

**P-06-1345 Make conservation management plans compulsory for scheduled monuments at risk such as Ruperra Castle – Petitioner to the Committee, 25.08.23**

25 August 2023

Dear Petitions Committee,

Thank you for the opportunity to comment. We are pleased that the Deputy Minister agrees in principle that Conservation Management Plans could be made compulsory for larger, more complex and sensitive sites of Scheduled Monuments at risk like Ruperra Castle which is a very special place and the only example of a pageant castle in Wales. Cadw's designation description includes: *"Ruperra Castle is a rare example of a substantial Jacobean Renaissance mock castle... The monument is of national importance for its potential to enhance our knowledge of post-medieval social, domestic, and political life and architectural design. Notably, the sophistication of Jacobean design at Ruperra was unprecedented at the time in Wales".*

The issue behind the petition is the neglect - whether active or unintended - by owners of some of our nationally important scheduled monuments like Ruperra Castle, which we are at risk of losing. We suggested conservation management plans as the solution, as that is already recommended in the guidance to owners of scheduled monuments on Cadw's website:

*A conservation management plan is based on an understanding of your scheduled monument and its significance. It offers a long-term, whole-site approach to management so that you avoid inappropriate and unplanned changes. Your plan should include a statement of significance, identify current and potential risks, and look for opportunities to improve the monument. Conservation management plans are best prepared by qualified and competent experts, especially for complex monuments.*

*For smaller monuments, a simpler plan, drawing on the principles of conservation management planning can be very helpful.*

*In all cases, conservation management plans should be proportionate to the scale and complexity of the site. This means that they need not necessarily be long or expensive to produce, and the information they contain can be used as the basis for assessing the impact of any proposed work.*

<https://cadw.gov.wales/advice-support/historic-assets/scheduled-monuments/looking-after-your-scheduled-monument#section-conservation-management-plans>

#### **Historic Environment consultations and review**

Conservation management plans were mentioned as part of the consultation as well as desires for the 2016 Historic Environment Bill to do more to protect our scheduled monuments and buildings – some examples:

- Ken Richards – "It is important to be aware of, and consider, the application of additional or alternative approaches and instruments to the management of the historic environment to deliver greater sustainability. There are effective instruments and practices in the field of resources and ecosystem management with the potential to support the protection and conservation and stewardship of the historic environment in Wales. Examples include

heritage impact statements, stewardship agreements and community based conservation/heritage plans.”

- Trysor – “believe that much more attention needs to be paid to informing landowners who have Scheduled Ancient Monuments on their property as to the expectations placed upon them. An “Owner’s Manual” or “Site Passport” which can be regularly checked and updated, and transferred to new owners at a point of sale, should be considered as vital to ensure that owners will not be ignorant of their roles and responsibilities in future, reducing the potential for damage to our most important monuments. It is our experience that many landowners have a vague understanding of their role in managing Scheduled Ancient Monuments at present.”
- Society for Protection of Ancient Buildings – “Ideally we would have hoped to see even greater change, including a duty of care placed upon the owners of designated structures.”
- National Trust Wales – “We are pleased to see the Bill’s provisions to lend greater protection to Listed Buildings, however, we would have wished to see far greater emphasis on Buildings at Risk in the Historic Environment Bill. We wish to see greater monitoring, greater intervention, greater reporting, and far more emphasis on reducing the buildings at risk in Wales. The Bill needs to stimulate a far more proactive approach to partnership solutions to Buildings at Risk in Wales, and a greater dialogue on solutions to loss of heritage.”
- Wales Heritage Group – “Introduction of enforcement and temporary stop notices for scheduled monuments: We would welcome the further development of stop notices for use in the context of active neglect of a monument/historic asset particularly when this becomes active damage.”

<https://business.senedd.wales/mgConsultationDisplay.aspx?id=176&RPID=637441&cp=yes>

Following this, in 2017 the Culture, Welsh Language and Communications Committee also held an inquiry into Wales’s historic environment. This inquiry followed on from the Committee’s summer consultation in 2016 during which the public highlighted ‘preserving local cultural heritage’ as one of the key areas which the Committee should prioritise.

<https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=19747&Opt=0>

This resulted in a report - Past and Present – Report of an Inquiry into the Historic Environment that recommended that the Historic Environment Bill should be kept under review. “Recommendation 5: The Government should keep the Act under review and formally review its impact after it has been in operation for five years.” The last update we can find on progress is from January 2021 where it says that: “Formal review will be undertaken when the significant provisions of the Act relating to heritage partnership agreements and the register of historic parks and gardens have been in operation for sufficient time to measure their effectiveness.” If our suggestion can’t be achieved as a one-off amendment to the Act we suggest that our request is considered as part of this upcoming review. It would be helpful to know when this formal review will take place.

<https://business.senedd.wales/documents/s115586/Welsh%20Government%20update%20on%20progress%20against%20recommendations%202021.pdf>

It is reasonable to request that legislation is reviewed if it isn’t working. Ruperra Castle is just one example of the large number of scheduled monuments at risk in Wales.

Of the 4,229 designated Scheduled Monuments in Wales, estimates provided from Cadw in May 2023 indicate that around 14%-14.5% are “at risk”.

