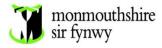
Public Document Pack



Neuadd y Sir Y Rhadyr Brynbuga NP15 1GA County Hall Rhadyr Usk NP15 1GA

Tuesday, 1 October 2024

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 9 October 2024.

1. ENDORSEMENT OF BUILDINGS AT RISK STRATEGY

1 - 14

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor Paul Griffiths

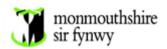
AUTHOR:

Amy Longford Heritage and DM Area Manager

Email: amylongford@monmouthshire.gov.uk

Yours sincerely,

Paul Matthews Chief Executive



CABINET PORTFOLIOS

CABINET PORTFOLIOS			
County Councillor	Area of Responsibility	Ward	
Mary Ann Brocklesby	Lead Officer – Paul Matthews, Matthew Gatehouse	Llanelly	
	Whole Authority Strategy and Direction Whole authority performance review and evaluation Relationships with Welsh Government, UK Government and local government associations Regional Relationships with City Regions and Public Service Board Strategic Procurement Local Food production and consumption, including		
	agroforestry and local horticulture		
Paul Griffiths	Cabinet Member for Planning and Economic Development Deputy Leader Lead Officer – Frances O'Brien	Chepstow Castle & Larkfield	
	Economic Strategy Local development plan and strategic development plan including strategic housing sites Homelessness, affordable housing delivery and private sector housing (empty homes, leasing scheme, home improvement loans, disabled facilities grants and adaptive tech) Supporting Town Centres including car parking and enforcement Development Management and Building Control Skills and Employment Broadband connectivity		
Ben Callard	Cabinet Member for Resources Lead Officers – Peter Davies, Frances O'Brien, Jane Rodgers	Llanfoist & Govilon	
	Finance including MTFP and annual budget cycle Benefits Human resources, payroll, health and safety Land and buildings Property maintenance and management Emergency planning		
Martyn Groucutt	Cabinet Member for Education Lead Officers – Will McLean, Ian Saunders	Lansdown	
	Early Years Education All age statutory education Additional learning needs/inclusion		

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	Post 16 and adult education	
	School standards and improvement	
	Community learning	
	Sustainable communities for learning Programme	
	Youth service	
	School transport	
Ian Chandler	Cabinet Member for Social Care, Safeguarding and	Llantilio Crossenny
	Accessible Health Services	
	Lead Officer – Jane Rodgers	
	Children's services	
	Fostering & adoption	
	Youth Offending service	
	Adult services	
	Whole authority safeguarding (children and adults)	
	Disabilities	
	Mental health and wellbeing	
	Relationships with health providers and access to health	
	provision	
Catrin Maby	Cabinet Member for Climate Change and the	Drybridge
	Environment	
	Lead Officer – Frances O'Brien, Ian Saunders	
	Decarbonisation	
	Transport planning, public transport, highways and MCC	
	fleet	
	Active travel	
	Waste management, street care, litter, public spaces,	
	and parks	
	Pavements and back lanes	
	Flood alleviation, management and recovery	
	Countryside, biodiversity, and river health	
Angela Sandles	Cabinet Member for Equalities and Engagement	Town
	Lead Officers – Frances O'Brien,, Matthew Gatehouse,	
	Jane Rodgers, Ian Saunders	
	Community inequality and poverty (health, income,	
	nutrition, disadvantage, discrimination, isolation and cost	
	of living crisis)	
	Citizen engagement and democracy promotion including	
	working with voluntary organisations	
	Citizen experience - community hubs, contact centre,	
	and customer service and registrars, communications,	
	public relations and marketing	
	Leisure centres, play and sport	
	Tourism Development and Cultural strategy Public conveniences	
	Electoral Services and constitution review	
	Ethics and standards Welsh Language	
	Welsh Language Rights of way	
	Trading Standards, Environmental Health, Public	
	Trading Standards, Environmental Medith, Fublic	

