/policy/ppw/?lang=en>

³ *Technical Advice Note 24: The Historic Environment*

<http://gov.wales/topics/planning/policy/tans/tan-24/?lang=en>

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Fast Facts

- There are almost 4,200 scheduled monuments in Wales ranging from caves containing the oldest evidence for human occupation to twentieth-century industrial and military remains.
- Scheduled monuments are an irreplaceable resource to cherish and protect for future generations.
- Monuments may be scheduled when they are considered to be of national importance.
- Understanding the significance of your scheduled monument will help you manage and care for it properly.
- You need to know the location and details of all the scheduled monuments on your land, and understand the full extent of the scheduled areas.
- Scheduled monuments are protected by law which means you are likely to need scheduled monument consent to carry out works to them.
- Permission known as a class consent allows you to carry out some survey and management activities without applying for scheduled monument consent.
- It is a criminal offence to carry out unauthorised works without scheduled monument consent.
- You must not use a metal detector on a scheduled monument except as part of an authorised archaeological excavation.

Introduction

For thousands of years people have lived, worked and left their mark on the land of Wales. Evidence for their actions is all around us in the form of archaeological sites and historic monuments, some visible, others buried beneath the ground. These remains are irreplaceable and a unique source of information about the past. For people whose history was never recorded, archaeological sites and historic monuments often offer the only route for us to understand who they were and how they lived. Collectively, they form part of our historic environment.

These historic sites enrich our environment, contribute to our sense of national identity and provide links between the present and the past. They show us where we have come from, remind us of past people and events, and help us to understand our place in the world today. They also serve as the backdrop to our daily lives and as a catalyst for health and well-being,

learning, tourism and community engagement activities.⁴ We want to cherish and pass on our historic sites to future generations so that they too can see, understand and appreciate our past.

When archaeological sites or historic monuments in Wales are considered to be of national importance, they may be scheduled.⁵ This gives them legal protection from any activity that might damage or destroy them. Only a carefully chosen sample of historic sites is selected to be scheduled.⁶ Although it is the responsibility of the Welsh Ministers to schedule monuments of national importance,⁷ in practice, the selection of sites is made by Cadw on their behalf.

Monuments and archaeological remains of all forms and dates can be given the protection of scheduling. Currently there are almost 4,200 scheduled monuments in Wales ranging from medieval castles, prehistoric hillforts and Roman forts through to small burial mounds, standing stones and World War II defensive sites. Some scheduled monuments are buildings in ruins, some are earthworks; others have no visible remains above ground but have significant buried remains and some are submerged in lakes or coastal waters.⁸

Over time, archaeological sites and historic monuments will change. They can be fragile and vulnerable to the effects of weather, natural decay and impacts from human activity. But, with care, you can manage your scheduled monument sustainably for the benefit of future generations. Section 2 explains the types of works that may be necessary to manage your scheduled monument and when consent is required.

Scheduling does not prevent you from continuing some routine works on your scheduled monument. Permission known as a class consent allows certain survey and management work to be carried out without the need to apply for scheduled monument consent. However, if you plan to carry out any works that would disturb, remove or destroy any part of it, you must apply to Cadw for scheduled monument consent. You also need scheduled monument consent to carry out conservation and many forms of archaeological

⁴ These benefits can help to create the Wales we want in the future by contributing to the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. <http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

⁵ Not all nationally important monuments are scheduled and some remain undiscovered and therefore cannot be scheduled at this time. You can find out more about scheduling in *Understanding Scheduled Monuments* (forthcoming).

⁶ The criteria for scheduling monuments are set out in *Technical Advice Note 24: The Historic Environment*, Annex A. <http://gov.wales/topics/planning/policy/tans/tan-24/?lang=en>

⁷ Ancient Monuments and Archaeological Areas Act 1979 <https://www.legislation.gov.uk/ukpga/1979/46/contents> as amended by the Historic Environment (Wales) Act 2016 <https://www.legislation.gov.uk/anaw/2016/4/contents>

⁸ For more information on what can be scheduled and how Cadw selects sites see *Understanding Scheduled Monuments* (forthcoming).

investigation. Section 3 explains more about class consents (3.2) and how you can apply for scheduled monument consent.

Many owners, occupiers and managers are proud of their scheduled monuments and take great care to look after them. They recognise the importance of this precious heritage and make a positive contribution to its sustainable management. Each and every one is a custodian of our past and has a vital role in helping to protect scheduled monuments for future generations.

1. Understanding your Scheduled Monument

Archaeological sites and historic monuments are one of our most important sources of information about past generations. In the case of prehistoric sites that were built before written records began, they are our *only* source of information. Every building, structure or site is unique; each has its own story to tell. The materials used to build the monument will contain evidence about how and when it was built, how it was used and what happened to it. From studying this evidence, we can not only learn more about the people who built and used it, but also how to keep it in good repair. The surroundings — or setting — of a monument are important too because they can help us understand more about the site itself (see section 1.2).

Scheduled monuments differ from listed buildings in that generally they are ruinous or buried and have limited direct economic value to their owners. They are important because of their history and the archaeological evidence that may be buried within and beneath them. For example, collapsed sections of a building can help us to piece together its original appearance and how it changed through use and time.

As archaeological and scientific techniques improve, we are able to retrieve more detailed information that can throw light on to lost worlds. Microscopic particles, such as pollen and plant remains, can show us what the climate and environment was like in the past. Scientific analysis of residues found in pots can tell us what people were eating, and careful examination of skeletons can tell us about their health and how they lived and died.

It is important to protect this precious archaeological evidence. This means that routine maintenance and management is a vital part of caring for your scheduled monument. Through understanding your scheduled monument, you can plan appropriate management to ensure its long-term survival in good condition. Cadw can provide help and advise you how best to care for your scheduled monument (see sections 1.3, 2.8 and 2.9).

1.1 Significance

Understanding why your scheduled monument is of national importance and what is significant about it will help you to care for it. Once a monument is scheduled, the whole site is protected, including any later alterations. This means that it is important for you to have a thorough understanding of what

makes your scheduled monument special before you do anything that could cause harm.

Preparing a statement of significance is a useful way to draw together your understanding and explain it to others, and should form the starting point for any proposed changes or applications for consent. It should include a brief description of your scheduled monument and a summary of its overall heritage value. Focusing on the heritage values of your historic asset will help you to analyse its significance:

- **Evidential value:** the extent to which the physical evidence tells how and when your scheduled monument was made, how it was used and how it has changed over time. There may be buried or obscured elements associated with your scheduled monument which may also be an important source of evidence. See Annex 2 for examples of evidential value.
- **Historical value:** your scheduled monument may illustrate a particular aspect of past life or it might be associated with a specific person, event or movement; there may be physical evidence of these connections which is important to retain.
- **Aesthetic value:** the design, construction and craftsmanship of your scheduled monument. This can include setting and views to and from your scheduled monument, which may have changed through time.
- **Communal value:** your scheduled monument may have particular significance for its commemorative, symbolic or spiritual value, or for the part it has played in cultural or public life.

You can find out more about these heritage values in Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles)*⁹ and in Annex 2.

1.2 Setting

The term setting refers to the surroundings in which your scheduled monument is understood, experienced and appreciated, including present and past relationships to the surrounding landscape. The importance of setting lies in what it contributes to the significance of your scheduled monument.

Setting is primarily visual, but can also include other features like tranquillity or remoteness. Its extent is not fixed and may change as the monument and its surroundings evolve. The setting of a scheduled monument can include physical elements of its surroundings, relationships with other historic

⁹ *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

features, natural or topographic features and its wider relationship and visibility within its landscape.

Examples of setting include:

- Bronze Age burial mounds often occur in widely spaced groups, which were placed to be visible from other mounds or groups, and they are sometimes associated with standing stones and other types of ritual monuments.
- In the late prehistoric Iron Age, large earthwork hillforts were built in prominent positions on hilltops. Even today, thousands of years later, they can be seen to dominate their landscape, visible from miles around.
- Military sites such as castles, Roman fortifications or more recent World War II pill boxes demonstrate clear tactical positions in the landscape providing them with sightlines critical to understanding their purpose.
- Functional relationships for scheduled monuments can include connections between different elements of industrial sites which illustrate the processes used to locate, process and transport raw materials and finished products.

