

A TOOL-KIT FOR INVESTIGATION INTO HISTORIC STRUCTURES, BASED ON THE WORK UNDERTAKEN FOR RODNEY'S PILLAR

Funded by



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INTRODUCTION

This toolkit is designed as a practical guide for groups interested in supporting the appreciation and enjoyment of an historic structure. It was commissioned from Resources for Change by the One Powys Local Action Group and funded through the Arwain scheme in December 2018. It aims to provide a step by step guide to some of the challenges and opportunities, and uses the work undertaken for Llandrinio and Arddleen Community Council, who commissioned Resources for Change to research the monument known as Rodney's Pillar, also on behalf of Criggion with Bausley, and Llandysilio Community Councils. The interest of these three councils lies in the fact that the land on which the Pillar stands falls, in part, within each of the three Community Council areas.

This research included investigating the history and ownership of the structure, access to the structure, its current use and potential for enjoyment and the interest in creating a community group to support and promote the structure into the future. The toolkit provides a guide on how to approach the research, with practical examples of how this was done for the Rodney's Pillar contract.

ESTABLISHING OWNERSHIP

Where historic structures are a cause for concern or particular interest within a community, the starting point is to try to establish ownership. There are two principal reasons for this:

- a) It could bring to light any plans the owner may already have for its repair and maintenance.
- b) No works or invasive surveys should be carried out without obtaining permission from the owner.

In the case of Rodney's Pillar, the ownership was unclear, as is common with many historic structures. Its original construction had been funded with monies raised by public subscription, in this case, in the 18th century. In addition, the ownership of the land on which it stood has changed since its construction. Furthermore, substantial repairs had been undertaken twice since the original construction, once by public subscription, and once by public authorities.

STEP ONE – CONTACTING POTENTIAL OWNERS

The starting point for any issue over land or property ownership is to work on local knowledge and to contact a likely or possible owner who may well have records of sale or other documents that they are willing to share, or to which they can direct you. Not only is this a possible useful information source, but also is an important way to make sure that key stakeholders are informed at the earliest opportunity and can therefore choose to engage with the process. Generally, this step is likely to reap benefits – at the very least, strengthen relationships.

STEP 2 -THE LAND REGISTRY?

2.1 The first public source of information about land ownership and boundaries is the Land Registry for England and Wales, which holds records about most property or land sold in England or Wales (and all property sold or built since 1993).

2.2 The Land Registry has a website at <https://www.gov.uk/government/organisations/land-registry> and a very helpful telephone contact service, where a skilled and experienced member of staff can advise of the options available and the best way to ensure success.



NB an internet search will bring up a number of options for researching into property ownership, many of which, at first glance may appear to be the official Land Registry site. These are private companies and may charge substantial fees to undertake land and property searches, so it is important to access the official Land Registry site.

2.3 Normally searches done at the Land Registry are of properties with a postcode, but this is not always possible, as some properties may not have one. In addition, some may not be registered, and this is more likely for property and land on which there have been no legal transactions for some time, such as those which have been in the ownership of the same family for generations. Since 1993, as property and/or land is sold, it has been entered into the registry; this also applies to property that has been subject to other legal transactions, such as leases or charges. Owners can also voluntarily register a property which is not registered. This gives security and confirms legal ownership, which anyone can see via a search, although not all information relating to ownership is publicly available. Many local authorities in Wales have registered all the land in their ownership although transactions may not have taken place.

2.4 Information available to the public includes copies of proof of title, which proves ownership, copies of title deeds, (which do not prove ownership) plans of land, which can be used, for example for boundary information and an indication of flood risk.

2.5 The Land Registry charges a fee for all but the most simple search, especially where copies of documents are required. For example, the fee for copies of title deeds is currently £7 per document, and some title deeds will contain multiple documents.

3. LAND REGISTRY PROCESS

3.1 The first step is to identify the location of the structure or building on which a search is sought. The most straightforward is a property with a name and postcode. Where this does not exist, then the grid reference from an Ordnance Survey (OS) map must be used, and the area where the search is required must be highlighted on a copy of a map.

3.2 There are copyright rules relating to OS maps and their copying, but the Land Registry requires the OS grid reference together with a copy of the location/s shown on a relevant OS map.

3.3 The Land Registry cannot undertake a search based solely on a hand drawn map or photograph. Once the information is gathered, it needs to be submitted to the Land Registry, together with any relevant fee; the response takes a few days. The Land Registry will then provide the information it holds, it will indicate what information is available to view, and the cost per document. Not all documents are publicly available, so a group wishing to see such a document may need to seek legal advice, which will incur a fee. These will include documents which provide information which is personal such as financial information relating to mortgages.