Protection, and Licencing	

Aims and Values of Monmouthshire County Council

Our Purpose

• to become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

Objectives we are working towards

- Fair place to live where the effects of inequality and poverty have been reduced;
- Green place to live and work with reduced carbon emissions and making a
 positive contribution to addressing the climate and nature emergency;
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop
- Safe place to live where people have a home where they feel secure in;
- Connected place where people feel part of a community and are valued;
- Learning place where everybody has the opportunity to reach their potential

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

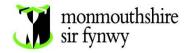
Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

Agenda Item 1



SUBJECT: ENDORSEMENT OF BUILDINGS AT RISK STRATEGY

MEETING: INDIVIDUAL CABINET MEMBER DECISION

DATE TO BE CONSIDERED: 9TH OCTOBER 2024

WARDS AFFECTED: All

1. PURPOSE

1.1 For the Authority to endorse the recommendations set out in the action plan of the Buildings at Risk Strategy. The strategy aims to identify key listed buildings in the county that are classed as 'At Risk' that require formal action to address their condition with an aim to ultimately save the building and facilitate a viable and sustainable end use. By identifying and prioritising key building the strategy aims to make the most efficient and effective use of resources within the Authority to realise the most beneficial change.

2. RECOMMENDATIONS

2.1 To endorse the Buildings at Risk Strategy including the key actions and recommendations set out in relation to identifying and prioritising action for ten key listed buildings at risk.

3. BACKGROUND

- 3.1 In 2020 Monmouthshire had 2148 Listed Buildings, of which 2% were Grade 1, 10% Grade II* and 88% Grade II. These listed buildings make a significant contribution to the quality and character of our main towns, villages, and the rural landscape, they help to create a sense of place and a connection with our rich cultural heritage. Whilst many of these listed buildings are in a good condition and are well maintained and preserved by their owners, there are number of buildings that for various reasons are suffering from decline, lack of maintenance and uncertain futures. These buildings are considered to be 'at risk'. Some of these buildings are located within the county's high streets, and some are located in more isolated locations; all of these buildings are considered to be at risk of considerable or complete loss of historic fabric.
- 3.2 Cadw fund and carry out periodical surveys of all of the listed buildings in Wales. In Monmouthshire this is repeated every 5 years, surveys have been carried out in 2005, 2010, 2015 and in 2023 (delayed due to Covid). This has provided a picture of the condition of the listed building stock, identifying which buildings are in such a poor condition to be considered at risk. This would be due to their structural condition, level of maintenance of key elements, occupancy and vulnerability. This data has been used as the basis of the strategy to identify the most important buildings at risk in order to target action. It is necessary to prioritise key buildings as it is not possible to tackle them all.
- 3.3 As part of the review of the strategy the proposals have been considered by SLT, DMT and Communities and Place Scrutiny. The approach taken to prioritise specific buildings is welcomed as well as working with other departments to maximise the beneficial effect of the strategic BAR work aligning with other key priorities of the Local Authority. It was noted that the Authority owns a number of listed buildings and that these have been excluded from the action plan, however this is on the basis that ultimately the Local Authority cannot take formal action against themselves. A list of local authority owned listed buildings has been prepared for review separately. It is also noted that some of the buildings on the list create certain liabilities for the local authority, in particular in terms of health and safety and these need to be further investigated. Indeed, in relation to two of the buildings on the action plan, the Authority has commissioned independent structural assessments to gain certainty over the potential risks. The issue of resources was also carefully considered, which is addressed further in section 7 of this report.

