



## **CORPORATE AND REGENERATION SCRUTINY COMMITTEE – 7<sup>TH</sup> NOVEMBER 2023**

**SUBJECT: LISTED BUILDINGS AT RISK REGISTER AND STRATEGY**

**REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND  
ENVIRONMENT**

### **1. PURPOSE OF REPORT**

- 1.1 This report provides the Scrutiny Committee with an opportunity to consider the Listed Buildings at Risk Register and Strategy prior to consideration by Cabinet. The Buildings at Risk Register and Strategy sets out a framework for the preservation and enhancement of listed buildings at risk over the period 2023-2028.

### **2. SUMMARY**

- 2.1 Listed buildings are buildings of special architectural or historical significance. The condition of all listed buildings in the County Borough have been surveyed for Cadw who have shared the results with the Council.
- 2.2 A total of 433 structures have been assessed and the survey found the vast majority of listed buildings are in use and are well maintained. However, some have fallen into disuse, dereliction and disrepair. A total of 72 buildings are considered to be 'at risk'.
- 2.3 This Strategy has been prepared to identify an action plan to tackle these nationally important buildings and prevent them being lost forever.

### **3. RECOMMENDATIONS**

- 3.1 That the contents of this report and the 2023 Buildings at Risk Register are noted; and
- 3.2 That Scrutiny provide any comments on the report and prior to the matter being considered by Cabinet.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To ensure the long-term preservation of listed buildings in the County Borough.

## **5. THE REPORT**

- 5.1 The legislative and policy framework for the protection of historic buildings and areas is currently formed by the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act) and Planning Policy Wales with additional guidance contained in Technical Advice Note 24: The Historic Environment. The Historic Environment (Wales) Act 2023 will, eventually, supersede the 1990 Act but is not yet in force.
- 5.2 The Council has statutory duties under the 1990 Act – for example, updating and maintaining the statutory list of buildings; having special regard for historic assets through the Development Management process; and from time to time, reviewing and creating conservation areas.
- 5.3 There are almost 400 buildings or structures that hold special architectural or historical significance in Caerphilly County Borough. These building, collectively known as "listed buildings," have been officially recognised and listed by the Welsh Ministers on the recommendation of Cadw.
- 5.4 The vast majority of listed buildings are in use and are well maintained. However, it is recognised that some buildings can fall into disuse, dereliction and disrepair, some of which are of significant social, cultural and historic importance. Surveys of the physical condition the listed buildings within the County Borough were conducted in 1998, 2006, 2011, 2016 and most recently in 2022.

### **Results of the 2022 Survey**

- 5.5 Cadw appointed consultants, The Handley Partnership, to carry out a survey of all listed buildings in Wales with Caerphilly surveyed in April 2022.
- 5.6 The survey comprises a rapid external assessment of the condition and use of a building. This allows a condition and criticality grading of the building to be produced.
- 5.7 Between 2016 and 2022 five buildings at risk were removed from the Register, a major achievement given the recent economic climate. However, there is a back-log of difficult buildings at risk that have been on the register for many years and have not been repaired or found new uses.
- 5.8 The current Caerphilly BAR register includes 72 buildings and covers a wide range of building types, but the most significant and intractable are those buildings and structures linked to the mining past of the Borough. There are 18 separate structures in this category making up 25% of all BAR in the Borough.

### **The Buildings at Risk Strategy**

- 5.9 The Strategy accepts that given the range in scale of listed buildings and their sometimes, complex issues there is a need to identify a range of options to tackle buildings at risk.
- 5.10 In the first instance, all owners of buildings at risk, will be approached and offered advice, encouragement and support on ways to bring their buildings back into beneficial use. However, this Strategy is clear that 'doing nothing' is not an option.
- 5.11 Where owners refuse to cooperate, or cannot be traced, the Council will not hesitate to use the range of enforcement powers available. This, where appropriate, should

include the use of powers to carry out works in default and recover the debt by enforced sale if necessary.

- 5.12 The approach set out in the Strategy, ensures a fair but firm way of ensuring that only problematic owners are targeted through enforcement, which will always be a last resort.