WHAT WE FOUND

In the case of Rodney's Pillar, the Land Registry provided information which confirmed the ownership of the land, but the structure was not mentioned specifically although it was shown on the map. There were further documents relating to leases etc which referred to current leases of portions of land, we did not seek to access these, as there was no merit in doing so.

We then drew the conclusion that, at the time of the research, there was no evidence publicly available at the Land Registry to demonstrate that the structure was not owned by the landowner.

4. RESEARCHING OTHER HISTORICAL EVIDENCE

Historic structures, such as Rodney's Pillar, are often popular with local residents and visitors. Stories build up locally around them, including their origins, their purpose, use and potential. These included, in the case of Rodney's Pillar, the origins of the structure, what had happened there over the years, who owned it, who could access it and when, and who had, could or should maintain it. This section is a guide on how to research all those issues.

4.1 UNDERTAKING RESEARCH

To understand the origins of historic structures, you will need to research formal and archived documentation. For the Rodney's Pillar project, this was done by an archaeologist with academic and professional expertise, and local knowledge. This meant that information was secured more quickly and effectively; however, there is no reason why a lay person could not have found out much of the same information, although it would have taken much longer.

WHERE TO LOOK

4.2 A good place to start is www.historicwales.gov.uk this website allows you to hone in on a specific monument and search National Monuments Record for Wales, Welsh Archaeological Trusts' Historic Environment Records, Cadw Listed Buildings and Scheduled Ancient Monuments, and the National Museum of Archaeology. Some information will be unique and only available at one location, other information may be available at more than one location. Generally, primary sources of information, i.e. original materials and documents (or copies of them), are archived locally, in a County Records Office and/or nationally, such as the National Library of Wales (at Aberystwyth) or the National Archives (at Kew). Some archives are digitised and available online, but many will require a fee to be paid, for the work undertaken to locate a document from an archive and make a copy. The fee will vary according to the document. Most archives will allow you to read documents, sometimes under supervision where a document is particularly precious, and they may require conditions when handling, such as wearing cotton gloves to avoid damage.



Check before you visit about how best to access materials to avoid a wasted journey, or a long wait in the archive building.

4.3 Check whether you can make a copy and do not try to by-pass a system by taking a picture of a document on your phone, where this is not allowed. In addition, check the rules about how you can use the copy, as copyright rules may apply if you wanted to share the document, for example by putting it on to a website.

4.4 Archive stores prefer searches to be requested in advance so that staff can locate any documents and have them readily available for you to view on the day of your choice. Some will do a search on the day of your visit, but this may result in a long wait, and some do not allow this at all. Some archives allow copies to be made on the day, others do not, and some documents cannot be copied because of copyright, check before you visit, and archive staff will also advise you.

4.5 Information may also be held more locally, perhaps in a local museum, or with a local history group. A reputable group will normally share its resources with other archives, but sometimes this has not been possible due to resource constraints, so if there is a local history group, or museum, do seek their advice, as most will be only too pleased to assist by sharing the information they have available.

4.6 Finally, internet searches can be useful; however, this is usually secondary information, and therefore will need to be verified. This is especially true of that generated by the public, such as Wikipedia, which may not always be accurate and should not be stated as fact without verification from another source.

RODNEY'S PILLAR RESEARCH

In order to find out information about Rodney's Pillar, the archaeologist visited the National Library of Wales and the Shropshire County Archive at Shrewsbury. In addition, he researched material held by the Clwyd Powys Archaeological Trust and the Powysland Club, a local history society which has been in existence for over a century, and whose materials are archived nationally and locally.

HOW TO PLAN YOUR RESEARCH

The more information you can provide to an archive, the better chance there is of finding something useful. You do not always have to visit in person, this is especially true for information held at the National Library, or the National Archive at Kew, much of which is digitised and available online, and some of which can be researched in this way by library staff. The more information you can give them the better quality information you will receive. If you ask in a general way you may get more information, (which may well cost more) than you either need or are able to use, and it will take you more time to wade through this material.

Use general enquires to start, for example, what information do you hold about XX? This should elicit a list of documents about the structure and you can narrow down from that list a selection of the documents you think will be of most benefit, and ask to see them, or have copies made. Information may be archived in different locations within the archive, so legal documents will be separate from historic newspapers, both of which may provide useful information.



Be prepared to look at documents and information that may not have much relevance to what you are seeking. It may not be clear from the title of a document how relevant it will be. Don't feel you have wasted your time or money, see this as a useful elimination of extraneous material which helps you to focus.