It is important to remember that setting is not restricted only to scheduled monuments with visible upstanding remains; buried sites can have settings too. A Roman villa, the remains of which are buried beneath fields, was not placed there by chance, but would have served as the centre for a Roman farm. To understand how it operated we need to consider the landscape within which it functioned, the topography of which should still be apparent today. Of particular relevance could be links with local water supplies, particularly those that were used to supply the villa's heated bathhouse or underfloor heating.

Cadw's *Setting of Historic Assets in Wales* explains more about setting and its contribution to the significance of your scheduled monument.¹⁰

1.3 Sources of Information and Advice

There are lots of sources of information to help you understand your scheduled monument and its significance. Cof Cymru,¹¹ Cadw's online interactive map, provides a brief description of every scheduled monument in

¹⁰ *Setting of Historic Assets in Wales*, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

¹¹ Cof Cymru — Cadw's online record of the national historic assets of Wales, which includes listed buildings, scheduled monuments, protected wrecks, World Heritage Sites and registered historic landscapes. Registered historic parks and gardens will be added to Cof Cymru during 2018. <http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

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Wales. You can use it to familiarise yourself with the location and details of all the scheduled monuments on your land, and understand the full extent of the scheduled areas.

You may find Cadw's range of online guidance and other documents helpful too.¹²

Other useful sources of information include your local historic environment record, hosted by one of the four Welsh archaeological trusts; the National Monuments Record of Wales, held by the Royal Commission on the Ancient and Historical Monuments of Wales, and local authority archive and record offices, and museums.

Cadw has a team of inspectors of ancient monuments and field monument wardens who are available to answer your questions and provide information and management advice. Field monument wardens visit each scheduled monument in Wales on a rolling programme to record its condition. They will contact you in advance of visiting and are always pleased to meet you to discuss your monument, its significance and its management requirements. Following a visit, on request, the field monument warden can provide you with a short report including suggestions for actions to help improve the condition of your monument. If you have any concerns about your scheduled monument and wish to request a visit from a field monument warden, please contact Cadw.

Sources of further information and contact details for all these organisations are provided at the end of this guidance.

¹² Cadw publishes online a range of publications about caring for the historic environment. <http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

2. Managing Change to your Scheduled Monument

Although you have no legal duty to maintain your scheduled monument, you will need to take care that you do not carry out any works that would result in damage or make any changes that may affect it or its setting without proper permission.

These include changes designed to enhance your scheduled monument, inadvertent changes, and those that may affect it adversely. If you do need to make changes, you should consider relevant guidance and seek any consents required before these changes take place.

Most people are keen to care for scheduled monuments in their ownership, and active management is often the best way to avoid deterioration.

Scheduled monuments are most often ruinous buildings, buried archaeological remains or earthwork monuments. As such, they can be particularly vulnerable to the forces of natural erosion, decay and inadvertent damage. Many scheduled monuments are on farmland or in open country, and many are visited by the general public. All can be subject to wear and tear but, through sensitive management, it is possible for you to manage your scheduled monument in a sustainable way that allows you to hand it on in good condition to future generations.

How you manage your scheduled monument will depend on a range of factors including:

- the type of monument
- its current use
- its current condition
- whether it is showing signs of active deterioration.

In the case of large or complicated monuments, you may find it useful to draw up a conservation management plan to guide your decisions. Such plans are particularly helpful for ruinous scheduled monuments and those that are run as visitor attractions. Conservation management plans are often a requirement to support applications for grant funding from bodies such as Cadw or the Heritage Lottery Fund.¹³

A conservation management plan is based on an understanding of your scheduled monument and its significance. It offers a long-term, whole-site approach to management so that you avoid inappropriate and unplanned changes. Your plan should include a statement of significance, identify current and potential risks, and look for opportunities to improve the monument. Conservation management plans are best prepared by qualified and competent experts,¹⁴ especially for complex monuments. For smaller

¹³ The Heritage Lottery Fund provides useful guidance for conservation management plans. <https://www.hlf.org.uk/conservation-plan-guidance>

¹⁴ Qualified and competent experts include members of professional institutes such as CIfA (Chartered Institute for Archaeologists), and IHBC (Institute of Historic Building Conservation),

monuments, a simpler plan, drawing on the principles of conservation management planning can be very helpful. But in all cases they should be proportionate to the scale and complexity of the site. This means that they need not necessarily be long or expensive to produce, and the information they contain can be used as basis for assessing the impact of any proposed work.

The setting of your scheduled monument may well extend beyond the boundaries of your property. Any statement of significance should include consideration of these areas as well as those in your ownership. Proposed changes to settings within the boundary of a scheduled monument would be considered as part of the scheduled monument consent process (see section 3.6). Changes to and impacts on settings involving areas outside a scheduled monument boundary are dealt with through the normal planning permission process (see section 3.7).¹⁵

Whatever management plan you have in place, it is important to consider the impact of your proposed work on the significance of your scheduled monument before you begin work. In particular, you should beware of the potential cumulative impact of small-scale changes, which individually may seem insignificant. A heritage impact assessment is a useful process to identify the potential impact of any proposed work.¹⁶

As well as being affected by natural decay, scheduled monuments are vulnerable to damage from inappropriate works. For this reason, you must apply to Cadw for scheduled monument consent to carry out many operations. It is a criminal offence to carry out unauthorised works without scheduled monument consent so it is important to understand when it is needed.

The following sections outline some of the approaches to managing scheduled monuments and explain when scheduled monument consent will be needed. It builds on the 'Conservation Principles in Action' section of Cadw's *Conservation Principles*.¹⁷

RICS (Royal Institution of Chartered Surveyors), RIBA (Royal Institute of British Architects) conservation architects (especially for above ground remains) and other relevant bodies with accredited conservation systems. The Welsh archaeological trusts or local planning authorities can provide lists of such people and organisations.

¹⁵ Cadw's *Setting of Historic Assets in Wales* explains more about setting and its contribution to the significance of your scheduled monument. It also gives details of the planning process for matters outside the scheduled monument boundary.

<http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

¹⁶ *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

¹⁷ *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011, Archaeological intervention, pp. 24–25
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

2.1 Maintaining your Scheduled Monument

Appropriate and planned routine maintenance is the foundation of good conservation of your scheduled monument.

Most scheduled monuments are ruinous buildings, archaeological sites or earthwork monuments and undergo some level of decay. Although the pace of decay can vary considerably from visible deterioration year on year to barely perceptible change, regular inspections to check condition and making timely interventions are probably the most important actions you can take to protect your scheduled monument.

In general, the main threats are the natural elements, invasive vegetation and inappropriate or overly intensive land use or development. Some threats may be beyond your control, such as coastal collapse or landslides, but other risks, such as masonry collapse caused by trees can be managed successfully.

Cadw has produced a series of guides to help owners to understand how best to manage and care for a range of different types of scheduled monuments including *Caring for Monuments on the Farm*, *Caring for Coastal Heritage*, *Caring for Military Sites of the Twentieth Century* and *Caring for Hillforts and Homesteads*. All are free to download from the Cadw website.¹⁸

Earthwork Monuments

Many scheduled monuments in Wales are earthworks. They range from prehistoric enclosures, hillforts and burial mounds through to Roman marching camps, Offa's Dyke, Civil War fortifications and even more recent features like industrial tramway inclines and Cold War military installations. They can be visible as upstanding humps and bumps, as well as buried archaeological remains, and they are especially vulnerable to erosion and damage caused by people or natural processes.

A good general rule for maintaining earthwork monuments is the less disturbance of the ground the better. Encouraging good grass cover is ideal combined with preventing invasive scrub, bracken or trees from taking root. Invasive vegetation should be cut down to ground level leaving the roots to rot *in situ*, though it may be necessary to use herbicide for permanent removal. If so, replanting with suitable grass or flowers may be appropriate. In cases where trees have grown to maturity on a monument much of the root damage will have already taken place. In these cases, the greatest risk is from falling trees with upturned roots that disturb archaeological remains. Felling dying or vulnerable trees before this can happen is preferable, leaving the roots in the ground to die back naturally.

¹⁸ Cadw publishes a range of publications about caring for the historic environment. These can be found online at:

<http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

If your scheduled monument includes areas covered by trees and you are planning woodland operations, it is important to plan the felling to limit the risk of damage to the monument. For example, extraction routes and storage areas should be designed to avoid the need for vehicles to travel over earthwork features. In some cases, additional protective measures such as using brash mats to prevent vehicles from sinking into the ground may be necessary.

