

**National Assembly for Wales**  
Petitions Committee

Save the Vulcan: Protection of historic  
buildings

February 2010



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## **Petitions Committee**

The role of the Petitions Committee is to consider petitions submitted by the public, and to take the issue forward on behalf of the petitioners.

## **Powers**

The Committee was established on 26 June 2007 by the Assembly to consider petitions referred to the Committee by the Presiding Officer. It has the power to take any action which the Committee considers appropriate in relation to the petition.

## Committee membership

<i>Committee Member</i>	<i>Party</i>	<i>Constituency or Region</i>
Christine Chapman	Labour	Cynon Valley
Andrew RT Davies	Welsh Conservative Party	South Wales Central
Michael German	Welsh Liberal Democrats	South Wales East
Bethan Jenkins	Plaid Cymru	South Wales West



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## **The Committee's Recommendations**

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The Committee's recommendations to the Welsh Government are listed below. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

**Recommendation 1.** We recommend that the Welsh Government considers the introduction of guidance, or legislation if necessary, to allow the protection of buildings that are of importance for social and cultural reasons. **(Page 11)**

**Recommendation 2.** We recommend that the Welsh Government consults with Welsh local authorities and the WLGA with a view to strengthening the powers available to local authorities to prevent the demolition of buildings that meet the criteria for local listing. **(Page 15)**

# 1. Background to the petition

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1. The Vulcan Hotel ('The Vulcan') is situated on Adam Street in central Cardiff. It was built in 1853 and it is the only building to survive successive city-centre redevelopments in what was formally known as the Newtown area of Cardiff. The Vulcan is currently owned by Marcol Asset Management Ltd and let to SA Brain & Co.

2. The future of The Vulcan came under threat as a consequence of the most recent redevelopment of Cardiff's city centre - the St David's Phase 2 development. The Vulcan occupies part of the Adam Street site within the development area.

3. In 2005, the former Welsh Development Agency (the 'WDA') began promoting a draft compulsory purchase order (the Order) for the land required for the St David's 2 development. It did this in parallel with negotiations to 'obtain the development by agreement rather than by Order'<sup>1</sup>. This approach was taken in accordance with the extant guidance at the time<sup>2</sup> that recommended that compulsory purchase orders be promoted in parallel with the negotiation process.

4. The objective in making the order was 'not acquisition per se'<sup>3</sup> but achievement of the development scheme. In 2006, the WDA became part of the Welsh Assembly Government (the 'Welsh Government'). The Welsh Government continued with the approach initiated by the WDA, and in November 2006 the Order was made. However, the Order has not been activated to date.

5. At this time, Marcol Asset Management Ltd (Marcol) controlled a substantial part of the Adam Street site. Only two properties remained to be acquired, one of which was The Vulcan which was owned by SA Brain & Co Ltd (SA Brain).

6. Marcol has since acquired the freehold interest in The Vulcan from SA Brain by private negotiations, albeit with the background knowledge that a compulsory purchase order exists. The ownership of the Adam Street site was thus unified in a private development company 'capable of achieving the objective of comprehensive redevelopment'<sup>4</sup>. The WDA had an agreement with Marcol 'not to acquire in the event of them [Marcol] achieving ownership of the whole site'<sup>5</sup>. This agreement was inherited by the Welsh Government upon merger with the WDA in 2006. As a consequence, the Welsh Government has not had to acquire the land by Order

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<sup>1</sup> Email from the Welsh Assembly Government, 'Freedom of Information Request 3034', 23 January 2009

<sup>2</sup> National Assembly for Wales Circular 14/04 'Compulsory Purchase Orders'

<sup>3</sup> Email from the Welsh Assembly Government, 'Freedom of Information Request 3034', 23 January 2009

<sup>4</sup> Ibid

<sup>5</sup> Ibid

7. Since acquiring The Vulcan, Marcol have let it back to SA Brain on a temporary arrangement, pending redevelopment. At the time of receiving this petition, the lease was due to expire in June 2009.

8. In early 2008 the lead petitioners Rachel Thomas and Graham Craig initiated the 'Save The Vulcan' campaign<sup>6</sup>. A central element of this campaign involved raising a petition addressed to the National Assembly for Wales. This petition collected 5,000 signatures and was presented to the Assembly on 12 February 2009. At this point, the Vulcan faced closure and demolition in June 2009.

9. The Petitions Committee initially focused our investigation of this petition on the potential for the Welsh Government to list The Vulcan as a building of national importance.

10. Our investigation of the above issue also led us to examine the powers available to local authorities for the protection of buildings that are important at a local level.

11. In June 2009, the developer offered an extension to the Vulcan's lease for three years, thereby removing the imminent threat of demolition, but not guaranteeing the Vulcan's long-term future.