GETTING SIDETRACKED

It is an inevitable part of research that reading one document will lead you to another, and you may find yourself researching a whole host of different areas which relate closely (and not so closely) to your original purpose. If this happens, and you have a deadline where key information is needed, then “park” the other information, or ask another person to look at it. This information can always be reviewed in the future, and some of the less relevant information is often the most interesting!

WHAT YOU MIGHT FIND

You will undoubtedly find information you were not expecting, and you may reveal information which has lain in the archives for a very long time. This was certainly the case with Rodney's Pillar, where we found the following:

- ❖ Information about the original construction, but not the list of the “Gentleman of Montgomeryshire”, who had originally paid for it.
- ❖ Details of the celebratory ‘opening event’
- ❖ A picture of the monument, commissioned by Act of Parliament shortly after its construction, and which local people had not seen.
- ❖ Information about subsequent repairs, by different bodies, how these were funded, and by whom.
- ❖ Information about previous landowners and their holdings in Wales and England.
- ❖ Information about the (now defunct) Breidden Society, a group which organised annual poetry and arts events at the monument.
- ❖ Some general information about Admiral Rodney and his links to the Pillar.
- ❖ Contextual information about monuments erected by public subscription in the UK during the same period.

When this information was presented to local people there was interest in finding out more as part of the ongoing support for the structure.

5. RIGHTS OF ACCESS TO STRUCTURES

When structures are on private land, it isn't always clear whether they are accessible to the general public or not. Generally, the public cannot enter private land unless by consent of the landowner, or by using a Public Right of Way, which might be a public footpath or a bridleway. There are special rules relating to

Rights of Way to which the public and the landowner should abide, and the Local Authority is responsible for ensuring these rules are enforced, by supporting landowners to maintain access, and by encouraging members of the public to use them properly and responsibly.

HOW TO FIND A PUBLIC RIGHT OF WAY

- Each local authority has a statutory document which shows where public footpaths lie, this is a legal document called the Definitive Rights of Way and the one for Powys should be found on the Powys County Council website, by entering Definitive Rights of Way into the search engine; however if this is unavailable you can view a paper copy at The Gwalia, Llandrindod Wells, by emailing rightsofway@powys.gov.uk or phoning 01597 827500.

The research into Rodney's Pillar showed that there are several Public Rights of Way which lead up to the monument, so access is open and straightforward.

6. WHO IS INTERESTED IN THE STRUCTURE AND ITS FUTURE?

At the beginning of the research we were told that the structure was very popular, and that it was held in great affection by local people, and those further afield. This was tested in a number of ways, with the purpose of understanding what aspect of the structure people cared about; how often they visited; and whether there was an interest in coming together over the longer term to work co-operatively on a range of initiatives.

Research, undertaken both on social media, through an online questionnaire and by interviewing visitors to the site in person during the autumn of 2018 found there was real interest for some kind of joint action.

A public meeting also voiced enthusiasm for some kind of joint initiative, and it was clear there were concerns about the safety of the structure and ongoing maintenance. Some people expressed the view that because a Local Authority had previously undertaken repairs, it had become the responsibility of that body, which is not the case.

CONSIDERATIONS ABOUT OWNERSHIP

At the public meeting a discussion was held about whether it would be possible to take over ownership, or to lease the structure from the owner in order to secure its future. For these types of discussions, it is helpful to focus on some key questions, which are:

- *What benefit would it be to our community to own this structure / building / feature?*
- *Would there be any benefit to leasing the structure, and if so, over what period? (the question around leasing arose because of the requirement from grant funders for a lease before offering funding towards repair and maintenance)*

In the case of the communities adjoining Rodney's Pillar the public meeting agreed that there was no advantage to owning or leasing the monument, but they identified several other ways that they could work together with the monument as their focus.

FUNDING REPAIRS

Local Authorities have powers to carry out repairs to buildings and structures they do not own or lease. In the current economic climate, with pressure on resources, councils have to make difficult decisions based on competing demands and it is unlikely that repairs to heritage structures will be a priority. Having said this, a Local Authority can carry out an enabling role in partnership with other bodies, such as those at a local level, to support such work through managing and contracting specialists to carry out the work. Funds may be available from a range of sources, including Heritage Lottery Fund and Cadw. In the case of Rodney's Pillar, the community councils had already commissioned a full structural survey which describes in detail the work needed to secure the structure and includes detailed costings which could be used for a grant application.

FORMING A FRIENDS' GROUP

There is plenty of support available for people who want to form a group, that will steer them through the basic steps of ensuring a successful group is formed. These steps are outlined below.

WHAT WOULD BE THE PURPOSE OF THE GROUP?

