



Ein cyf/Our ref DET/05317/19

Janet Finch-Saunders AM  
Chair  
Petitions Committee

[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)

15 April 2019

Dear Janet,

Thank you for your letter of 3 April requesting further information for the Petitions Committee in relation to P-05-867 - Make the 'Cofiwch Dryweryn' Mural a designated Welsh landmark. I address your points below.

### **Update on the outcome of the meeting between officials, the Community Council and the National Trust**

A constructive meeting was held on Friday 22 March between the Deputy Director of Cadw, Llanrhystud Community Council members and the National Trust on the future of Cofiwch Dryweryn.

There was acceptance at the meeting that in this particular instance, listing or scheduling could not provide the sort of protection the site needs. It was recognised that statutory protection for the mural through listing or scheduling would impose limitations on activities that can be undertaken at the site and would, for example, require anyone wishing to renew the paintwork to apply for consent, which would appear to act against the 'protesting spirit' of the memorial. Furthermore, listing or scheduling would not prevent the collapse of the wall, or the mural, through natural decay or lack of maintenance. Other threats to the continued survival of the mural such as the possible renovation and re-use of the building, or damage by a third party, are already covered under existing planning control and criminal damage legislation.

It was agreed that a more innovative solution is required and Llanrhystud Community Council will now consider ways of working with partners, including the National Trust, to devise a long term management plan for this site.

### **What measures could be taken to physically protect the mural**

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The mural is painted on the gable end of a ruined structure, understood to be a former domestic building. The structure is in private ownership so any conservation work would need to be undertaken with the consent of the owner. A full condition survey has not yet been undertaken, but it is likely that some repairs and consolidation work needs to be undertaken. The mural itself has been repainted on a number of occasions. This may well be considered the most effective way of managing the mural in the future. The management plan for the site will need to identify the most appropriate options to protect the mural.

**Additional information about the previous consideration given to whether the mural meets the criteria for listing or designation as a scheduled monument, and what consideration has been given to updating the criteria used for listing buildings of special architectural or historical interest**

Cadw has assessed Cofiwch Dryweryn for statutory protection on number of occasions but it does not meet the high standard necessary for listing as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas Act) 1990 nor scheduling as a monument of national importance under the Ancient Monuments and Archaeological Areas Act 1979. The published criteria for assessing buildings and archaeological sites for such statutory protection are set out in [Technical Advice Note 24 Historic Environment](#).

### Listing

To qualify for listing a structure has to retain sufficient physical fabric to enable it to be regarded as a building (i.e. an intact structure). In this case only a small fragment of the original building – part of one wall – survives so listing would not be appropriate. This would be consistent with the approach adopted elsewhere where, as part of a national listed building survey of every community in Wales, many ruined structures could not be listed. While the mural on the wall at Llanrhystud provides added significance, it cannot be listed for this reason alone. Buildings and structures may be listed on grounds of architecture or history and listing selection takes both into account. Historical association with events significant in Welsh history is a contributory factor but the assessment also considers the extent to which elements of a building's, or structure's, contemporary character are retained. There should also be some quality or interest in the physical fabric of the structure itself to justify statutory protection afforded by listing.

### Scheduling

Ruined buildings can be eligible for statutory protection through scheduling if they can be demonstrated to meet the criteria for being of national importance. The aim of scheduling is to preserve the archaeological evidence that survives within sites and monuments. The criteria for selection include factors such as age, rarity, condition and archaeological potential. The Cofiwch Dryweryn mural was originally created as a response to a specific historic event but is not representative of a specific monument category or period. The

mural is known to have been repainted on several occasions (including as recently as last week) and is therefore not an original survival.

### Updating the listing criteria

During the scrutiny of the Historic Environment (Wales) Act 2016, careful consideration was given to a number of proposals to recognise the significance of buildings of local interest or extending the criteria for listing to include community value. If a building meets the criteria for listing, Welsh Ministers must list the building. With over 30,000 listed buildings in Wales, changing the criteria could impose legal restrictions on potentially tens of thousands of additional property owners and place substantial administrative and financial burdens on local planning authorities in Wales, who are responsible for controlling works to listed buildings through the listed building consent regime.

Cadw will continue to offer assistance to Llanrhystud Community Council on the mural 'Cofiwch Dryweryn'.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Elis-Thomas'.

**Yr Arglwydd Elis-Thomas AC/AM**

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism