

# The Coal Exchange Cardiff Bay

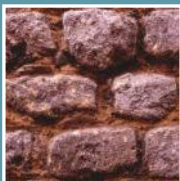
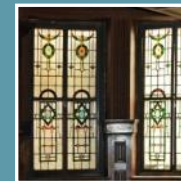
- **Jon Avent** *BSc(Hons) CEng MIStructE IHBC, CARE Accredited Conservation Engineer  
Director*



## Mann Williams

Consulting Civil and Structural Engineers  
53 Mount Stuart Square, Cardiff, CF10 5LR  
T 02920 480333 E bath@mannwilliams.co.uk

- Owner of Structural Engineering business with an office in Mount Stuart Square
- Accredited conservation engineer with over 25 years experience of historic buildings
- Framework conservation engineers for Wales and Ireland conservation bodies
- Worked for local authorities across the UK advising on historic buildings
- Provided expert witness advice to local authorities on planning aspects of historic building structure



**Generally supportive of Signature Living and their intentions for the Coal Exchange.**



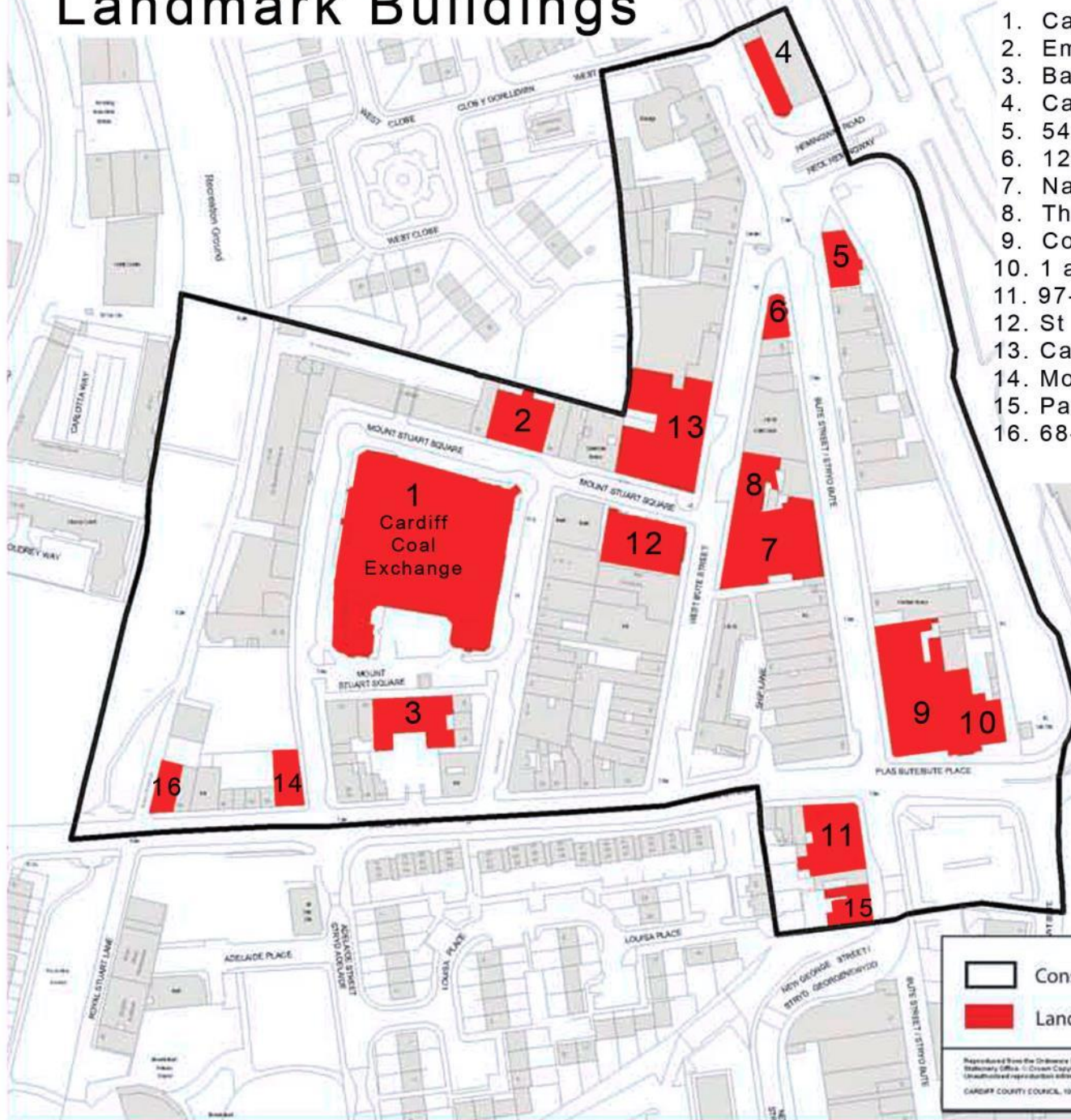
**Issues and strong concerns relate to Cardiff Councils historic handling of this building prior to Signature Livings involvement, but also the wider issues of dealing with built heritage around the city.**