 Page 1

Legislative Context

- 3.4 The primary legislation, Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LB&CA) Act 1990) sets out the framework for managing the special character of buildings that are considered to have National importance for their historical and architectural value. In Wales this 1990 Act will be replaced by the Historic Environment (Wales) Act 2023 which will come into force on the 4th November 2023. This Act will have the same effect of the existing Act in Wales, but modernises and consolidates a number of different pieces of legislation. A building of significant historical and architectural value is added to the list and becomes a 'listed building'. Owners of listed buildings are not required by law to maintain their building to any set standard, however where buildings fall into disrepair and become at risk of loss there are a number of formal notices that can force owners to carry out certain works aimed at improving the condition of the listed building. These are set out fully in the strategy, however the main tools include Urgent Works Notices, Repairs Notices and Section 215 Notices.
 - Urgent Works Notice (Section 54 & 55, P(LB&CA) Act 1990)
 - Urgent Works Notice (Section 144 &145) HE (Wales) Act 2023
 Specifies works that are urgently necessary for the preservation of the building to make it wind, water tight and structurally stable. This notice shall only specify the minimum works necessary to achieve the above, for example this would be boarding up windows, propping walls or roofs and sheeting over holes in the building. This is designed to address immediate need, it can act as a trigger for further works, or is essentially a 'sticking plaster' not addressing the long term sustainability of the building. If the owner fails to carry out the work specified in the notice the LPA can then carry out the works in default and claim the costs back through a charge on the land.
 - Repairs Notice, (Section 47-50, P(LB&CA) Act 1990)
 - Repairs Notice, (Section 137-142) HE (Wales) Act 2023
 Aims to achieve a long term solution to the proper preservation of the building. The repairs notice can specify the full extent of repairs necessary to restore the building to its condition at the time of listing. If the repairs in the notice are not carried out the LPA can then progress to Compulsory Purchase of the building.
 - Adverse Amenity Section 215 (Section 215 Town and Country Planning Act 1990)
 This notice is aimed at addressing land and/or buildings, the condition of which has an adverse impact on the amenity of the surroundings. The notice can specify works of repair, clearance or rebuilding to remedy the adverse impact. This can be used on listed buildings. If the owner fails to carry out the works specified the LPA can carry out the works in default and/or chose to prosecute the owner for non compliance. The costs of works carried out in default can be recouped via a charge on the land realised through enforced sale procedures via court action.

4. Action Plan

- 4.1 The baseline data, from the Cadw surveys, considers all 2230 listed buildings, categorising 180 of these to be in poor or very bad condition. It is therefore necessary to filter these 180 buildings into a manageable number. The strategy sets out the methodology for selecting and prioritising buildings based on a number of criteria. This is done in two phases, firstly to identify buildings of poor and very bad condition and then eliminating those that:
 - are not buildings that do not have a viable economic end use, such as milestones, walls, tombs etc.
 - those that are Scheduled Ancient Monuments (as the Local Authority have no powers in relation to SAM's)
 - those buildings managed under the Faculty System as these are managed by a separate organisation
 - those buildings in Local Authority Ownership, as these are managed separately
 - those buildings subject to enforcement action as separate powers are used to address unauthorised works
 - those buildings that have been repaired/or restored but have not been updated on the database.

Page 2

- 4.2 This results in 180 buildings, which are then subject to further prioritisation subject to separate criteria which is weighted. The criteria aim to draw out the most important buildings, in the worst condition, where improvements would have maximum benefit and be the best use of public funds. The criteria includes:
 - Condition the worst will be given more importance
 - Grading of the building the higher the grading the more importance
 - Setting the proximity to other heritage assets, the higher concentration the more importance
 - Community Benefit where buildings can align with strategic objectives of the Local Authority or are in very prominent locations such as town centres or providing much needed housing or employment opportunities more importance is given.
 - Funding those buildings able to access external funding are given more importance
 - Officer Knowledge where key circumstances known to officers provides opportunities to make considerable difference in the ability to rescue these buildings, more importance is given.
- 4.3 This has resulted in these buildings being prioritised in order of importance and need subject to the above criteria. As discussed, due to resources it would be unmanageable to tackle all of these buildings, therefore it is considered that the focus will be placed on the top 10 key buildings. These top 10 are considered to be in a poor condition, require action due to their heritage value, have an economically viable end use which should have a community benefit, align with strategic policies and could be eligible for additional funding
- 4.4 These top 10 buildings therefore form the basis of the action plan which sets out specific notices recommended to address the condition of each of the buildings.