Ruperra Castle is also a Grade 2\* Listed Building. There are currently 30,093 designated Listed Buildings in Wales. Current estimates from Cadw indicate that between 8%-8.5% of these are “at risk”.

We also found a report which showed a breakdown of types of listed buildings at risk from 2015. It stated a significant increase in Grade 2\* buildings "at risk" (of which Ruperra Castle is) from 7.56% to 11.61% in the surveys from 2013 to 2015 with the statement (in red in the box on page 3) that "Grade 2\* buildings need to receive more attention..."

<https://cadw.gov.wales/sites/default/files/201905/20161206conditionandusesurveyoflistedbuildings2015.pdf>

It would be helpful to know if both the percentage of scheduled monuments and listed buildings in Wales has increased or decreased since the introduction of the 2016 Historic Environment Bill as a measure of its effectiveness.

Figures provided from Historic England earlier this year for scheduled monuments and listed buildings at risk show a lower percentage at risk in England – in April 2022 there were:

- 19,933 scheduled monuments in England of which approx. 11.4% were assessed as at risk.
- 22,516 secular listed buildings (of grades I and II\*, NOT grade II) in England of which 3.4% were assessed as at risk.

Historic England publishes an annual heritage at risk register which was also a recommendation on the report of the inquiry into the Welsh Historic Environment in 2017. "Recommendation 7: Cadw should publish its survey of heritage at risk at the earliest opportunity and in the most complete way compatible with data protection requirements."

We eagerly await the publishing of the heritage at risk register in Wales so we can get a better understanding of our heritage at risk.

Historic England also produce much more extensive guidance on conservation management plans on their website with case studies and examples: <https://historicengland.org.uk/advice/technical-advice/parks-gardens-and-landscapes/maintenance-repair-and-conservation-management-plans-for-historic-parks-and-gardens/#Section4Text>

So do the Church of England: <https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/conservation-management-plans>

We still consider that requiring a conservation management plan for more complex Scheduled Monuments at risk would be fair and proportionate, and would be seen as such by every responsible owner.

#### **Alternative ideas to legislative changes**

Given that conservation management plans are advised by Cadw we suggest that - as an alternative to legislative change - the Deputy Minister could consider the option of issuing a policy statement to strengthen that policy for all scheduled monuments at risk on large, complex and sensitive sites, including Ruperra Castle. We are confident that Cadw could produce a list of such sites reasonably quickly and could fully justify the need for strengthened advice for such monuments in the light of recent statistics on increasing risk levels. Selecting these important complex sites would not lead to disproportionate scale and costs. We therefore request this is considered as an option which could lead to an improving situation for our significant heritage assets in Wales for the benefit of our sustainable tourism industry.

Alternatively, the policy statement could require a conservation management plan to be produced if any large, complex or sensitive scheduled monument - or its setting - is at risk of being affected by a planning or listed building application on an adjacent site.

### **Substantial controversy**

The planning applications that were approved in January 2023 to convert two outbuildings next to Ruperra Castle into a private residential community with associated parking will harm the setting of the Castle, yet are in no sense “enabling development” and include no plans for conserving Ruperra Castle, a building of huge historical importance.

In February 2023, the situation at Ruperra Castle was declared a “national scandal” in an article by Country Life magazine:

*“Certainly, I don’t regard the future of the castle — in the words of the minister’s letter — as a matter ‘not likely to cause substantial controversy beyond the immediate locality’. The abandonment of Ruperra Castle in return for vague promises ought to be a national scandal.”*

<https://www.countrylife.co.uk/news/ruperra-castle-scandal-253330>

The concern reflected in that article is backed up by evidence from our petition, which drew support from well beyond the immediate locality of Ruperra.

Recent information provided by Cadw in July 2023 about the condition of Ruperra Castle revealed:

*“The condition was last recorded on 28 June 2023. The condition trend was recorded as “worsened severe”, current condition as “unfavourable” with “high vulnerability” and the monument at risk level “high immediate”.*

*Cadw is in contact with the owner and his team of consultants. We have been encouraging the owner to record the structure and to commission a structural survey and options appraisal to identify conservation options to arrest deterioration.”*

With these designations in place, we consider that the current system isn’t working when all that Cadw can do is “encourage” owners of nationally important scheduled monuments to prevent deterioration whilst the monument is in their care.

Hefin David Caerphilly MS has been an active supporter of the Ruperra Castle Preservation Trust for many years, and we are grateful for his continued encouragement. Several South East Regional and local MS’s have visited the area and are supportive, and shocked to hear that there is no current legislation to protect Ruperra Castle and other complex sites of significant historical interest from neglect.

Over 3,000 of the 10,500 signatures were collected at places and events in Wales in a matter of months and we also attracted international support. Many of those were surprised that conservation management plans weren’t required already. The strength of feeling from Welsh people was particularly felt when we collected signatures and spoke to young people at the Urdd Eisteddfod in Llandovery earlier this year.

We hope the Petitions Committee can progress our petition and secure a debate in the Senedd on the future of our Welsh heritage before another tower falls. 2026 will see Ruperra Castle’s 400<sup>th</sup> anniversary – let’s hope we can give it the protection it deserves so it is still standing, and we can all enjoy the celebrations together.

Yours faithfully,

Ruperra Castle Preservation Trust