You may also need a felling or woodland management licence for some works within woodland areas. These are issued by Natural Resources Wales¹⁹ who may consult Cadw on applications for licences affecting scheduled monuments. If your scheduled monument contains trees protected by a Tree Preservation Order (TPO),²⁰ conservation area status or planning conditions, you may need to seek permission from your local authority before beginning work.

Earthwork monuments can be particularly vulnerable to erosion — both natural and human. Vehicle damage, livestock poaching, scrub encroachment and burrowing animals can all result in substantial and rapid damage with the loss of unique and irreplaceable archaeological information. However, some relatively simple actions such as maintaining appropriate stock levels, placing animal feeders and water troughs away from archaeologically sensitive areas, and applying low impact grassland restoration methods to avoid disturbing buried remains can be highly beneficial. *Caring for Historic Monuments on the Farm* gives more information on how you can manage monuments to avoid damage.²¹

Buildings

Maintaining roofless monuments, such as medieval stone castles or disused industrial buildings, in stable condition can be particularly challenging and often requires phases of active conservation to consolidate masonry (see section 2.2). Often scheduled buildings can have associated earthworks and buried archaeological remains within and around them. You will also need to take these into account when planning any maintenance work.

Ivy and invasive vegetation growing on ruined walls may be picturesque, but it can also cause much damage. The roots can run for considerable distances within the core of walls and wind blowing on the crown of the tree can result in historic walls being levered apart. Water penetration and subsequent freeze-thaw action can damage historic mortars and renders. Unchecked, walls will start to collapse.

Ivy or other intrusive vegetation growing out of walls should not simply be pulled away as this can disturb or damage the monument and may be

¹⁹ Natural Resources Wales <https://naturalresources.wales/>

²⁰ *Technical Advice Note 10: Tree Preservation Orders*
<http://gov.wales/topics/planning/policy/tans/tan10/?lang=en>

²¹ *Caring for Historic Monuments on the Farm*, Cadw, Welsh Assembly Government with the Welsh archaeological trusts, 2006
<http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

dangerous. Instead, it should be cut back to the level of masonry without disturbing the stonework. Although you will not normally need formal consent to do this, it is a good idea to talk to us first about how best to remove invasive vegetation to avoid causing further damage.

Maintenance regimes that prevent the growth of invasive woody vegetation can significantly slow deterioration and help to maintain the visibility of the monument.

You will not normally require scheduled monument consent for general maintenance providing the works do not involve disturbing the ground or the fabric of the monument. Table 1 summarises activities, risks and methods to maintain your scheduled monument and explains whether or not you need scheduled monument consent to proceed.

Table 1 Maintaining Your Scheduled Monument

Activity	Risk	Method	Is Scheduled Monument Consent Needed?
Maintaining earthwork monuments and buried archaeological sites			
Maintain stable grass sward	Ground disturbance.	<ul style="list-style-type: none"> • Appropriate grazing. Control weeds by topping, targeted herbicide. • Use minimal cultivation techniques to avoid ground disturbance. 	No
Pasture renewal	Incremental loss of archaeology.	<ul style="list-style-type: none"> • Ensure cultivation is no deeper than in past years. 	Yes — unless such pasture renewal has been carried out within the previous six years.
Use of vehicles	Vehicle ruts can expose and damage archaeology.	<ul style="list-style-type: none"> • Avoid driving over scheduled area. • Use lighter vehicles or low pressure tyres, or low ground pressure tracked vehicle • Install single permanent track to limit impact. 	No Yes — for new tracks or roads.
Drainage works	Prevents waterlogging and associated rutting but installation and de-watering can expose and damage archaeology.	<ul style="list-style-type: none"> • Avoid laying drains in archaeological sensitive areas. 	Yes
Scrub/bracken management	Roots damage archaeology.	<ul style="list-style-type: none"> • Remove scrub by cutting to ground level and treat with herbicide to prevent regrowth; avoid grubbing out roots. 	No, but natural environment permits or licences may be required.
Control burrowing	Damages archaeology; can	<ul style="list-style-type: none"> • Control populations. 	No — but natural

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animals	result in erosion and collapse of earthwork monuments.	<ul style="list-style-type: none"> • Fence off sensitive sites. 	environment permits or licences may be required. Yes — if within scheduled area.
Fencing	Can disturb archaeology; stock erosion along fenceline.	<ul style="list-style-type: none"> • Place away from archaeological sites wherever possible. 	Yes — if within scheduled area.
Planting new trees and hedges	Root damage.	<ul style="list-style-type: none"> • Place away from archaeological sites. 	Yes — if within scheduled area.
Tree management	On earthwork monuments roots cause damage; old trees are a threat if they fall over.	<ul style="list-style-type: none"> • Dead or unstable trees on scheduled monuments should be removed manually to prevent damage if they are thrown in winds. 	No — if cut to ground level and the roots left in place without causing any ground disturbance.
Tree felling and extraction	Risk of impact damage during extraction.	<ul style="list-style-type: none"> • Protect scheduled monument during timber operations; extraction routes should avoid scheduled monument wherever possible. 	Consult Cadw and, if necessary, Natural Resources Wales and your local authority.
Ploughing arable land	Incremental loss of buried archaeology.	<ul style="list-style-type: none"> • Use minimum cultivation techniques on scheduled monuments (rotavate instead of ploughing). 	Regular cultivation is allowed through a class consent (see Annex 1). New cultivation requires consent.
Building of new or extension of existing structures and buildings	Loss of archaeological evidence by foundations and services.	<ul style="list-style-type: none"> • Avoid building within the scheduled area. 	Yes
Maintaining masonry monuments			
Control woody vegetation growing on or at foot of	Root damage undermines and damages walls.	<ul style="list-style-type: none"> • Control by cutting back to wall and treating with herbicide 	No (unless root penetration is very invasive).

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masonry			
Control climbing species, such as ivy	Root damage undermines and damages walls.	<ul style="list-style-type: none"> • Get advice from Cadw. Cut heavy or overhanging branches back to wall level. Do not pull living ivy from masonry if it is strongly attached. 	No
Monitor condition of masonry	Early action to repair initial stages of deterioration can prevent significant collapse.	<ul style="list-style-type: none"> • Look for signs of movement such as cracks, bulges and falling masonry. Report to Cadw for advice. 	No
Prevent stock damage	Physical damage by rubbing against or undermining masonry.	<ul style="list-style-type: none"> • Control access to scheduled monument, for example, temporary exclusion. 	No — unless fencing required in scheduled area.

2.2 Repair

Sometimes, repairs are the only way you can stop damage and prevent the loss of parts of your scheduled monument. Unlike listed buildings, which can normally be repaired 'like-for-like' without consent, you will usually need consent to repair your scheduled monument.²²

Repairs should be the minimum necessary to stabilise and conserve the monument both for its long-term survival and to meet the needs of continuing use. Examples include repairing erosion scars on earthworks and repointing failing masonry.

Understanding the nature and materials making up the monument, the historical evidence it presents and its archaeological sensitivity can help guide your decisions on what actions to take. Before carrying out any repairs, it is important that you make sure you understand the cause of the damage to ensure that you are treating the problem and not just the symptom.

You should retain as much original fabric as possible. If you have to introduce new materials, they should be selected carefully to work sympathetically with the original fabric and to have the necessary qualities to withstand environmental conditions without the need to be replaced regularly.

It is important to make sure that your repairs can be differentiated from the original monument. For example, you can insert a separating textile membrane before introducing new earth or stone in the case of earthwork repairs or mark the junction between original masonry and modern repairs with a change in mortar or using tile inserts. Many different techniques exist and Cadw's field monument wardens and inspectors of ancient monuments can provide you with advice on these.

When carrying out repairs to scheduled monuments, you will usually need to conduct some level of archaeological investigation. This will inform the work and provide a record of any evidence revealed during the investigation. All archaeological investigations should be carried out by appropriately qualified professionals.²³

Cadw's *Conservation Principles* provides helpful guidance for carrying out repairs to historic assets.²⁴

You will normally need to apply for scheduled monument consent for carrying out repairs to your scheduled monument.