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<sup>6</sup> The 'Save the Vulcan' Campaign blog can be found at <http://save-the-vulcan.blogspot.com>

## 2. Listed building status

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12. At the outset of their campaign, the petitioners assessed the options available for the protection of The Vulcan from demolition. Mr Graham Craig, an organiser of the 'Save The Vulcan campaign' stated 'listing the building was probably the best way, and the only way we could think of, to get protection for the building'<sup>7</sup>. The endeavour of the petitioners to have The Vulcan listed, and the Welsh Government's response, formed the first part of our investigation of this petition.

### *The petitioners' argument for listing*

13. The petitioners informed us that previous applications to have The Vulcan listed had been made to Cadw<sup>8</sup> and that these applications had been unsuccessful. Cadw indicated that it would consider a new application for listing, on the condition that the application contained new information.

14. Mr Craig researched The Vulcan's history and compiled a new application for Cadw's consideration. His research revealed the following new information:

- A hitherto hidden partition wall
- The remodelling work done under the auspices of the Cardiff architect Fred Veall
- The more recent social and cultural importance of this public house

15. On receipt of the new application, Cadw reassessed The Vulcan against the criteria for listing. The main criteria which Welsh Ministers apply in deciding which buildings to include in statutory lists were summarised by Cadw as being<sup>9</sup>:

- Architectural interest
- Historical interest
- Close historical associations with persons or events of importance to Wales
- Group value

16. These criteria are outlined in circulars 61/96 and 1/98. We noted with some concern that these circulars predate the establishment of the National Assembly for Wales, and that they have not been revised to take account of new priorities

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<sup>7</sup> RoP Petitions Committee 17 March 2009 p.5

<sup>8</sup> Cadw is the Welsh Government's historic environment division

<sup>9</sup> Cadw, *Paper to the Petitions Committee: Petition P-03-197 Save the Vulcan*, 17 March 2009

that may exist in a devolved context. Cadw stated in response to our questioning that:

‘There is a plan for some heritage protection legislation that would cover England and Wales. That legislation is very much intended to tighten up and to bring together the fairly disparate collection of legislation that currently prevails in England and Wales, and also to provide greater clarity and accountability on the heritage protection process. That legislation currently does not have a slot in the UK Parliament, but as part of the underpinning process of that legislation finding its way through the UK Parliament, I think that it is extremely likely that issues such as the criteria will be revisited.’<sup>10</sup>

17. The UK Government did not include a Heritage Protection Bill in its 2009/10 legislative programme<sup>11</sup>, and we have some concerns that this may delay developing the approach taken in Wales to protecting built heritage.

18. During the course of our investigations, the petitioners repeatedly referred to the social and cultural importance of The Vulcan. It was referred to as having ‘important social significance’<sup>12</sup> and ‘strong social connotations’<sup>13</sup> due to its links with Newtown and the construction of Cardiff’s docks. Jenny Randerson AM stated that ‘[...] it is where the Irish labourers in the nineteenth century who built the docks drank [...]’<sup>14</sup> and the petitioners describe The Vulcan as ‘[...] the only visible link to what was Newtown [...]’<sup>15</sup>.

19. The issue of social significance was pursued with Cadw, who stated that:

‘The current criteria do not permit an assessment of a building’s social interest where special architectural or historic interest is absent’<sup>16</sup>.

20. Cadw completed its reassessment of The Vulcan in March 2009, and it concluded that:

‘although there is clearly a strong case to be made for the local significance of the Vulcan, and for its contemporary social and cultural

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<sup>10</sup> RoP Petitions Committee 17 March 2009 p.16

<sup>11</sup> <http://www.commonleader.gov.uk/files/pdf/803%20Cm%207739.pdf>

<sup>12</sup> RoP Petitions Committee 17 March 2009 p.9

<sup>13</sup> Ibid p.7

<sup>14</sup> Ibid p.7

<sup>15</sup> Ibid p.9

<sup>16</sup> Cadw, *Supplementary paper - the Social and Cultural Significance of Buildings*, April 2009

value, there are insufficient grounds to support a recommendation for listing.<sup>17</sup>

21. The Minister for Heritage wrote to us on 22 June 2009 with confirmation that he had decided not to list The Vulcan as it did not meet the listing criteria.

### ***Conclusions***

22. We are grateful for Cadw's reassessment of The Vulcan for statutory listing, in light of additional evidence that came to light following work undertaken by the petitioners. After discussing Cadw's recommendation that The Vulcan should not be added to the statutory list, we accept that Cadw can only assess a building according to the criteria specified to it. In light of this, we understand that The Vulcan does not meet the criteria specified and that were Cadw to recommend listing The Vulcan then Cadw could put themselves and potentially the Welsh Ministers at risk of legal challenge. It follows that we accept the decision the Minister for Heritage has made.

