

Maxwell Griffin
Fisher German LLP

Sent by email

Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

Dyddiad
Date

Llinell uniongyrchol
Direct line

Ebost
Email:

DE024

7 January 2022

0300 025 6007

scheduledmonuments@gov.wales

Dear Maxwell Griffin,

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
APPLICATION FOR SCHEDULED MONUMENT CONSENT
Holt Bridge DE024**

1. Introduction

1.1 Thank you for your application of 16 December 2021 on behalf of Severn Trent Water Ltd, for scheduled monument consent for the installation of a temporary above ground resilience water main comprising a 125mm pipe across Farndon Holt Bridge.

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. 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 will afford access at all reasonable times to any Cadw official or archaeologist nominated by Cadw to monitor progress of the works.
- b. The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations are permitted unless they have been authorised in advance in writing by Cadw.

Number	Document / plan	Reference Number (if applicable)	Date
1	Scheduled Monument Consent application signed by Maxwell Griffin		16/12/2021
2	FARDON CROSSING WEST SERVICEABILITY DISTRIBUTION MR FARDON CROSSING SHORT TERM SOLUTION	A7W127560441-STW-XX-XX-DR-C-0001	16/12/2021

- c. The approved works will act as a temporary solution. The pipe and any associated or ancillary infrastructure shall be removed on or before 31st March 2023, or such later date, which will need to be agreed by Cadw and confirmed

in writing. The scheduled area will be maintained in a tidy condition throughout the works and upon completion – with any redundant materials removed from the surrounding area.

- d. The approved works shall be carried out strictly in accordance with a 'Method Statement' to be submitted in advance and formally approved in writing by Cadw before work commences. The 'Method Statement' shall be adhered to throughout the project and any variations shall be approved by Cadw prior to works commencing.
- e. The Method Statement shall provide for:

	INFORMATION REQUIRED	Date when information required
1	Arrangements for installation of pipe.	Before work commences.
2	A timetable for the works.	Before work commences.
3	A communications plan including details of any signage, letters, emails or other measures that will help explain the duration, purpose, requirements of the works.	Before work commences.
4	Arrangements for vehicle movements, materials storage and locations of compounds or other associated works.	Before work commences.
5	Arrangements for decommissioning / removal of pipe.	Before work commences.

- f. All contractors shall be provided with a map detailing the extent of the scheduled area and the requirements not to undertake any damaging or ground disturbing works within the scheduled area.
- g. 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. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- h. 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 Ashley Batten 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,

Nichola Davies
Casework Manager
under authority of the Deputy Minister for Culture, Sport and Tourism, one of the Welsh Ministers

Annex A

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

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. Holt Bridge (Scheduled Monument reference DE024)

- 2.1 Holt Bridge is one of Wales' most important medieval bridges and its significance is recognised by its designation as both a scheduled monument and a grade I listed building. In 1368 a trial at the County Court of Chester refers to a bridge between Farndon and Le Holt, with a fortified gateway, constructed by John, Earl of Warenne; it states that the said bridge was built in the 12th year of the reign of Edward III which would be 1338-9. The present bridge, which has no apparent fortified gateway, is more likely a 15th or 16th century construction though there is potential for the discovery of earlier fabric within the structure.

The bridge is constructed of local red sandstone, carries a single carriageway, and spans the River Dee between Bridge Street, Holt and High Street, Farndon. It has eight segmented arches separated on both sides by prominent pointed cutwaters. Phasing is evident in the masonry with a number of historic

alterations being apparent. A large gate tower on the 5th arch was demolished in the 18th century and two arches on the Welsh side were lost at the same time. The 3rd arch from the Welsh bank may mark the position of a gateway or guardhouse with drawbridge - see the high arch ring and masonry changes. Some of the abutments were widened in the 19th century but the parapet survives along the length of the bridge and extends along the roadway on the west bank. The carriageway was resurfaced in the 1960s and again in the early 1990s - sensitive archaeological deposits survive in situ beneath the 20th century alterations. Otherwise, the medieval bridge is well preserved, un-widened and little altered.