In legal terms this would become the organisation's object(s), and these would appear first, after the name, on any governing document. If the group felt they wanted to become a registered charity, then it would need to take advice to ensure its objects are charitable. An example of a charitable object relating to a historic structure is:

"The advancement of the education of the public by making accessible to the public, and the preservation, maintenance, upkeep and repair of, the Napoleonic War Memorial, known as the Marquess of Anglesey's Column, on the Isle of Anglesey.¹"

Any group needs to agree **what** it wants to do, which must be in line with the purpose it has identified. In the case of Rodney's Pillar, it might want to;

- Support and encourage the proper maintenance of the structure
- Work to ensure the structure remains accessible to the public
- Research into the history of the structure
- Encourage more people to visit the structure

HOW WOULD IT DO THIS?

¹ The object of the Anglesey Column Trust, registered as a charity in 2017

The group would need to agree **how** they would achieve the purpose. This might include:

- Raising and managing funds
- Undertaking practical activities, such as path clearance/ maintenance
- Providing promotional materials, such as interpretation, signage, written and web-based materials
- Run events based around the structure, in the case of Rodney's Pillar these might include events linked to fitness and heritage

WHAT WOULD BE THE BEST GOVERNANCE ARRANGEMENTS FOR WHAT IT WANTS TO DO?

Once the group has agreed what it wants to do, then it can look at the options for the best governance structure. For example, if it decides it wants to manage funds, then it will need to consider a formal structure which will provide security for officers of the group (Chair, Secretary, Treasurer etc), and also give people who might be asked for a donation, or to pay for an event confidence that their money was safe, and going to be used for the purpose for which it was given.

If the group wanted to undertake voluntary activity only, then a simple set of rules or a basic constitution should suffice, although, if the group intends to undertake practical work such as path maintenance, installing rails or steps it would need insurance. It is likely that a useful route would be to form the 'pathways team' through the local authority, which already supports teams of volunteers to undertake such tasks. They would be able to provide training, insurance, protective clothing and tools.

In the case of Rodney's Pillar, people who were interested in forming the group had very different interests. Some were interested in making sure the structure was maintained and safe, others wanted to retain the structure as a landmark with access for recreational purposes, such as running or dog walking, whilst others were interested in researching the history and potentially creating events such as those held by the Breidden Society. For a group to encompass all these diverse interests it is likely that it would need a committee to co-ordinate and communicate the activity, and sub-committees which worked on their own areas of interest.

HOW LONG COULD THIS TAKE, AND HOW DIFFICULT COULD IT BE?

A simple set of rules can be agreed in a straightforward way. The standard mechanism is to hold a public meeting, identify individuals who have the capacity to be committee members, and sign up to a simple set of rules, at which point they will be legally an Unincorporated group. Other governance models, which include becoming a Registered Charity, a Charitable Trust, a Company Limited by Guarantee, a Social Enterprise, a Community Interest Company, a Co-operative, or a Charitable Incorporated Company, can be considered, and all have advantages and disadvantages.

WHAT SUPPORT MIGHT BE AVAILABLE?

Once a group wants to move beyond a simple set of rules, they will need advice and guidance on the best form of governance to meet the needs of what they want to do; and how best to do their chosen activities. This is where organisations such as PAVO (Powys Association of Voluntary Organisations) can assist, and the staff working in the County Council's Regeneration team may also be able to offer initial support or advice. There is specialist help for certain types of organisation, for example the Co-operative Centre for Wales will advise groups who want to become a Co-operative. Sometimes groups seek legal advice in drawing up their governance document, but this is not usually necessary, unless the group plans to carry out complex work, or manage potentially difficult legal issues, such as sub-letting assets. Other support will be available for the activities they might want to do, such as advice from the Countryside Services on issues relating to Rights of Way, assistance with research from local heritage groups etc.

Lists of support bodies can be found overleaf, most can be found easily through an internet search using a search engine.

Organisations which may provide support

Organisational Development

PAVO www.pavo.org.uk

WCVA www.wcva.org.uk

Co-op Centre Wales <https://wales.coop>

Powys County Council Regeneration Team <https://www.growinpowys.com/> email:
regeneration@powys.gov.uk

Funding

National Lottery Heritage Fund www.heritagefund.org.uk

Big Lottery Fund www.biglotteryfund.org.uk

Arts Council for Wales www.arts.wales

PAVO Funding Officer <https://www.pavo.org.uk/help-for-organisations/funding.html>

Community Foundation in Wales www.cfiw.org.uk

National Library of Wales www.library.wales

Shropshire County Council Archives www.shropshirearchives.org.uk

Powys County Council Archives www.powys.gov.uk/en/archives/find-local-archives-records

National Archive www.nationalarchives.gov.uk

Powysland Club www.powyslandclub.co.uk