**The following are just examples of the approach by.....**



# Landmark Buildings

1. Cardiff Coal Exchange
2. Empire House
3. Baltic House
4. Cardiff Bay Station (Bute St. Station)
5. 54 Bute Street (Pascoe House)
6. 125 Bute Street
7. National Westminster Bank
8. The Jug and Platter (Bute Dock PH)
9. Cory's Buildings
10. 1 and 3 Bute Place
11. 97-100 Bute Street
12. St Stephens Church
13. Cambrian Buildings & Cymric Buildings
14. Mount Stuart House
15. Packet Hotel
16. 68-72 James Street (Boston Buildings)



	Conservation Area Boundary
	Landmark Buildings

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## Summary of Issues

- Grade 2\* Listed which puts it in the top 8% of all listed buildings in the UK
- Recognised as being one of the finest buildings in Wales
- Work of local architect Edwin Seward
- An historical record of the industrial heritage of Cardiff Bay, and a focal point of the coal trade in south Wales in the early c20th
- Global significance as the trading venue where the first £1m deal was struck (£100m in today's money)



## Summary of Issues

- Cardiff Council were planning in 2013 to remove a significant proportion of the core of the Coal Exchange to progress their plans for the building of multi-storey apartments without any apparent public consultation.
- Cardiff Council developed the 'cover' of a dangerous building on the brink of collapse without putting forward any robust evidence to support this, and have used this to restrict access to the building ever since.
- Cardiff Council appear to have misused section 78 of the building act in 2013 to further their own development plans and a hidden agenda for the building which has been progressing over recent years.



## Summary of Issues

- Cardiff Councils use of section 78 of the building Act strays well beyond what this section of the act allows.
- Three years after the serving of s78 notice there have been no collapses that would support their stated views on the building.
- Cardiff Councils 'Proper Officer' should be answerable for his actions in serving the notice.
- The councils proper office is ultimately responsible for the serving of a notice that time has clearly demonstrated to have no justification.



## Summary of Issues

- Aspects of council documentation relating to the Coal Exchange was withheld by Cardiff Council who refused my Freedom of Information request and subsequently rejected the Information Commissioners ruling that my request was reasonable and information should be provided.
- Cardiff Council then took the case to the courts in a further attempt to block release of information instructed by the Information Commissioner.
- An apparently clear demonstration of the significance of what they were seeking to hide from public scrutiny.



## Summary of Issues

- The court ruled against Cardiff Council and gave 35 days to release the information.

The Judge in his ruling stated:-

*We have concerns about the way this appeal has been pursued by the Council, and its merit. The Tribunal is considering making an order for costs against the Council under rule 10(1) of the GRC's Rules of Procedure 2009 because it would appear the Council has acted unreasonably in bringing these proceedings.*



IN THE FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
INFORMATION RIGHTS

Case No. EA/2014/0309

**ON APPEAL FROM:**

The Information Commissioner's  
Decision Notice dated 17 November 2014  
FS50546312

Appellant: Cardiff City Council

First Respondent: Information Commissioner

Considered on the papers

Before  
John Angel  
(Judge)  
and  
Rosalind Tatam and Pieter de Waal





17<sup>th</sup> July 2013

- We were visited at our offices in Mount Stuart Square by Barney Procter of RVW engineers (consulting Engineers appointed by Cardiff Council)
- We were informed that the building was dangerous and was to be 'made safe'



18<sup>th</sup> July 2013

- I tried to speak to Mr Procter at RVW to establish some further information, but he was not available.
- I had a conversation with a colleague of his, Azam al-najjim at RVW who was working on the project.
- He confirmed to me that ‘.....there wasn’t any major problems with the facades and the retention proposals were simply linked to proposals to remove the internal structure’
- I subsequently spoke to Mr Procter and he failed to deny that the plans were for removal of internal structure.....
- Even if a s78 notice was justified it can not be used to facilitate other plans or objectives...



