

Compulsory conservation management plans for at-risk scheduled monuments

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Petition title: Make conservation management plans compulsory for scheduled monuments at risk such as Ruperra Castle

Text of petition:

Built in Caerphilly, 1626, Ruperra Castle is significant in Welsh history, one of only a handful of Pageant Castles left in the UK. It was home to the Morgan family and played host to Charles I, and the military in WWII. In 1941 it was gutted by fire and it is still a ruin at risk. A scheduled monument and Grade II* listed building, yet it has deteriorated through private ownership. One of the towers has fallen and without considered intervention it will deteriorate further and soon be lost..

Scheduled monuments are protected to preserve archaeology and buildings so that future generations can learn from our past. Many monuments are stable, others need managing to slow or avoid the effects of natural deterioration. Cadw's website suggests owners may find it useful to draw up a Conservation Management Plan (CMP) to guide their decisions, but it's not a requirement. Welsh Government should make Conservation management plans compulsory for scheduled monuments at risk, to avoid neglect and subsequent loss. This includes identifying



significance, risks, and opportunities to conserve and improve the monument, so as not to damage what is special and guarantee we pass on what is valued to future generations. This will ensure monuments at risk like Ruperra Castle aren't neglected for another 80 years. It will also help alleviate worry about losing significant parts of our precious heritage and aid our wellbeing. The community has been trying to save it for 25 years <https://www.ruperracastle.wales/about.html>.

1. Background

1.1. Legislation

The main tools the Welsh Government has for protecting the historic environment are listing buildings and scheduling monuments. Scheduled monuments are protected archaeological sites and unoccupied historic ruins. They are selected to represent all human activities from earliest times to today.

There are around 4,200 scheduled monuments and 30,000 listed buildings in Wales. Of these, only about 130 monuments are owned and looked after by Cadw (the Welsh Government's historic environment division).

The principal pieces of primary and subordinate legislation that currently govern their protection and management are:

- The Ancient Monuments and Archaeological Areas Act 1979
 - o Scheduling of monuments of national importance
 - o The control of works to scheduled monuments through the scheduled monument consent process
 - o Action against unauthorised works or deliberate damage to scheduled monuments
 - o The acquisition and guardianship of ancient monuments
- The Historic Environment (Wales) Act 2016

Amendments to the existing legislation, including:

- Consultation, interim protection and review of decisions to designate historic assets
- Extension of the definition of a scheduled monument
- Amendments to the criminal offences and defences for damage to scheduled monuments
- Introduction of enforcement and temporary stop notices for scheduled monuments
- Amendments to the scheduled monument consent process
- Power of entry for the archaeological investigation of ancient monuments in danger of damage or destruction
- Introduction of heritage partnership agreements (according to Cadw, “Heritage partnership agreements allow owners, consenting authorities and other interested parties to create long-term management plans for historic assets. The plans cover agreed programmes of works and can incorporate scheduled monument and/or listed building consents”).

The aim of scheduling is to preserve the archaeological evidence that survives within sites and monuments. This includes the physical fabric of the monument and any associated artefacts and environmental evidence, such as pollen or seeds.

This means that if the landowner wants to carry out work that would physically alter a scheduled monument they will probably need to apply to Cadw for permission known as scheduled monument consent. The scheduled monument consent process is intended to protect the monument, its setting and its features from unsympathetic works that could damage its national importance.

Cadw officers also visit scheduled monuments and their owners periodically to check the condition of the site and to offer advice on managing the monument.

There is no legal requirement on owners to maintain a scheduled monument in good condition or to produce Conservation Management Plans, even if the monument is at risk. Similarly, whilst good maintenance of listed buildings is encouraged by Cadw, there is no formal obligation for owners to do so.

1.2. Conservation Management Plans

As outlined by Cadw, a conservation management plan is

“a document which explains why a historic monument or place is significant and how [it is possible to] sustain that significance in any new use, alteration, repair or management.”

A conservation management plan aims to identify risks, explore opportunities for improvement, and highlight the significance of a monument. Conservation management plans are often a prerequisite for funding from bodies such as Cadw or the National Lottery Heritage Fund.

1.3. Ruperra Castle

Ruperra Castle is a Grade II* (particularly important buildings of more than special interest) listed building and Scheduled Ancient Monument. Its grounds are listed on the Cadw/ICOMOS Register of Parks and Gardens of Special Historic Interest in Wales. The castle was built in 1626, and has been in private ownership since 1998, with the current owner in place since 2014.

Pressure group Ruperra Castle Preservation Trust was formed in 1996, and has lobbied to “prevent inappropriate development and save Ruperra Castle”. Its main objective and timeline of opposition to developments at Ruperra castle can be found here. The Ruperra Castle Preservation Trust states:

“Our vision is to protect Ruperra Castle and the environmental surroundings of this historic site from inappropriate development. We want to own the Castle and use a range of funding streams to:

- Repair the Castle as a roofed ruin so that it can be preserved for future generations
- Manage the gardens, grounds and outbuildings with a live-in caretaker
- Use it as a base for heritage, archaeology, gardening, and skills training
- Commemorate key periods in its history
- Encourage sustainable public access

2. Welsh Government action

In its response dated 9 June 2023, the Welsh Government acknowledged that conservation management plans are “a useful tool used by owners and managers of heritage assets to set out the significance of a heritage asset, and how to conserve and manage the asset.” However, they do not support the implementation of compulsory conservation management plans.

The letter states:

“...it would not be appropriate to apply this methodology [compulsory management plans] wholesale to many smaller and simpler scheduled monuments at risk in Wales. Making such plans compulsory would also require new legislation. Extensive changes to the law to improve the protection for scheduled monuments were made in 2016 with the Historic Environment (Wales) Act. Despite extensive consultation there were no calls for compulsory conservation management plans. In fact, such a proposal would be disproportionate in scale and cost, and in many cases unachievable.”

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.