



CABINET – 13TH DECEMBER 2023

SUBJECT: LISTED BUILDINGS AT RISK REGISTER AND STRATEGY

REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval for the Authority's Buildings at Risk Register and Strategy which 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 the Buildings at Risk Strategy is endorsed and adopted.

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 buildings, 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 of 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 link to the IIA form is attached.

Link to full Integrated Impact Assessment

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 views of the listed consultees have been reflected within this report.
- 10.2 The Buildings at Risk Register and Strategy was considered by the Corporate and Regeneration Scrutiny Committee on 7th November 2023.
- 10.3 A member of the public, a Caerphilly resident and Trustee of the Ruperra Castle Preservation Trust, addressed members and highlighted the organization's goal of

preserving Ruperra Castle.

- 10.4 Scrutiny Members were asked to recommend that the following are added to the action plan for Ruperra Castle within the Strategy:
1. Press Cadw and the owner to undertake a structural survey of Ruperra Castle, a vital first step to making the Castle safe for the public and residents.
 2. Determine a safe radius around the Castle while essential repairs are undertaken by the owner.
 3. Refuse to accept any further planning applications for Ruperra unless accompanied by a Conservation Management Plan for the entire site.
- 10.5 The Planning Team remain in discussions with the owner of the site including, amongst other things, the condition of the Castle and other listed buildings on the site.
- 10.6 Members should note that the Council, as local planning authority, are unable to refuse to accept a planning application in the absence of a Conservation Management Plan.
- 10.7 A Member requested confirmation as to who controls the Churches when they are sold on and converted for example into houses, especially where cemeteries are in the grounds. The Principal Placemaking and Heritage Officer confirmed that alterations to listed buildings are considered by the Council as local planning authority. Under 'Ecclesiastical exemption', some religious denominations are not required to obtain listed building consent from local planning authorities for works to their listed places of worship. Alterations to scheduled monuments are the responsibility of Cadw.
- 10.8 A Member sought clarification as to what the meaning of a holistic approach in dealing with groups of listed buildings. The Principal Placemaking and Heritage Officer advised that, ideally, all buildings within a group would be repaired and brought back in to use at the same time, however, this would not always be possible.
- 10.9 A Member requested that a meeting with Cadw should be arranged to discuss how money could be spent on preserving historical buildings and request that they work with the Ruperra Castle Preservation Trust and Officers of the Council. The Head of Regeneration and Planning confirmed that the Council meet regularly with Cadw would raise the matter. A verbal update will be provided to Cabinet.
- 10.10 Following consideration of the report it was moved and seconded that the recommendations be approved. By way of Microsoft Forms (and in noting there were 13 for, 0 against and 1 abstention) this was agreed by the majority present.

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

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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
Dave Street Deputy 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