3. The Application

- 3.1 This application for Scheduled Monument Consent involves the installation of a temporary above ground resilience water main comprising a 125mm pipe across Farndon Holt Bridge. The pipe will be laid along the NW side of the bridge, on top of the small section of kerb, opposite the footpath (as shown in plan reference A7W127560441-STW-XX-XX-DR-C-0001). The proposed pipe will be entirely above ground along the length of the Scheduled Monument. At either end of the scheduled monument the pipe will then be installed below ground, under the road and will not impact the Scheduled Monument.

The total pipe length will measure 214m and the above ground section of the pipe, over the scheduled monument will measure 128m. The 125mm pipe will be sleeved inside a 160mm pipe for additional protection. Both pipes will be blue Polyethylene (PE). The pipe will be secured to the bridge by placing sandbags on top of the pipe every 3m. The sandbags will be white polypropylene, measuring 330mm by 760mm.

This temporary pipe will remain in place to facilitate the development of a permanent solution. The temporary solution will be removed on or before 31st March 2023. The scheduled area will be maintained in a tidy condition throughout the works and upon completion. Any permanent solution will be subject to a separate Scheduled Monument Consent as appropriate.

4. Assessment

- 4.1 Severn Trent Water currently has two 6-inch pipes crossing beneath the River Dee between Farndon and Holt to supply a population of circa 1133 households in the villages of Farndon and Churton. In June 2021, one of these existing pipes burst and could not be repaired, leaving this population with a single pipe as their supply. In periods of extreme cold weather, water pipes are more vulnerable to bursting and increased demand over the Christmas period usually heightens the risk of a potential burst. If the remaining operational 6-inch pipe beneath the river were to burst, it could not be repaired, as was the case with the first. In the event of a burst, it would cause significant pollution of chlorinated water into the River Dee and the circa 1133 households would be left without a water supply. As such, there is significant public benefit to the proposed works.

The works require the installation of a pipe above ground. None of the works will have a direct physical impact on the parapet or any other historic masonry of the bridge nor any known buried element of the monument. As such, it is unlikely that there will be any potential for impacts on the **evidential value** of the monument. There is some potential that an accidental burst pipe could physically impact on the bridge. Water pressure will be constantly monitored and regulated by Severn Trent Water Ltd and emergency protocols implemented in the event of an emergency.

The works will involve the installation of a blue polyethylene pipe across the bridge. The pipe will have some impact on the **aesthetic value** of the monument. Other associated works will impact on visitors' understanding and appreciation of the monument. The installation of sand bags used to secure the pipe and warning signs to alert pedestrians and vehicle users about the location of the pipe will have a negative impact on the **communal value** of the monument. However, these works are a temporary solution and will be completely removed on or before 31st March 2023.

Recommendation

- 5.1 I recommend that scheduled monument consent is granted, subject to the following conditions:

6. Proposed Conditions

- 6.1 The applicant shall provide Cadw with reasonable advance notice of commencement of works on site and will afford access at all reasonable times to any Cadw official or archaeologist nominated by Cadw to monitor progress of the works.
- 6.2 The approved works shall be carried out strictly in accordance with the application form, plans and documents as listed below. No variations are permitted unless they have been authorised in advance in writing by Cadw.

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- 6.3 The approved works will act as a temporary solution. The pipe and any associated or ancillary infrastructure shall be removed on or before 31st March 2023. The scheduled area will be maintained in a tidy condition throughout the

works and upon completion – with any redundant materials removed from the surrounding area.

- 6.4 The approved works shall be carried out strictly in accordance with a 'Method Statement' to be submitted in advance and formally approved in writing by Cadw before work commences. The 'Method Statement' shall be adhered to throughout the project and any variations shall be approved by Cadw prior to works commencing.

- 6.5 The Method Statement shall provide for:

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5	Arrangements for decommissioning / removal of pipe.	Before work commences.

- 6.6 All contractors shall be provided with a map detailing the extent of the scheduled area and the requirements not to undertake any damaging or ground disturbing works within the scheduled area.
- 6.7 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. The draft should be sent to Cadw in digital format for approval within 25 working days of the works being completed.
- 6.8 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: Ashley Batten

Date: 20/12/2021

Annex B

COMPLETION NOTICE

Name of Monument: Holt Bridge

Monument Number: DE024

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

Applicant Name:

Signature:

When all work has been completed and the conditions have been discharged, please complete and return this completion notice to Cadw at scheduledmonuments@gov.wales