23. We believe that the 5,000 signatures that support this petition are testament to the fact that The Vulcan is an important building to the people of Cardiff. Its primary importance is social and cultural, providing the last physical link to the former Newtown area of Cardiff. As the present arrangements for the statutory protection of buildings, at both national and local level, focus exclusively on an assessment of architectural and historical interest, there are no means to protect a building that is important to communities for other reasons.

24. The extant criteria used to determine the listing of buildings predate the establishment of the National Assembly for Wales. We believe that this guidance should be revised. We note that the UK Government has not brought forward the legislation Cadw referred to in its evidence to us, and we are concerned this may have a negative impact on developing a Welsh approach to protecting built heritage.

25. We welcome the Welsh Government's planned consultation and subsequent revision of guidance<sup>18</sup>.

**We recommend that the Welsh Government considers the introduction of guidance, or legislation if necessary, to allow the protection of buildings that are of importance for social and cultural reasons.**

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<sup>17</sup> Letter from the Minister for Heritage to the Chair of the Petitions Committee, *Vulcan Public House, Adamsdown, Cardiff*, 27 April 2009

<sup>18</sup> Letter from the Minister for Heritage to the Chair of the Petitions Committee, 22 June 2009

### 3. Local protection

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26. In considering whether The Vulcan met the criteria for statutory listing, Cadw emphasised the role local government plays in the protection of buildings, stating ‘ [...] the lead responsibility for decisions on the significance and [...] protection of historic buildings in Wales rests locally’ and that ‘ [...] listed building consent [...] is in the domain of the local authority’<sup>19</sup>.

27. Whilst consideration of decisions made by individual local authorities is beyond our remit, we decided to pursue whether or not local authorities have sufficient powers to protect a building of local importance, in the absence of Cadw adding a building to the national list. From the evidence we received from Cardiff Council, it appears that criteria for listing remain the same for local authorities as for Cadw, though without the requirement for a building to be of national importance.

28. Local authorities can add buildings of local importance to a list according to criteria that are identical to that used by Cadw for the national list, without the requirement for the building to be of national significance. These criteria are specified in a circular that, again, predates the establishment of the National Assembly for Wales, and no subsequent direction has been issued to local authorities since the publication of this circular thirteen years ago. The evidence we received indicates that this local list offers little or no protection to buildings from demolition. Officers from Cardiff County Council stated that ‘ [...] local listing did not afford buildings on the list any substantive protection from demolition’<sup>20</sup> and further to this, an officer stated that ‘ I cannot think of an example where the use of that list has resulted in a building not being demolished’<sup>21</sup>

29. We were also informed that Cardiff County Council had previously sought the support of the Wales Office and the National Assembly for Wales to enhance the powers available to it for the protection of buildings included on the local list, but to no avail<sup>22</sup>.

30. The criteria at a local level are limited in the same way as the national criteria i.e. they cannot take account of buildings that are of importance for

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<sup>19</sup> RoP Petitions Committee 17 March 2009 p.15

<sup>20</sup> Ibid p.5

<sup>21</sup> Ibid p.9

<sup>22</sup> Ibid

reasons other than historical or architectural significance. Of more concern to us was the lack of powers available to local authorities to protect buildings that met the criteria and that were included on a local list.

31. Following the evidence from Cardiff Council, we sought the Welsh Local Government Association's (WLGA) view, to see whether other local authorities in Wales shared the view put forward by Cardiff Council. The WLGA confirmed that 'the issue of local importance is indeed an issue of concern to Local Planning Authorities across Wales'<sup>23</sup>.

32. The WLGA stated that:

'The public clearly think it is somewhat strange that as planners Local Authorities can involve ourselves in porches and alterations to houses in the street, but we cannot prevent gaps appearing in those streets through demolition and clearance - which often have a far more detrimental impact'<sup>24</sup>

### ***The draft Heritage Protection Bill***

33. Both Cardiff County Council and the WLGA made reference to the 'continued absence'<sup>25</sup> of a new Heritage Bill. Cardiff County Council stated, in relation to the draft Heritage protection Bill that

'There was a suggestion that the buildings on the local list might benefit from some statutory protection from demolition [...]'