#### Support for Owners

- 5.13 The Council has always provided support for owners in the form of advice, and the Planning Service continues to do this through the Principal Placemaking and Heritage Officer.
- 5.14 Under Section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council can make discretionary historic building grants towards the cost of repairs to local historic buildings.
- 5.15 A Historic Building Grant is being made available from April 2024 to owners of listed buildings at risk within the County Borough utilising the Shared Prosperity Fund. This will be targeted at those buildings contained in the Register.

#### Enabling and Facilitating Development

- 5.16 Facilitating development typically involves modifying the property's use or extending it to enhance its viability.
- 5.17 In rare cases the concept of enabling development may be considered. This typically refers to the release of land for new construction, generating profits that can be utilised for the restoration of the listed building even where it deviates from the adopted Local Development Plan.

#### The use of Statutory Powers

- 5.18 The Council's preferred approach is to work with owners to secure improvements and remove assets from the risk register. However, where negotiations fail, owners are unwilling to work cooperatively with the Council, and the condition of the building/structure warrants it, the use of statutory powers will be considered to improve the condition of heritage assets at risk. These are detailed in the Strategy, but range from providing advice to owners, to enforcing the sale of property where there is no cooperation.
- 5.19 In addition, where a building at risk is also an 'Empty Home' a coordinated approach to action in line with Empty Homes Strategy will be taken to ensure the best possible outcome is achieved.

#### Total Loss / Building Recording

- 5.20 It is important to recognise that some heritage assets at risk will not be capable of repair and beneficial re-use. Some are already too far decayed, and no longer justify being the focus of scarce resources to try and secure their future. In this case the objective should be to ensure that an adequate record of the historic structure has been obtained.

## **Conclusion**

- 5.21 The Buildings at Risk Register and Strategy has been devised to develop a more efficient way of working using existing finite resources and focussing the service in a streamlined manner with clear priorities.

## **6. ASSUMPTIONS**

- 6.1 The key assumption is that delivery and implementation of this Strategy will be undertaken by the Planning Team.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 The recommendations contained in the report will have a positive overall impact. The IIA form is attached.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 The proposed Strategy makes use of established budgets to deliver the core Conservation service and provides a platform and direction from which to consider future actions which might require non-recurring expenditure.
- 8.2 Shared Prosperity Fund money will be made available for the 2024/25 financial year. The Strategy will allow this to be targeted.
- 8.3 The proposed Strategy provides a basis from which to prioritise expenditure; it provides a basis for seeking external funding, should opportunities arise; it takes a balanced approach to assessing matters of heritage value without committing the Council to excessive expenditure.
- 8.4 Any financial implications arising from the use of Statutory Powers identified in Section 5 above would need to be funded from within existing budgets or the one-off use of reserves.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 There are no personnel implications associated with this report.

## **10. CONSULTATIONS**

- 10.1 The draft report was distributed as detailed below. All comments received have been reflected within the report.

## **11. STATUTORY POWER**

11.1 Local Government (Miscellaneous Provisions) Act 1982  
Building Act 1984  
Town And Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

Author: Peter Thomas, Principal Placemaking and Heritage Officer  
thomap7@caerphilly.gov.uk

Consultees: Cllr Jamie Pritchard, Cabinet Member for Prosperity, Regeneration and  
Climate Change  
Cllr Phillipa Leonard, Cabinet Member for Planning and Public Protection  
Cllr Gary Johnston, Chair of Corporate and Regeneration Scrutiny  
Committee  
Cllr Amanda McConnell, Vice-Chair of Corporate and Regeneration  
Scrutiny Committee  
Christina Harrhy, Chief Executive  
Mark S. Williams, Corporate Director for Economy and Environment  
Stephen Harris, Head of Financial Services and Section 151 Officer  
Lynne Donovan, Head of People Services  
Robert Tranter, Head of Legal Services/Monitoring Officer  
Ben Winstanley, Head of Land and Property Services  
Rhian Kyte, Head of Regeneration and Planning  
Nick Taylor Williams, Head of Housing  
Allan Dallimore, Regeneration Services Manager  
Vickie Julian, Senior Lawyer  
Anwen Cullinane, Senior Policy Officer

Appendices:  
Appendix 1 Draft Buildings at Risk Register and Strategy  
Appendix 2 IIA