

Petitions Briefing

Y Pwyllgor Deisebau | 19 Mawrth 2019

Petitions Committee | 19 March 2019

Research briefing: Make the ‘Cofiwch Dryweryn’ mural a designated Welsh landmark

Petition number: P-05-867

Petition title: Make the ‘Cofiwch Dryweryn’ mural a designated Welsh landmark

Petition topic: It’s ridiculous that such an important landmark in 20th Century Welsh History is the subject of vandalism, while a recent Banksy work is being protected.

It’s time that this landmark be granted official protected site status within Wales.

Cofiwch Dryweryn

The ‘Cofiwch Dryweryn’ mural is painted on the ruined gable wall of a cottage known as Troed-y-Rhiw, at the side of the A487 between Aberystwyth and Aberaeron, at Llanrhystud. The mural remembers the drowning of the village of Capel Celyn, in the Tryweryn valley, in 1965 to provide water for Liverpool. The mural was originally painted in 1960s, with the late academic Meic Stephens later claiming responsibility for the act.

The mural has been both vandalised and repainted on many occasions. On the latest occasion in February 2019, ‘Cofiwch Dryweryn’ was replaced by the word ‘Elvis’. It has since been restored once again.

Conservation

Llanrhystud Community Council has made efforts to conserve the wall, but encountered difficulties. In 2008, the National Trust offered to facilitate negotiations with the wall’s owner and an appeal for funds, with the aim of taking on responsibility for the wall’s repair and ongoing maintenance.

The then Heritage Minister, Alun Ffred Jones, met the National Trust in September 2008 and agreed to offer an ‘in principle’ commitment to a financial contribution of £30,000 from Cadw. The money would only be provided if the remainder of the required funds were raised independently.

In August 2009, an appeal was launched by Llanrhystud Community Council to raise £80,000 to preserve the mural by buying the wall on which the mural is painted, along with the surrounding land.

This campaign failed to reach its £80,000 target.

Scheduled monuments

The Welsh Government has a duty to compile and maintain a schedule of monuments. Monuments on the schedule have statutory protection. There are various factors that are used to assess the national importance of an ancient monument and to consider whether scheduling is appropriate, including:

- Period;
- Rarity;
- Documentation;
- Group value;
- Survival/condition;
- Fragility/vulnerability;
- Diversity; and
- Potential.

Any work that would directly affect a scheduled monument requires the prior consent of the Welsh Government. This is in addition to any planning permission required for the development. Applications for scheduled monument consent are made to the Welsh Government through Cadw.

The main purpose of scheduling is to ensure the preservation of ancient monuments and there is a presumption in favour of their physical preservation when considering an application for scheduled monument consent. This means that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of the remains. Applicants are expected to demonstrate that no practicable alternative route or location, avoiding the monument, exists and that the need to undertake the work outweighs the presumption in favour of the protection of the scheduled monument.

It is a criminal offence to destroy or damage a scheduled monument, to undertake works without scheduled monument consent or not to comply with its conditions.

Where damage or unauthorised works to a scheduled monument have taken place, as well as considering the potential for prosecution, the Welsh Ministers have the power to serve a scheduled monument enforcement notice. The enforcement notice can require the

restoration of the monument to its former state or, where this is not practical or desirable; require works to take place to alleviate the effects of the damage or unauthorised works.

Listed buildings

The Welsh Government has a statutory duty to maintain a list of any buildings which, in its opinion, meet the criteria as being of special architectural and historical interest. Buildings are added to the statutory lists either as a result of systematic survey of particular areas or building types, or following requests from local authorities, amenity societies, other bodies or individuals, relating to particular buildings (spot listing).

If the Welsh Government proposes to include a building on the list or remove one from the list it must consult the owner and occupier of the building and the relevant local planning authority. Interim protection applies from the beginning of the consultation period.

Local planning authorities have the power to serve building preservation notices where they consider buildings are of special architectural or historic interest, and are in danger of demolition or alteration in such a way as to affect their special character. While a building preservation notice is in force, the building will be treated like a listed building (other than the ability to force its compulsory acquisition). The notice will come into force immediately once it is served, and will remain in force for up to six months.

The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent. It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority. When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Welsh Government response

The Welsh Government's response to the Chair of the Petitions Committee noted that Cadw had considered the structure for listing in the past, but it does not meet the specific criteria required for listing. It also questioned whether listing is the best way of providing the protection required. The Welsh Government stated that officials from Cadw will be meeting Llanrhystud Community Council and the National Trust in March to explore more effective ways of interpreting and caring for the site.

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