## **4. Other issues**

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34. The issue of seeking protection for the Vulcan through either the national or local listing process dominated most of our consideration of this petition. However, we did touch on a number of other issues, including:

- The Welsh Government's powers in terms of compulsory purchase
- Relocating The Vulcan

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<sup>23</sup> Letter from the WLGA to the Petitions Committee, *Petition - Save the Vulcan*, 27 July 2009

<sup>24</sup> Ibid

<sup>25</sup> Ibid

- Incorporating The Vulcan in future plans

### ***Compulsory Purchase Order***

35. The petitioners suggested that the Welsh Minister may be in a position to use the CPO that he holds as ‘leverage’ to prevent the demolition of The Vulcan. The Deputy First Minister has confirmed that this would not be possible without opening the Welsh Ministers to legal challenge as it would be contrary to the purposes for which the Order was made.

### ***Relocating the Vulcan***

36. The idea of relocating the Vulcan ‘brick by brick’ to the National Folk Museum in St. Fagans has been mooted. The petitioners were strongly opposed to this suggestion stating that the Vulcan ‘is worth more where it stands than in museum’<sup>26</sup> and that ‘it belongs where it has been for 155 years - the heart of Cardiff’<sup>27</sup>.

37. We suggested that the petitioners may wish to consider the possibility of relocating the Vulcan within the immediate area. This approach has been followed on at least two occasions as part of the redevelopment of Cardiff Bay; in the case of the Norwegian Church and the ‘D-shed’. The petitioners did not think that this would be feasible on the grounds of cost and the lack of available land in the area.

### ***Including the Vulcan in future plans***

38. The developer has not commented on the long-term future of the Vulcan and the Adam Street site. Recent planning applications that have been submitted to Cardiff Council include the Vulcan alongside other developments<sup>28</sup>.

39. The prominent local architect Jonathan Adams, a named supporter of the petition to save the Vulcan, informed us that he could see no reason why the Vulcan could not be incorporated into any future redevelopment of the site, and that it would pose an exciting opportunity, from an architectural perspective<sup>29</sup>.

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<sup>26</sup> Petition wording [www.assemblywales.org](http://www.assemblywales.org)

<sup>27</sup> Ibid

<sup>28</sup> Cardiff County Council, planning applications [09/01308C](#) and [09/01309C](#)

<sup>29</sup> Oral evidence provided to the Petitions Committee at its meeting with Mr Adams on 18 May 2009.

## 5. Conclusions

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40. On the basis of the evidence received, we are concerned that local authorities in Wales have insufficient powers to protect buildings that meet the criteria for local listing. The UK Government has not included a Heritage Protection Bill in its legislative programme for 2009/10 which may have provided an opportunity to address some of these concerns.

**We recommend that the Welsh Government consults with Welsh local authorities and the WLGA with a view to strengthening the powers available to local authorities to prevent the demolition of buildings that meet the criteria for local listing.**

41. We recognise that the future of the Vulcan lies in the hands of the developer. We acknowledge the extension of the Vulcan's lease and hope that this indicates the developer's recognition of the Vulcan as an asset that will positively contribute to the future development of Cardiff and that the developer will continue to work with all parties to ensure the future preservation of the Vulcan.

## Witnesses

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The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at [Save the Vulcan transcripts](#)

*17 March 2009*

Rachel Thomas	Lead Petitioner, Save the Vulcan Group
Graham Craig	Save the Vulcan Group
Jenny Randerson	Assembly Member, Cardiff Central
Marilyn Lewis	Director, Cadw
Judith Alfrey	Cadw
Laurence Burr	Cadw

*9 June 2009*

Richard Cole	Senior Planning Officer, Cardiff County Council
Steven Phillips	Corporate Director Environment, Cardiff County Council

## List of written evidence

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The following material was considered as written evidence by the Committee. All written evidence can be viewed in full at [National Assembly for Wales | Petitions Committee](#)

<i>Name / Organisation</i>	<i>Document</i>	<i>Reference</i>
Welsh Government	Email 'Freedom of Information Request 3034', 23 January 2009	P-03-197-1
National Assembly for Wales	Circular 14/04 'Compulsory Purchase Orders'	P-03-197-2
Cadw	Paper to the Petitions Committee: P-03-197 Save the Vulcan, 17 March 2009	P-03-197-3
Cadw	Supplementary Paper - the Social and Cultural Significance of Buildings, April 2009	P-03-197-4
Office of the Leader of the House of Commons	The Draft Legislative Programme 2009/10 - Governments Response and Summary of Consultation	P-03-197-5
Minister for Heritage, Welsh Government	Letter to the Chair of the Petitions Committee, 27 April 2009	P-03-197-6
Minister for Heritage, Welsh Government	Letter to the Chair of the Petitions Committee, 22 June 2009	P-03-197-7
Steve Thomas, Chief Executive, Welsh Local Government Association	Letter to the Chair of the Petitions Committee, Petition - Save the Vulcan, 27 July 2009	P-03-197-8