²² See *Managing Change to Listed Buildings in Wales*, Welsh Government, Cadw, 2017 <http://cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en>

²³ Appropriately qualified professionals will be members of the Chartered Institute for Archaeologists (CIfA) working to CIfA standards. www.archaeologists.net

²⁴ *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Welsh Assembly Government, Cadw, 2011, Archaeological intervention, pp. 24–25 <http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

2.3 Restoration and Reconstruction

The restoration or reconstruction of lost, destroyed or superseded elements of a scheduled monument will normally only be justified if it achieves conservation and/or public understanding benefits, and is based on compelling evidence.

For scheduled monuments, restoration usually involves the recreation of lost parts, appearance or function. Restoration proposals most often apply to masonry monuments open to the public to improve public understanding and appreciation, and to ensure their long-term preservation; for example, by reinstating a new roof over a long ruinous building. Restoration will change the appearance of the scheduled monument and will impact on its archaeological values. It requires considerable thought, research and justification. Even when restoring parts of a monument that have collapsed using some or all of the original materials, the resulting restoration is new construction.

Conjectural reconstruction is not appropriate for scheduled monuments; neither is the reinstatement of features that were deliberately superseded by later historical alterations, or which were lost as a result of a significant historical event, such as a deliberate act of destruction connected with the siege of a castle.

You will always need to apply for scheduled monument consent for restoration and reconstruction.

2.4 Archaeological Investigations — Survey and Excavation

There are lots of ways to investigate your scheduled monument ranging from historical research through to archaeological investigation. Techniques that disturb the ground or masonry will require scheduled monument consent, but there are plenty of things you can do without formal consent. If you are not the land owner, you should ask their permission if you need access to the site.

If you are thinking about carrying out an investigation on a scheduled monument, it is best to contact Cadw to help you plan the best way to do it.

Survey

You do not need to tell Cadw in advance if you plan to conduct a non-invasive survey that does not require consent. This includes topographic surveys, photographic surveys, lidar (laser) survey and aerial photographic surveys. But it can be very useful for Cadw to know that such work will be taking place and to receive a copy of your results. A copy should also be submitted to your local historic environment record, which is managed by one of the four Welsh archaeological trusts, and the National Monuments Record of Wales.²⁵ See Contacts section.

²⁵ The four Welsh archaeological trusts compile and keep up to date historic environment records for each local authority area on behalf of the Welsh Ministers for use by local planning

Investigative survey techniques that are designed to explore and identify buried archaeology and artefacts will require Cadw's written permission before you begin. This includes geophysical survey (magnetometry, resistivity, magnetic susceptibility and ground penetrating radar) and soil sampling. It is a criminal offence to use these techniques in a scheduled area without first obtaining the relevant permission. In most cases, Cadw will grant consent for geophysical surveys. This is known as a section 42 consent (see section 3.6).

Excavation

Although excavation is often the most effective way of investigating the past, it is a destructive act and should not be entered into lightly. Once something has been 'dug up' it cannot be replaced, and there is no opportunity for future generations to go back and repeat the work. For this reason, applications for consent to excavate scheduled monuments must demonstrate that the benefits of new knowledge are likely to outweigh the damage caused by the excavation.

Projects must have appropriately qualified personnel and sufficient financial resources to work to the highest standards. All excavations at scheduled monuments must adhere to the relevant best-practice guidelines produced by the Chartered Institute for Archaeologists.²⁶ The research design must justify why the excavation is necessary and aim to minimise the scale of disturbance taking account of advice in *Conservation Principles*.²⁷

If you carry out an excavation you will also need to make arrangements to deposit the archaeological archive safely in a registered museum in accordance with national guidelines²⁸ so that it is available for future study.

Reports and publications

When Cadw gives consent for investigations, you must make the results public by depositing a copy of the final report in your local historic environment record and the National Monuments Record for Wales. This is to make sure that everyone can benefit from the new information about the monument. We also encourage investigators to publish their results in suitable journals or books.

You will always need to apply for scheduled monument consent for excavation. You will need to apply for a section 42 consent for geophysical survey.

authorities and the public. The National Monuments Record of Wales is maintained as a publicly accessible archive for the historic environment of Wales.

²⁶ Chartered Institute for Archaeologists www.archaeologists.net

²⁷ *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Archaeological intervention, pp. 24–25, Cadw, Welsh Assembly Government, 2011 <http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

²⁸ *The National Standard and Guidance to Best Practice for Collecting and Depositing Archaeological Archives in Wales*, 2017 <http://www.heritage-standards.org.uk/new-welsh-archaeological-archives-standard-2017/>

2.5 Metal Detecting

In general, metal detecting is not a suitable technique to use on scheduled monuments. This is because it can cause significant damage by digging through archaeological evidence to extract finds and by removing those finds from their archaeological context. All finds associated with a scheduled monument contribute directly to its evidential value. Removal will therefore directly impact on the significance of the monument.

It is an offence to use metal detectors on scheduled monuments without prior written consent from Cadw. This is known as a section 42 consent (see section 3.6). In general, consent will only be issued for the use of metal detectors during formal, consented archaeological excavations. Conditions will be attached including the deposition of a report in your local historic environment record and the National Monuments Record of Wales, and provision for the conservation and reporting of finds. See section 3.6.

Metal detectorists must ask the permission of the landowner before using a metal detector on their land. Metal detectorists adopting best practice will avoid legally protected sites and activities that could damage sensitive places. If someone asks you for permission to use a metal detector on your scheduled monument, you should inform them that the site is scheduled and that they need consent from Cadw. If you find someone using a metal detector on your scheduled monument without your permission, you should contact the police and Cadw.

You will need to apply to Cadw for a section 42 consent to use a metal detector on a scheduled monument.

2.6 Public Access and Interpretation

Although inclusion of a monument on the schedule does not give members of the general public any rights of access, many owners enjoy making their monuments accessible for visitors. Cadw can help you to do this by providing advice and assistance. In addition, you may wish to join in special events such as the annual Open Doors programme or the Festival of Archaeology organised by the Council for British Archaeology.²⁹

Caring for a scheduled monument that has visitor access can be very rewarding and is an opportunity to share the historic environment with visitors from far and wide. There are many ways you can provide information to help visitors understand your monument ranging from on-site panels and leaflets through to digital techniques, such as phone apps.

Visitor management does not have to mean fences or formal paths. There are many creative ways you can guide visitors safely around sites whilst also protecting and enhancing your scheduled monument. Allowing long grass to

²⁹ Open Doors <http://cadw.gov.wales/opendoors/?lang=en>
Festival of British Archaeology <http://new.archaeologyuk.org>

grow over sensitive areas can deter people while mown paths will direct visitors to the most advantageous and suitable viewing points. Similarly, carefully locating interpretation panels to be unobtrusive and to direct visitors away from archaeologically sensitive areas can be a low-key way to protect the monument.

In the case of larger sites, you may wish to install more substantial facilities such as a visitor centre. Wherever possible, developments such as this are best placed outside the scheduled monument in order to limit the impact on the monument, its buried archaeology and its setting. Careful thought should be given to building design so that it is sensitive to the monument and its setting, as well as inclusive for all visitors. If considering such development, you should contact Cadw and your local planning authority at an early stage for advice.

If you would like information about how to make your scheduled monument more accessible to the public or you are interested in taking part in Open Doors, please contact Cadw at cadw@gov.wales

You will need to apply for scheduled monument consent for the installation of interpretation, signage and any other visitor management infrastructure such as paths, railings and buildings.

2.7 Cross Compliance and Good Agricultural and Environmental Condition (GAEC) Measures

Care of the historic environment is an important part of the Welsh Government's support for the agriculture industry. If you are a farmer wishing to take advantage of the Basic Payment Scheme (BPS),³⁰ you will need to follow the Cross compliance and GAEC measures.³¹ This includes caring for and preventing damage to all historic features, including scheduled monuments on your land.

Carrying out agricultural practices that result in damage to a scheduled monument can affect your payments so it is important to take account of known archaeological sites when developing your farm business plan and to consider how activities may affect them. For example, soil management, farm waste management, farm development and habitat creation can all have an impact. Cadw's field monument wardens can offer you help and advice.