## **DANGEROUS BUILDINGS AND STRUCTURES**

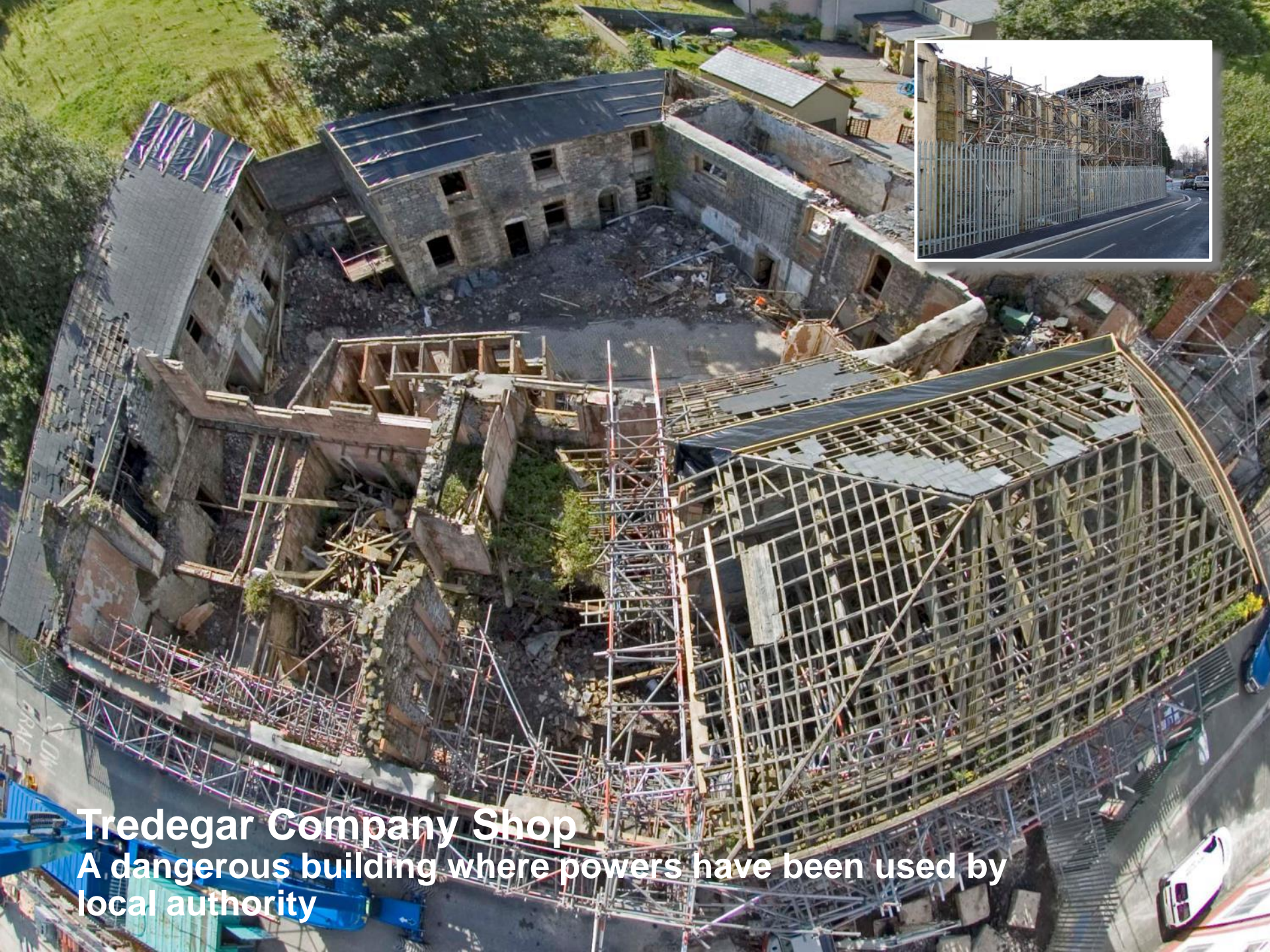
Buildings in a dangerous or ruinous state

Local planning authorities have powers under the Building Act 1984 to take action regarding buildings in a dangerous or ruinous state. Before taking any steps under section 77, 78 and 79 of the Building Act 1984, a local planning authority is required by section 56 of the Listed Buildings Act 1990 to consider whether they should instead exercise their powers under section 48 (repairs notices) or section 54 (urgently necessary works for the preservation of a listed building) of the Listed Buildings Act 1990.