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5.0 OPTIONS APPRAISAL

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5.1 The following options are available:

Donofit

Cabinet Member endorse the recommendations set out in the Strategy and in particular endorse the notices set out in the action plan. Identifying key buildings aligns with the objectives of the Local Authority to improve the condition of town centres and properties causing blight. Adds further weight to applications for funding. Demonstrates a commitment to the proper preservation and management of the historic		
environment in Monmouthshire.	king formal action incur costs to the cal Authority, wever by setting crities these can be naged and ourced effectively cessing external ding wherever ssible.	This is the preferred option to ensure that the proper preservation of the historic environment and addressing buildings at risk can be managed and resourced in the best possible way.
	sources would be	
Strategy is not Page 9	B iired on an add	

Option	Benefit	Risk	Comment
endorsed by Individual		hoc basis and the	
Cabinet Member		issues not properly	
		resourced. It would be	
		likely that the	
		condition of the	
		buildings would not be	
		addressed effectively	
		and they would be at	
		risk of further decline	
		and possible finite	
		loss.	

6. REASONS

6.1 To ensure that management of buildings at risk is managed efficiently and resourced within the existing team. By prioritising buildings, a clear direction is secured and external funding can be accessed. The Local Authority can demonstrate a clear commitment to ensuring that the historic environment is managed effectively.

7. RESOURCE IMPLICATIONS

- 7.1 This action plan proposes a methodology to prioritise resources focussing on a top ten buildings at risk. This then sets out what specific notices, should it be deemed necessary, the Local Authority would serve with a view to improving the buildings condition. These recommendations are accurate at the time of writing but would require regular review. The action plan does not seek approval to serve such notices, as this would require an additional approval process. For example, where it is suggested that an Urgent Works Notice (Section 54) would be the most effective notice to serve, should all other attempts of negotiation fail, this would need to have a separate level of scrutiny and approval by the Delegated Panel. In addition, should it then be considered necessary to carry out works in default, (Section 55), this would require full Cabinet approval, which would then be carefully scrutinised.
- 7.2 By endorsing the actions set out in the plan, there are no further resource implications than there are at present. The plan simply focusses the current level of resources and commitment to a specified set of buildings. The serving of anything other than a Section 54 or 215 Notices requires a separate and full Cabinet approval.

8. CONSULTEES

Legal
Planning Policy
Ecology
Building Control
Regeneration

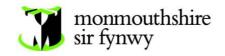
Communities and Place DMT SLT Communities and Place Scrutiny

9. BACKGROUND PAPERS:

BAR Strategy

10. AUTHOR: Amy Longford Heritage and DM Area Manager

Email: amylongford@monmouthshire.gov.uk



Appendix 2: Wellbeing of Future Generations Equalities Impact Assessment

monmouthshire sir fynwy	Integrated Impact Assessment Including Equality and Future Generations Evaluation
Name of the Officer completing the evaluation	Please give a brief description of the aims of the proposal
Amy Longford Phone no: 01633 644877 E-mail: AmyLongford@monmouthshire.gov.uk	Endorsement of Buildings at Risk Strategy
Name of Service area	26.07.24
Planning/Development Management	

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Positive: The positive management of buildings at risk within the Development Management section of the Council should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment, be it through effective and responsible			
enforcement managing the Counties Listed Buildings at Risk for the benefit of future generations.			
Age	None	None identified at this stage	N/A.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?	
benefits to all members namely Promoting a	Positive: The positive management of buildings at risk within the Development Management section of the Council should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment, be it through effective and responsible enforcement managing the Counties Listed Buildings at Risk for the benefit of future generations.			
Disability	None	None identified at this stage	N/A	
Gender reassignment	None	None identified at this stage	N/A	
Marriage or civil partnership	None	None identified at this stage	N/A	
Pregnancy or maternity	None	None	N/A	
Race	None	None	N/A	
Religion or Belief	None	None	N/A	
Sex	None	None	N/A	
Sexual Orientation	None	None	N/A	

The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage	Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
	None identified at this stage	None identified at this stage.	N/A
Socio-economic Duty and Social Justice			