³⁰ Basic Payment Scheme <https://beta.gov.wales/rural-grants-payments>

³¹ Cross compliance and GAEC measures <https://beta.gov.wales/cross-compliance-2018>

2.8 Agri-environmental Schemes

Sustainable management schemes, such as Glastir,³² offer opportunities for improving the condition of scheduled monuments. Cadw is consulted on Glastir Advanced and Glastir Woodland applications affecting scheduled monuments during which applicants are provided with management recommendations. Through Glastir Advanced many owners of scheduled monuments have been able to carry out improvements to their monuments, including repairing erosion, removing invasive vegetation and helping visitors to access sites.

2.9 Management Agreements and Grants

Caring for scheduled monuments can require funding to carry out repairs and other positive management actions. Cadw has a small annual budget to offer grants towards projects to improve the condition of scheduled monuments and to support greater public access and understanding. See Cadw's website for information on current schemes and how to apply.³³

Please contact Cadw if you are interested in applying for a grant or management agreement. Cadw's inspectors of ancient monuments and field monument wardens will be pleased to offer advice on what works might be beneficial to your monument.

³² Glastir is the sustainable land management scheme, through which the Welsh Government offers financial support to farmers and land managers.

<http://gov.wales/topics/environmentcountryside/farmingandcountryside/farming/schemes/glastir/?lang=en>

³³ <http://cadw.gov.wales/historicenvironment/help-advice-and-grants/grants/sams/?lang=en>

3. The Scheduled Monument Consent Process

3.1 What is Scheduled Monument Consent?

It is an offence to carry out any works that would disturb a scheduled monument or the ground within a scheduled monument without first obtaining scheduled monument consent.³⁴

This requirement applies to a wide range of activities, including:

- anything that results in any part of the scheduled monument being demolished, destroyed or damaged
- work to remove a scheduled monument
- work to repair a scheduled monument
- alterations to a scheduled monument
- work to install signage including interpretation panels
- metal detecting
- flooding/drainage operations
- tipping operations
- planting trees
- forestry operations
- erecting fences
- repairing drains
- archaeological excavations
- development on a scheduled monument.

Scheduled monument consent is required for all works including those that are intended to benefit the monument, such as repairing masonry, filling in erosion scars or conducting archaeological investigations. You will need to obtain consent even if the proposed works affect only a small part of the scheduled area.³⁵

Remember, it is a criminal offence to carry out works without obtaining written consent from Cadw before you begin any work. It is easy to damage a monument unintentionally so if you are not sure if you need consent for any work, please contact Cadw for advice (see section 3.10).

The consent process is administered by Cadw on behalf of the Welsh Ministers. Certain works may also require consent from other organisations such as local planning authorities (for new development) and Natural Resources Wales (for environment and natural resources issues).

It is important to remember that the main purpose of scheduling is to protect and preserve scheduled monuments. This means that there is a presumption

³⁴ Ancient Monuments and Archaeological Areas Act 1979, section 2
<https://www.legislation.gov.uk/ukpga/1979/46/section/2>

³⁵ You can print a map showing the extent of the scheduled area around your monument from Cof Cymru, our online national historic assets database. Cof Cymru — National Historic Assets of Wales <http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

against granting consent for works that will damage a scheduled monument. However, most applications are for positive management works.

Consent can be granted in a number of ways:

Scheduled monument consent

Scheduled monument consent, introduced by the Ancient Monuments and Archaeological Areas Act 1979,³⁶ requires you to complete and submit an application form to us (see section 3.6).

For minor works that will have either a neutral or positive impact on the monument, Cadw can use a simplified consent process that does not require an application form. The simplified consent process is intended to speed up simple, uncontroversial and small-scale works where both the owner/occupier and Cadw are in agreement (see section 3.6).

Section 42 consent

For some types of survey work, including metal detecting, we will issue a section 42 consent (see section 3.6).³⁷

We recommend that you contact us as early as possible before submitting any applications so that we can discuss what you want to do, advise you how best it can be achieved and which application process you should use.

Scheduled monument clearance

Where a scheduled monument is owned by the Crown, it is exempt from scheduled monument consent, but the relevant government department should follow a non-statutory procedure known as scheduled monument clearance when proposing works at such a site. The procedures for clearance follow those for scheduled monument consent and government departments are required to abide by any conditions attached to such a clearance.

3.2 Class Consents

There are some activities affecting scheduled monuments which are not normally damaging and can be carried out without the need to apply for scheduled monument consent. Consent for these works is issued automatically under what are known as class consents.³⁸

The activities covered by class consents are listed in Annex 1. They are defined very narrowly and precisely, and they are subject to specified conditions and exclusions.

³⁶ Ancient Monuments and Archaeological Areas Act 1979, section 2
<https://www.legislation.gov.uk/ukpga/1979/46/section/2>

³⁷ Ancient Monuments and Archaeological Areas Act 1979, section 42
<https://www.legislation.gov.uk/ukpga/1979/46/section/42>

³⁸ The Ancient Monuments (Class Consents) Order 1994
<http://www.legislation.gov.uk/uksi/1994/1381/contents/made>

Class consents include the continuation of existing agricultural or horticultural activities. For example, if a site has been ploughed within the last six years you will not normally need scheduled monument consent to continue ploughing, providing the depth of disturbance will be no greater than that previously carried out. However, you will need scheduled monument consent for deep ploughing and sub-soiling.

Class consent also applies for urgent works in the interests of health and safety, but this is restricted to the minimum measures needed immediately to prevent personal injury. This might include the removal of loose or overhanging masonry due to a vehicle strike on a bridge or building, where alternative measures such as preventing public access to the area cannot be implemented. In all such cases, you should safely store the material or building fabric and inform Cadw of the incident as soon as possible so that the extent of urgent works to be carried out can be agreed with you. Cadw may also arrange for an inspector of ancient monuments to visit. You must not use class consents as an alternative to applying for scheduled monument consent for carrying out planned health and safety works.

If you are planning any works that you believe may be permitted by a class consent, please ask Cadw for advice before you begin the works. Undertaking works that are not covered by class consents without first obtaining scheduled monument consent is an offence.

3.3 Getting Pre-application Advice

It is best to contact Cadw for pre-application advice before submitting your consent application. Cadw can discuss your planned work and advise on the amount of detail your application will need to avoid any unnecessary delays. Depending on the scale and impact of the works you intend, you may be asked to submit a heritage impact statement with your application. This should normally include a statement of significance and explain how your proposed works will impact on that significance and why they are necessary. You can find out more about heritage impact assessments and statements from Cadw and in *Heritage Impact Assessment in Wales*.³⁹

You may also need to seek professional advice from an appropriately qualified expert to help you draw up suitable proposals and assist you with your application.

It is a good idea to seek pre-application advice from Cadw, as well as your local planning authority and regional archaeological trust, if you are also applying for planning permission for a proposal that affects a scheduled monument or its setting.

³⁹ *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, 2017
<http://cadw.gov.wales/historicenvironment/publications/newpublications/?lang=en>

3.4 Scheduled Monument Consent and Listed Building Consent

Where a monument or building is both scheduled and listed, you will need to apply for scheduled monument consent from Cadw not listed building consent.

3.5 Scheduled Monument Consent and Planning Permission

If the work you wish to carry out at a scheduled monument requires planning permission, you will need to obtain both planning permission (from the local planning authority) and scheduled monument consent (from Cadw). Planning permission on its own is not sufficient to authorise the works to take place. Applications for full planning consent will normally require a similar level of information as that required for scheduled monument consent. Applications are best made concurrently.

Planning guidance states that there should be a presumption in favour of the *in situ* physical preservation of archaeological remains of national importance.⁴⁰ It also states that local planning authorities should take account of the settings of scheduled monuments when determining planning applications. Where a planning application directly affects a scheduled monument or its setting then the local planning authority must consult Cadw. Planning permission will not be granted, (except in exceptional circumstances) if a development would result in a negative impact on a scheduled monument or a significantly damaging effect on its setting.⁴¹

3.6 How to Apply for Scheduled Monument Consent

You should normally apply using the application for scheduled monument consent form available from the Cadw website.⁴²

You will need to provide sufficient information to show that you have understood and considered the significance of the monument when designing your programme of works and how it will affect the scheduled monument.

The level of information should be proportionate to the scale of the works and how it will impact on the significance of the monument.