**There is no evidence that Cardiff Council  
looked at this option with any realistic  
commitment**



**Merthyr YMCA – A dangerous building, but no s78**



## Tredegar Company Shop

A dangerous building where powers have been used by local authority

The following is just a small extract from FOI released information.

When Cardiff Council was claiming around £1m of recoverable cost was being spent on the s78 works, it was in fact being spent predominantly on the scheme to convert the building and carry out demolition works on the core.

Architects were being employed by engineers, and the whole procurement process was shrouded in secrecy and apparently hidden 'deals'.

Who was paying whom ?

Where was the procurement process ?

Facade Retention,  
 The Coal Exchange,  
 Cardiff

# RVW Demolition Scheme



Final scheme up to 22.11

REF	ITEM	DESCRIPTION
<b>1.00 PRINCIPAL CONTRACTOR</b>		
1.01	H Smith Facade Retention Works	Budget Cost only
1.02	Sundry Work to Facades	Budget Cost only
1.03	Inspectors / monitoring	Budget Cost only
1.04	H Smith Preliminaries	Budget Cost only
1.05	Piling	Budget Cost only
1.06	Ground works	Budget Cost only
1.07	Reinforced concrete pile caps	Budget Cost only
1.08	Willmott Dixon Staff Costs	Based on 26 weeks
1.09	Willmott Dixon Accommodation	Based on 26 weeks
1.10	Willmott Dixon Site Specific	Based on 26 weeks
1.11	Willmott Dixon Construction Fee	
1.12	Willmott Dixon Mark Up	Based on tender allowance
1.13	Willmott Dixon Scope fee	Based on tender allowance
1.14	Scaffolding	
1.15	Allowance for temporary propping	Prov Sum for internal propping
1.16	Temporary Shoring	Prov Sum for design and erection of shoring
1.17	Delivery	CCC People Requirement: communications officer
1.18	Delivery	CCC People Requirement: administration
1.19	Delivery	CCC People Requirement: H&S
1.20	Heras Fencing to site & disconnect parking machines	Initial quote pre works to CCC 5/6/12
<b>SECTION SUB-TOTAL</b>		
<b>2.00 STATUTORY UNDERTAKINGS</b>		
2.01	Water	Budget
2.02	Gas	Budget
2.03	Electricity	HV and LV diversion works: order of cost quote 17/6/13
2.04	BT	Quotation now received
2.05	Virgin	Budget
2.06	Street lighting	CCC Quotation cost 6/6/13
2.07	Trenching to the above	Budget
<b>SECTION SUB-TOTAL</b>		
<b>3.00 CONSULTANTS</b>		
3.01	RVW	Geotechnical / Ground Investigation
3.02	RVW	Topographical / elevation survey
3.03	RVW	Services Surveying
3.04	RVW	Drainage
3.05	RVW	Ongoing periodic inspection and reporting - say
3.06	RVW	Survey Report of Internal Structures
3.07	RVW	Survey of windows and surrounds
3.08	RVW	Services Surveys - Sums
3.09	RVW	Photographic Survey
3.10	RVW	Roof Survey (Photographic)
3.11	RVW	Provision of attendances
3.12	RVW	Testing / monitoring - say
3.13	RVW	Removal (as necessary for facade supports) - say
3.14	RVW	Bat Survey - External visual survey
3.15	RVW	Excluded
3.16	RVW	Pre contract costs
3.17	RVW	Commercial management (TE): 40%
3.18	RVW	Cost Management (PD/BW): 60%
3.19	RVW	On-site commercial / programme support (TH): 100%
3.20	RVW	GDM C (DW): 10%
3.21	RVW	
<b>SECTION SUB-TOTAL</b>		
<b>4.00 OTHER PROJECT COSTS</b>		
4.01	Project Office	Included above
4.02	Legal Costs	Road Closures
4.03	Legal Costs	Support in possible legal challenges
4.04	On-street parking	Loss of revenue: repayment
4.05	CCC Project Manager	
4.06	CCC Project Supervisor	
4.07	Existing tenants	Provisional Sum for Support to existing tenants
4.08	ITS system	As requested
4.09	IT Connections	Budget cost for IT connection
4.10	Remove and replant existing trees	Budget cost for 10 nr trees
4.11	Office costs	Cleaning of offices
4.12	RVW	Ongoing periodic inspection and reporting following work
4.13	CCC	Emergency road closures
4.14	CCC	
4.16	CCC H&S	
4.17	CCC Admin	
4.17	Others	Compensations Events not include elsewhere
<b>SECTION SUB-TOTAL</b>		

