

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.

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.

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.

5.0 OPTIONS APPRAISAL

5.1 The following options are available:

Option	Benefit	Risk	Comment
Option 1: Individual Cabinet Member endorse the recommendations set out in the Strategy and in particular endorse the notices set out in the action plan.	Buildings are prioritised allowing resources to be aligned and a focus to addressing the issues. 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.	Taking formal action will incur costs to the Local Authority, however by setting priorities these can be managed and resourced effectively accessing external funding wherever possible.	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.
Option 2: The BAR Strategy is not		Resources would be required on an add	

Option	Benefit	Risk	Comment
endorsed by Individual Cabinet Member		hoc basis and the 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

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