As a minimum this should include:

- a plan and drawings showing the current state of the monument, what work you are proposing and where
- photographs showing the current state of the monument

⁴⁰ *Technical Advice Note 24: The Historic Environment*, para. 4.2

<http://gov.wales/topics/planning/policy/tans/tan-24/?lang=en>

⁴¹ *Planning Policy Wales* (Edition 9, Chapter 6), The Historic Environment

<http://gov.wales/topics/planning/policy/ppw/?lang=en>

⁴² Application for scheduled monument consent form.

<http://cadw.gov.wales/historicenvironment/help-advice-and-grants/makingchanges/schedmonconsent/?lang=en>

- a written explanation of your proposals, how they will affect the monument and what you will do to ensure its significance is protected, retained or enhanced
- a certificate of ownership.

For substantial works, you will be asked to prepare a heritage impact assessment and submit a heritage impact statement with your application.⁴³ This information will form the basis of that assessment where one is required.

Anyone can apply for scheduled monument consent but if Cadw receives an application from someone other than the owner, confirmation of the owner's permission will be required.

The full consent process normally takes up to 8 weeks, but it can take up to 13 weeks for more complicated applications, particularly if other experts or interested parties are consulted.

Simplified consent process

If the work you propose will have a positive or neutral impact on the scheduled monument, Cadw may use the simplified consent process which means that you will not need to submit a formal application.⁴⁴ Examples of works for which this might apply are infilling localised erosion around the base of a standing stone, replacing short stretches of fencing, re-bedding loose stones on wall tops, or installing plaques or signs.

In most cases Cadw will agree the works in discussion with you at a site meeting. Cadw will then produce a consent note outlining the extent and location of the agreed works, and setting out any conditions. Upon receipt of this notification you will be able to commence work immediately.

Section 42 consent

You must apply to Cadw for a section 42 consent⁴⁵ to use any equipment capable of detecting buried archaeology, metal or minerals within a scheduled monument area.

This includes geophysical survey equipment such as :

- magnetometry
- resistivity
- ground-penetrating radar surveys.

Consent will normally be granted for non-invasive geophysical surveys.

⁴³ *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, 2017
<http://cadw.gov.wales/historicenvironment/publications/newpublications/?lang=en>

⁴⁴ Historic Environment (Wales) Act 2016, section 5
<https://www.legislation.gov.uk/anaw/2016/4/section/5>

⁴⁵ Ancient Monuments and Archaeological Areas Act 1979, section 42
<http://www.legislation.gov.uk/ukpga/1979/46/section/42>

Consent will not normally be granted for the use of metal detectors unless the survey forms part of a wider research strategy, and provision is made for the conservation and reporting of finds.

Applications for a section 42 consent must include:

- details of the survey methodology, including the maximum depth of disturbance
- a plan showing the proposed survey area
- confirmation that you have permission from the landowner to conduct the survey.

Applications for metal detecting should also include:

- a detailed research strategy outlining how the metal detecting survey will contribute to the research project's wider aims⁴⁶
- details of how you will conserve and analyse any finds, and your proposals for archiving and publication.

You can email requests for a section 42 consent to cadw@gov.wales. Cadw's inspectors of ancient monuments will get in touch to discuss your requirements before consent will be granted.

3.7 How Scheduled Monument Consent Applications are Assessed

All applications are assessed by Cadw on behalf of the Welsh Ministers. The assessment is based on the information you have submitted and Cadw's knowledge of the scheduled monument. Cadw's inspectors of ancient monuments may also need to visit to assess the impact of your proposals; if so, they will contact you to make an appointment. If you have not submitted enough information for Cadw to be able to make an assessment, you will be asked to provide further details.

When assessing applications for consent there is a presumption in favour of physically preserving scheduled monuments. This means that 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.⁴⁷

The legislation requires the Welsh Ministers to take account of any representations made by any person when deciding whether to grant scheduled monument consent. Cadw first issues you with an interim decision letter, which includes details of any proposed conditions for granting consent (see section 3.8) or the reasons for any refusal. You may present additional information in response to this interim letter.

⁴⁶ See Research Framework for the Archaeology of Wales.

<http://www.archaeoleg.org.uk/intro.html>

⁴⁷ *Technical Advice Note 24: The Historic Environment*, A.5

<http://gov.wales/topics/planning/policy/tans/tan-24/?lang=en>

Cadw may decide to hold a public local inquiry, or may afford the applicant (or any other person) the opportunity of a hearing or to make representations to an independent inspector within The Planning Inspectorate.⁴⁸ Cadw would then determine the application on behalf of the Welsh Ministers taking into account a report produced by the planning inspector. In practice, this process is rarely needed because most disagreements over the terms of consents are settled informally through representations made direct to Cadw.

3.8 Consent Conditions

Cadw can grant consent for all or just some of the works that you propose in your application for scheduled monument consent. On rare occasions an application may be refused. In nearly all cases Cadw grants consent subject to conditions which are intended to prevent damage to the monument. You must adhere to any conditions when carrying out the works.

Typically, conditions include a requirement for you to make provision for a programme of archaeological work, recording and reporting. All archaeological investigations should be carried out by appropriately qualified professionals.⁴⁹ They may also include arrangements for Cadw's officials to visit to monitor the progress of the works. You will also be expected, as a minimum, to deposit a copy of any archaeological reports produced during the course of the work in your local historic environment record hosted by the Welsh archaeological trusts and the National Monuments Record of Wales as a public record. See Contacts section.

If no works are started within five years from the date of consent, the consent will lapse.

Once the final consent decision has been made, there is no further right to an appeal other than by application for judicial review to the High Court. There are some limited circumstances where you may be eligible to claim compensation.⁵⁰

3.9 Carrying Out Works after Receiving Consent

Your consent notification will include details of how Cadw will monitor implementation of the works and the consent conditions. This may include one or more visits from one of Cadw's inspectors of ancient monuments or field monument wardens at the start, during and upon completion of the works. The number of visits will depend on the complexity of the works and Cadw will agree the practical arrangements with you at the start of the project.

⁴⁸ The Planning Inspectorate www.planninginspectorate.wales.gov.uk

⁴⁹ Appropriately qualified professionals will be members of the Chartered Institute for Archaeologists (CIfA) working to CIfA standards. www.archaeologists.net

⁵⁰ Ancient Monuments and Archaeological Areas Act 1979, section 7
<http://www.legislation.gov.uk/ukpga/1979/46/section/7>

3.10 Damage and Unauthorised Works

It is a criminal offence to destroy or damage a scheduled monument without scheduled monument consent.⁵¹ The person commissioning or carrying out the works is responsible for avoiding damage to scheduled monuments. Anyone found guilty of damaging or destroying a scheduled monument can be prosecuted.

It is also a criminal offence to carry out works without scheduled monument consent. A lack of knowledge of the status or location of a scheduled monument will only be permitted as a defence if the accused can prove that they took all reasonable steps to find out if a scheduled monument would be affected by the works.⁵²

To avoid carrying out unauthorised works, it is important that you familiarise yourself with the location and details of all the scheduled monuments on your land, and understand the full extent of the scheduled areas. You can do this using the maps on Cadw's Cof Cymru — National Historic Assets of Wales.⁵³

Anyone carrying out building or other large-scale operations involving ground disturbance should use Cof Cymru to confirm that there are no scheduled monuments in the area where you will be working.

If you become aware of unauthorised damage to your scheduled monument, you should contact Cadw and the police immediately. Cadw will investigate all reports of possible damage to scheduled monuments. Where they are substantiated, Cadw will inform the police who will conduct their own investigation to provide evidence for consideration by the Crown Prosecution Service. Decisions to prosecute lie with the Crown Prosecution Service.

A conviction can be punishable by a fine and in the case of intentional or reckless damage or destruction can also result in imprisonment.

In exceptional circumstances, you may be able to apply for retrospective consent to retain unauthorised works. Such consent is at the discretion of the Welsh Ministers. In practice, this will happen only rarely and in situations where the works are beneficial to the monument.

It is highly unlikely that retrospective consent would be granted for works that have had an adverse impact on a scheduled monument. This means that the works would remain liable for prosecution, enforcement, or both. The application process is the same as for full scheduled monument consent.

