

From: RPW official 1
Sent: 10 February 2020 15:18
To: Cadw official 1
Cc: RIW MAILBOX <RIWMailbox@gov.wales>; Cadw official 2
Subject: Cadw - FL089 - 2020-01-07 - Damage Assessment report (A28637679)

Hi Cadw official 1

Thanks for this. We're happy to apply the breach, however could you review the damage assessment report – in particular the Cross-Compliance Breach Assessment at section 6.

The verifiable standards for scheduled monuments has 2 breaches (see table below). You will note that neither of them allow a very low severity as in the report.

	Description of breach	Extent	Severity	Permanence
7.7	A scheduled monument has been damaged, demolished or destroyed.	On-farm effect or Off-farm effect	Low: Damage caused but does not affect integrity of feature and can be rectified. Medium: Permanent Damage caused but does not affect integrity of feature. High: Damage affected the integrity of the feature.	Rectifiable or Permanent
7.8	A farmer has carried out work/operations on a scheduled monument without the necessary authorisation or failed to comply with conditions attached to any authorisation. This includes any of the following operations: i) any operations for the purpose of removing or repairing a scheduled monument; ii) any operation making alterations or additions to a scheduled monument; iii) any flooding or tipping operations on land in, on or under a scheduled monument; or iv) any other unauthorised operation	On-farm effect or Off-farm effect	Low: no damage. Medium: Damage does not affect integrity of feature. High: Damage affected the integrity of the feature.	Rectifiable or Permanent

I would suggest there have been 4 breach operations on this site – (happy to be advised otherwise if you disagree)

1. Mechanical tracking along the site
2. The removal of short sections to drain this track into the ditch
3. Ploughing within the extent of the feature
4. The pheasant feeders

When it comes to applying a penalty we would take the worst one this time but all 4 could be repeated individually and repetition would apply independently.

Could you amend the damage assessment report to separate out the breaches and score each one against the table above.

I would suggest the intent and extent comments are great for all 4 breaches and all 4 could be permanent (dependant on the pheasant feeders “damaging” the site) – I’m OK with either yes or no. the severity though needs to fit the verifiable standards with Low being “damage caused but does not affect integrity of feature and can be rectified.” Which MIGHT (or might not) fit the tracking but the

Actions	Breach	Intent	Extent	Severity	Permanence
Mechanical tracking along the site	A scheduled monument has been damaged, demolished or destroyed.	the unauthorised works that have been undertaken cannot be viewed as a failure to exercise reasonable care. Warnings have been issued in the past and the landowner was aware of the extent of the scheduled area and their responsibilities toward it	the damage should be considered as limited to on-farm only.	<p>Low: Damage caused but does not affect integrity of feature and can be rectified.</p> <p>OR</p> <p>Medium: Permanent damage caused but does not affect integrity of feature.</p>	<p>Permanent - where soil and material has been removed or disturbed will have had a permanent effect upon the monument as these deposits can never be reinstated</p>
	<p>OR A farmer has carried out work/operations on a scheduled monument without the necessary authorisation</p>			<p>Low: no damage.</p> <p>OR</p> <p>Medium: Damage does not affect integrity of feature.</p>	
The removal of short sections to drain this track into the ditch	A scheduled monument has been damaged, demolished or destroyed.			<p>Medium: Permanent damage caused but does not affect integrity of feature.</p>	<p>Permanent - where soil and material has been removed or disturbed will have had a permanent effect upon the monument as these deposits can never</p>

				be reinstated
Ploughing within the extent of the feature	A scheduled monument has been damaged, demolished or destroyed.			Medium: Permanent damage caused but does not affect integrity of feature.
				Permanent - where soil and material has been removed or disturbed will have had a permanent effect upon the monument as these deposits can never be reinstated
The pheasant feeders	A scheduled monument has been damaged, demolished or destroyed.			Low: Damage caused but does not affect integrity of feature and can be rectified.
	OR A farmer has carried out work/operations on a scheduled monument without the necessary authorisation			Low – no damage done?
				Permanent - where soil and material has been removed or disturbed will have had a permanent effect upon the monument as these deposits can never be reinstated OR Rectifiable?

Happy to discuss further, if this doesn't make sense!

Thanks
RPW official 1

From: Cadw official 1
Sent: 22 January 2020 15:14
To: RIW MAILBOX <RIWMailbox@gov.wales>
Cc: Cadw official 2
Subject: Cadw - FL089 - 2020-01-07 - Damage Assessment report (A28637679)
Importance: High

RIW

Please find attached a breach referral form and damage assessment report relating to a scheduled monument:

Wat's Dyke: Section E and SE of Dyke Farm FL089

CRN: A0019605

As per the referral form I am happy to act as the main point of contact for this case and either myself or Fiona will make ourselves available if you require us to accompany you to the farm to assess/inspect the damage.

Please keep us informed of progress in relation to this case and do not hesitate to contact me if you have any questions or require further information

Thank you

Cadw official 1

Uwch Arolygydd Henebion (Defnydd Tir Gwledig)
Senior Inspector of Ancient Monuments (Rural Land Use)
Amgylchedd Hanesyddol / Historic Environment
Cadw
Llywodraeth Cymru / Welsh Government