How does your proposal impact on the following aspects of the Council's Welsh Language Standards?	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
Policy Making	Positive and effective management	None identified at	N/A
Effects on the use of the Welsh language,	of the historic built environment promotes the protection of Welsh Culture.	this stage	
Promoting Welsh language			
Treating the Welsh language, no less favourably	The protection of the Welsh Language is now a material planning consideration		
Operational	There are no recruitment	None identified at	N/A
Recruitment & Training of workforce	implications from the proposals.	this stage	
Service delivery	There are no implications for Welsh	None identified at	N/A
Use of Welsh language in service delivery	Language Service Delivery	this stage	
Promoting use of the language			

Policy making and the Welsh language.

2. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well, Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Positive – The proactive and effective use of legislation to rescue listed buildings at risk preserves a finite resource in the form of Welsh built heritage. Negative – None	N/A
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g., climate change)	Older buildings contribute to the overall building stock and have an embodied carbon value that can be utilised and preserved to provide quality buildings that have a varied range of uses.	N/A
A Healthier Wales People's physical and mental wellbeing is maximized, and health impacts are understood	Positive: Bringing listed buildings back into use can create employment and housing opportunities both of which have proven positive outcomes on health	N/A
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive: Bringing listed buildings back into use will contribute to urban and rural environments helping to create attractive, viable, safe and well connected communities.	N/A
A globally responsible Wales Taking account of impact on global well-being when considering local	Positive: Effective management of listed buildings at risk ensures that our cultural heritage is protected and promoted for future generations	N/A

Well, Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Positive and effective management of the historic built environment promotes the protection of Welsh Culture.	N/A
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Positive: Positive and effective management of the historic built environment helps to achieve the five main aims of the Welsh Spatial Plan, namely building sustainable communities, promoting a sustainable economy, valuing our environment, achieving sustainable accessibility and respecting our environment.	N/A

3. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle		Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?	
Long Term	Balancing short term need with long term and planning for the future	The proposed prioritisation and management of listed buildings at risk helps to provide a more resilient service, looking towards the future financial and resource pressures on local government.	N/A	
Collaboration	Working together with other partners to deliver objectives	The proposed strategy, at present, does not require other partners. However, lessons learnt can be shared with other organisations who may be pursuing the same action.	N/A	
Involvement	Involving those with an interest and seeking their views	The ongoing management of listed buildings will be subject to review and evaluations reporting to Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council, and will be taken into account	N/A	
Prevention	Putting resources into preventing problems occurring or getting worse	The ongoing management of listed buildings provides a more resilient service delivery and protects against a potential enforced collaboration which may not best suit the needs of Monmouthshire's citizens	None identified at this stage	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?	
5	The work undertaken by the heritage team directly relates to promoting and ensuring sustainable development and its four areas: environment, economy, culture and society which will be enhanced by a collaborative form of delivery	None identified at this stage	
Integration			
Considering impact on all wellbeing goals together and on other bodies			

4. Council has agreed the need to consider the impact its decisions have on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Social Justice	None identified at this stage	None identified at this stage	N/A
Safeguarding	None identified at this stage	None identified at this stage	N/A
Corporate Parenting	None identified at this stage	None identified at this stage	N/A

- 5. What evidence and data has informed the development of your proposal?
 - Positive Heritage Management aims to foster greater working relationships and respond to the agenda being set by Welsh Government of respecting our environment.
- 6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

Positive impacts: The work undertaken by the Council's Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The proactive approach to the management of buildings at risk seeks to effectively rescue and restore a finite resource and a key element of Wales's Cultural Heritage. It is also considered that managing buildings that fall into repair demonstrates the behaviour of a responsible authority for future generations.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible
Procced to recoup funds in accordance with the options and preferred option below, if agreed	Following the approval to proceed.	Heritage Amy Longford

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision-making process. It is important to keep a record of this process to demonstrate how you have considered and built-in equality and future generations considerations wherever possible.

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Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	C&P DMT	August 2024	
2			
3			

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