⁵¹ Ancient Monuments and Archaeological Areas Act 1979, section 2
<https://www.legislation.gov.uk/ukpga/1979/46/section/2>

⁵² Ancient Monuments and Archaeological Areas Act 1979, section 2.
<https://www.legislation.gov.uk/ukpga/1979/46/section/2> as amended by the
Historic Environment (Wales) Act 2016, part 2
<https://www.legislation.gov.uk/anaw/2016/4/part/2/crossheading/modifications-relating-to-offences>

⁵³ Cof Cymru — National Historic Assets of Wales
<http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

3.11 Temporary Stop Notices

If someone is caught in the act of causing damage to a scheduled monument, Cadw has the power to issue them with a temporary stop notice that applies for a period of up to 28 days.⁵⁴ During this period Cadw will work with the owner of the monument to investigate and assess the damage, and agree a plan for how it can be mitigated.

If you are issued with a temporary stop notice, you must stop all work immediately for the period detailed on the notice. Non-compliance with a temporary stop notice is a criminal offence punishable by a fine. This would be in addition to the original offence of carrying out unauthorised works.

After Cadw has completed an investigation, but before the end of the period covered by the temporary stop notice, Cadw may issue a written enforcement notice. This will specify the works necessary to repair or alleviate the damage so that the monument is once again stable and protected.

3.12 Scheduled Monument Enforcement Notices

If a scheduled monument has been damaged by unauthorised works, Cadw can serve a scheduled monument enforcement notice on the owner or person(s) responsible for the damage.⁵⁵ The enforcement notice will specify the actions needed to repair the damage. These will vary according to the nature of the monument and type of damage. Typically, they will include archaeological investigation to recover and record historic evidence and either stabilisation or restoration to the former state of the monument.

If you receive an enforcement notice, it will include details of the time frame within which you must carry out the works. Failure to comply with the notice is an offence. If no action is taken within this period, Cadw may choose to carry out the works and the costs could be recovered from the owner.

Cadw publishes details of all scheduled monument enforcement notices on its website.⁵⁶

⁵⁴ Ancient Monuments and Archaeological Areas Act 1979, sections 9ZI through L <https://www.legislation.gov.uk/ukpga/1979/46/part/II/crossheading/scheduled-monument-enforcement-notices> as amended by Historic Environment (Wales) Act 2016, section 13 <https://www.legislation.gov.uk/anaw/2016/4/section/13>

⁵⁵ Ancient Monuments and Archaeological Areas Act 1979, sections 9ZC through H <https://www.legislation.gov.uk/ukpga/1979/46/part/II/crossheading/scheduled-monument-enforcement-notices> as amended by the Historic Environment (Wales) Act 2016, section 12 <https://www.legislation.gov.uk/anaw/2016/4/section/12>

⁵⁶ Statutory notices <http://cadw.gov.wales/historicenvironment/policy/historicenvironmentbill/statutorynotices/?lang=en>

3.13 Powers of Entry

Cadw or an authorised agent may inspect your scheduled monument at any reasonable time to:

- check its condition
- check for any unauthorised work and associated damage
- consider an application for scheduled monument consent, or the modification or revocation of consent
- observe consented works during and after their completion to make sure they comply with any conditions
- examine and record anything of archaeological or historical interest revealed during the course of consented works.

With the consent of the owner and the occupier, a person authorised by the Welsh Ministers may put up and maintain notice boards and marker posts on or near the site of the scheduled monument to preserve it from accidental or deliberate damage.

Annex 1

Ancient Monuments (Class Consents) Order 1994⁵⁷

Certain works can be carried out without the need to apply for scheduled monument consent. These are called class consents and are listed below.

Class	Permitted	Not Permitted
<p>Class 1 Agricultural, horticultural and forestry works</p>	<p>Agricultural, horticultural and forestry works of the same kind as those previously carried out within that location within the period of six years immediately preceding the date on which the works commence, but excluding works falling into one or more of the not permitted categories.</p>	<p>a) Ploughed land — any works likely to disturb the soil below the depth at which ploughing has previously been carried out lawfully. b) Non-ploughed land — works likely to disturb soil below 300mm c) Sub-soiling, drainage works, tree, hedge and shrub planting or uprooting, topsoil stripping, commercial turf cutting, tipping operations. d) Demolition, removal, extension, alteration or disturbance of any building, structure or works or their remains. e) Erection of any building or structure. f) Laying of paths, hardstandings or foundations for buildings, fences or other barriers other than for domestic gardening.</p>
<p>Class 2</p>	<p>Works executed more than 10m below ground</p>	

⁵⁷ Ancient Monuments (Class Consents) Order 1994 <http://www.legislation.gov.uk/uksi/1994/1381/contents/made>

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Works by the Coal Authority	level by the Coal Authority, or under licence granted under the Coal Nationalisation Act 1946. ⁵⁸	
Class 3 Works by the Canal & River Trust in Wales	Repair and maintenance works to ensure functioning of a canal, providing they do not involve material alterations to the scheduled monument.	Works constituting a material alteration.
Class 4 Works for the repair or maintenance of machinery	Repair and maintenance of machinery providing they do not involve material alterations to the scheduled monument.	Works constituting a material alteration.
Class 5 Works urgently necessary for health and safety	Urgent work provided that they are: a) limited to minimum measures immediately necessary b) notice in writing justifying the need is given to the Welsh Ministers as soon as practicable.	Planned works not urgently needed to prevent risk to life and limb.
Class 6 Works by the Historic Buildings and Monuments Commission for England	Not applicable in Wales.	
Class 7 Works of archaeological evaluation	Investigative works carried out by or for a person who has applied for scheduled monument consent: a) in order to supply information to enable determination of the application b) under supervision of a person approved in writing by the Welsh Ministers c) in accordance with an agreed written specification approved by the Welsh Ministers.	Any excavations not detailed in the agreed written specification.
Class 8	Works for preservation or maintenance in	Any works not detailed within the terms of

⁵⁸ Coal Nationalisation Act 1946 <http://www.legislation.gov.uk/ukpga/Geo6/9-10/59/contents>

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Works carried out under terms of a management agreement with the Welsh Ministers	accordance with the terms of a written agreement under section 17 of the Ancient Monuments and Archaeological Areas Act 1979. ⁵⁹	the management agreement.
Class 9 Works carried out under terms of a written grant of funding from the Welsh Ministers	Works for preservation, maintenance or management in accordance with the terms of a written agreement under section 24 of the Ancient Monuments and Archaeological Areas Act 1979. ⁶⁰	Any works not detailed within the terms of the grant award.
Class 10 Survey works undertaken by the Royal Commission on the Ancient and Historical Monuments of Wales	The placing of survey markers to a depth not exceeding 300mm for measured survey of visible remains.	

⁵⁹ Ancient Monuments and Archaeological Areas Act 1979, section 17 <http://www.legislation.gov.uk/ukpga/1979/46/section/17>

⁶⁰ Ancient Monuments and Archaeological Areas Act 1979, section 24 <http://www.legislation.gov.uk/ukpga/1979/46/section/24>

Annex 2 Heritage Values

For more information on heritage values and significance, see *Conservation Principles*.⁶¹

Evidential Value

This is the physical evidence of your scheduled monument — what it is made of, its form, layout, appearance and location. These are things that can contain evidence about how it was built, for what purpose, how it was used and how it has changed over the centuries. Ruined buildings can show signs of having been damaged and rebuilt; for example, different stone may have been used, or windows added or sealed up, or there may be evidence of deliberate destruction.

The physical evidence includes buried archaeological remains. For example, beneath the low earth mounds of prehistoric barrows there may be stone-lined chambers that still contain bones or cremated remains together with artefacts such as pots which were once filled with offerings of food and drink. Within ruined buildings there may be evidence of earlier buildings beneath the ground, or the rubble remains of collapsed floors and ceilings fallen from above.

Some scheduled monuments are entirely buried with no visible sign above ground. Depending on their nature there may be many metres of archaeological deposits, especially if the monument is within a town. Here, buildings were often built over the remains of earlier structures time and time again, or a substantial building might have collapsed and been buried.

The layout of your scheduled monument can reflect its use or function. For example, buildings within Roman forts were placed according to military guidelines and excavations within Iron Age hillforts have revealed zones containing different types of buildings such as grain stores and houses.

The location of your scheduled monument also reflects choices made by the people who built it and is likely to relate to its purpose. Factors such as defence, shelter and accessibility may have been important. How the monument relates to its landscape, or *setting*, is also significant and is a key consideration within the planning system (see sections 1.2 and 3.5).

As well as the monument itself, additional evidential value can be gained from documents that describe or illustrate it, and archaeological archives and museum collections including excavated artefacts — all of which add to the significance of the monument.

⁶¹ *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

Historical Value

Historical value connects people and historic events with the present. A scheduled monument can illustrate a particular aspect of past life or it might be associated with a notable family, person, event or movement.

Some scheduled monuments are associated with historic documents and records, or academic research and investigation. For example, the thirteenth-century castles built on the orders of Edward I in north Wales are linked to a large archive of records written at the time. These contain details of the names of the people working on the castles, what they did and how much they were paid. These records add a great deal to our understanding of the castles, in particular, how medieval building projects were organised.

Aesthetic Value

A scheduled monument can often have great visual appeal. This might relate to its form or appearance, or how it sits within the landscape. Some monuments, particularly those in elevated positions, can be visible for miles around; others may be tucked into sheltered spots. Their appearance today can be the result of the builders' conscious design or it might be the chance result of the way they have evolved and been used over time; or it may be a combination of both. Aesthetic values are often illustrated by the way monuments have inspired people over the years to create paintings, photographs, poetry and stories.

Communal Value

This is the meaning that your scheduled monument has for people today and how it links with collective experience or memory. This can include commemorative or symbolic significance, and links with national identity. For example, Offa's Dyke is not only a symbolic border between Wales and England, but it also serves as a popular long distance footpath visited by thousands of walkers each year. Communal value can vary over time and between people or groups.

Further Information

Legislation, Planning Policy and Guidance

Ancient Monuments and Archaeological Areas Act 1979

<https://www.legislation.gov.uk/ukpga/1979/46/contents>

Historic Environment (Wales) Act 2016

<http://www.legislation.gov.uk/anaw/2016/4/contents/enacted>

Well-being of Future Generations (Wales) Act 2015

<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

Planning Policy Wales (Edition 9)

<http://gov.wales/topics/planning/policy/ppw/?lang=en>

Planning Policy Wales (Edition 9, Chapter 6), The Historic Environment

<http://gov.wales/topics/planning/policy/ppw/?lang=en>

Technical Advice Note 24: The Historic Environment

<http://gov.wales/topics/planning/policy/tans/tan-24/?lang=en>

Development Management Manual

<http://gov.wales/topics/planning/policy/development-management-manual/?lang=en>

Best-practice Guidance

Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Government, 2011

<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

Heritage Impact Assessment in Wales, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/?lang=en>

Managing Change to Registered Historic Parks and Gardens in Wales, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/?lang=en>

Managing Change to Listed Buildings in Wales, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/?lang=en>

Realising the Potential of Pre-application Discussions, Welsh Government Practice Guide, May 2012

<http://gov.wales/topics/planning/policy/guidanceandleaflets/preappguide/?lang=en>

Setting of Historic Assets in Wales, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/?lang=en>

The National Standard and Guidance to Best Practice for Collecting and Depositing Archaeological Archives in Wales, National Panel for Archaeological Archives in Wales, 2017

<http://heritage-standards.org.uk/new-welsh-archaeological-archives-standard-2017/>

UK Forestry Standard Guideline, Historic Environment, Forestry Commission, 2017

<https://www.forestry.gov.uk/ukfs>

Maintenance and Conservation

Cadw publishes a range of publications about caring for the historic environment. These can be found online at:

<http://cadw.gov.wales/historicenvironment/publications/scheduledmonuments/?lang=en>

Caring for Coastal Heritage, Cadw: Welsh Historic Monuments and the Welsh archaeological trusts, 1999

Caring for Hillforts and Homesteads, Cadw, Welsh Assembly Government, Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh archaeological trusts, 2008

Caring for Lost Farmsteads, Cadw: Welsh Historic Monuments and the Welsh archaeological trusts, 2002

Caring for Military Sites of the Twentieth Century, Cadw, Welsh Assembly Government, Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh archaeological trusts, 2009

Caring for Historic Monuments on the Farm, Cadw, Welsh Assembly Government and the Welsh archaeological trusts, 2006

Caring for Prehistoric Funerary and Ritual Monuments, Cadw: Welsh Historic Monuments and the Welsh archaeological trusts, 2005

Other historic environment organisations also provide useful advice about looking after scheduled monuments:

Historic England <https://historicengland.org.uk/advice/technical-advice/>
Historic Environment Scotland <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/scheduled-monuments/>

Historical Information

Archives Wales — an online catalogue that allows you to search information in more than 7,000 collections of historical records in the holdings of the 21 archives in Wales. www.archiveswales.org.uk

Archwilio — provides online public access to the historic environment records for each local authority area in Wales. Archwilio is maintained and supported with further information held by the Welsh archaeological trusts. www.archwilio.org.uk

Coflein — the online catalogue for the National Monuments Record of Wales, the national collection of information about the historic environment of Wales. www.coflein.gov.uk

Cof Cymru — Cadw's online record of the national historic assets of Wales, which includes listed buildings, scheduled monuments, protected wrecks, World Heritage Sites and registered historic landscapes. Registered historic parks and gardens will be added to Cof Cymru during 2018.

<http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

Cynefin — an online resource to research Welsh tithe maps and their indexes. <http://cynefin.archiveswales.org.uk/>

Historic Wales — an online gateway to national and regional historic environment records. www.historicwales.gov.uk

List of Historic Place Names of Wales — records the various forms and spellings used for the names of topographical features, communities, thoroughfares, structures and other aspects of the landscape recorded in sources that predate the First World War.

<https://historicplacenames.rcahmw.gov.uk/>

The Inventory of Historic Battlefields in Wales — is an interpretative, educational and research resource. Over 700 battles appear in the inventory, and this will be amended and added to as and when new information becomes available. <http://battlefields.rcahmw.gov.uk/>

The National Library of Wales www.llgc.org.uk

Contacts

Welsh Government

Cadw

Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarw, Cardiff CF15 7QQ

Tel. 03000 256000

cadw@gov.wales

<http://cadw.gov.wales>

Royal Commission on the Ancient and Historical Monuments of Wales

Ffordd Penglais, Aberystwyth, Ceredigion SY23 3BU

Tel. 01970 621200

nmr.wales@rcahmw.gov.uk

www.rcahmw.gov.uk

National Monuments Record of Wales

nmr.wales@rcahmw.gov.uk

www.coflein.gov.uk

The Planning Inspectorate

Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

Tel. 0303 4445940

wales@pins.gsi.gov.uk

www.planninginspectorate.wales.gov.uk

Local Planning Authorities

Local planning authorities' conservation, planning and archaeological officers can be contacted via the relevant local authority website.

Welsh Archaeological Trusts

Clwyd-Powys Archaeological Trust

41 Broad Street, Welshpool SY21 7RR

Tel. 01938 553670

trust@cpat.org.uk

www.cpat.org.uk

Dyfed Archaeological Trust

Corner House, 6 Carmarthen Street, Llandeilo SA19 6AE

Tel. 01558 823121

info@dyfedarchaeology.org.uk

www.dyfedarchaeology.org.uk

Glamorgan-Gwent Archaeological Trust

Heathfield House, Heathfield, Swansea SA1 6EL

Tel. 01792 655208

enquiries@ggat.org.uk

www.ggat.org.uk

Gwynedd Archaeological Trust
Craig Beuno, Garth Road, Bangor LL57 2RT
Tel. 01248 352535
gat@heneb.co.uk
www.heneb.co.uk

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

Council for British Archaeology
<http://new.archaeologyuk.org/>

IHBC (Institute of Historic Building Conservation)
<http://www.ihbc.org.uk/>

Natural Resources Wales
c/o Customer Care Centre
Ty Cambria, 29 Newport Road, Cardiff CF24 0TP
Tel. 0300 065 3000
enquiries@naturalresourceswales.gov.uk
<http://naturalresources.wales/>

For high-level information about:

- nature conservation designations that may affect scheduled monuments
- protected species
- landscape character that may form an important element of setting for registered historic parks and gardens
- information and guidance about trees.

RIBA (Royal Institute of British Architects)
<https://www.architecture.com/>

RICS (Royal Institution of Chartered Surveyors)
<https://www.rics.org/uk/>

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Cadw is the Welsh Government's historic environment service working for an accessible and well-protected historic environment for Wales.

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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