Blacked out by  
 Cardiff Council in  
 FOI release.  
 Why ??????

## COSTS



£25,000

£159,554  
 total expended on  
 unspecified works which  
 includes at least £25k on  
 demolition scheme and  
 other works all  
 progressed prior to end  
 of 2013, which Cardiff  
 council don't want  
 anyone to know about...

TOTAL REGULATORY	Contract Abortive Costs	TOTAL	Demolition Scheme	Interim Scheme	Final Scheme up to 22.11	TOTAL	COMMENTS
£ 35,000.00		£ 35,000.00				£ 35,000.00	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ 3,750.00		£ 3,750.00				£ 3,750.00	
£ -		£ -				£ -	
£ 121,121.22	£ 74,428.43	£ 195,549.65				£ 195,549.65	
£ 60,281.08		£ 60,281.08				£ 60,281.08	
£ 5,931.82		£ 5,931.82				£ 5,931.82	
£ -		£ -				£ -	
£ 3,297.19		£ 3,297.19				£ 3,297.19	
£ 13,619.96		£ 13,619.96				£ 13,619.96	
£ 10,826.51	£ 1,071.57	£ 11,898.08				£ 11,898.08	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ 12,709.04		£ 12,709.04				£ 12,709.04	
£ 4,719.57		£ 4,719.57				£ 4,719.57	
£ 26,722.60		£ 26,722.60				£ 26,722.60	
£ 5,500.00	£ 4,500.00	£ 10,000.00				£ 10,000.00	
£ 302,479.01	£ 80,000.00	£ 382,479.01	£ -	£ -	£ -	£ 382,479.01	
£ 15,000.00		£ 15,000.00				£ 15,000.00	
£ -		£ -				£ -	
£ 31,290.00		£ 31,290.00				£ 31,290.00	
£ 21,631.00		£ 21,631.00				£ 21,631.00	
£ 5,743.00		£ 5,743.00				£ 5,743.00	
£ 10,000.00		£ 10,000.00				£ 10,000.00	
£ 66,950.81		£ 66,950.81				£ 66,950.81	
£ 150,614.81	£ -	£ 150,614.81	£ -	£ -	£ -	£ 150,614.81	
£ 106,554.00		£ 106,554.00	£ 25,000.00	£ 16,000.00	£ 12,000.00	£ 159,554.00	
£ 13,845.00		£ 13,845.00				£ 13,845.00	
£ 3,900.00		£ 3,900.00				£ 3,900.00	
£ 1,300.00		£ 1,300.00				£ 1,300.00	
£ 2,200.00		£ 2,200.00				£ 2,200.00	
£ 5,912.00		£ 5,912.00				£ 5,912.00	
£ 13,650.00		£ 13,650.00				£ 13,650.00	
£ 20,000.00		£ 20,000.00				£ 20,000.00	
£ 2,600.00		£ 2,600.00				£ 2,600.00	
£ 4,188.00		£ 4,188.00				£ 4,188.00	
£ 1,524.00		£ 1,524.00				£ 1,524.00	
£ 1,371.00		£ 1,371.00				£ 1,371.00	
£ 5,690.83		£ 5,690.83				£ 5,690.83	
£ -		£ -				£ -	
£ 2,664.99		£ 2,664.99				£ 2,664.99	
£ -		£ -				£ -	
£ 69,347.13		£ 69,347.13	£ 5,000.00	£ 4,000.00	£ 8,000.00	£ 86,347.13	
£ 254,646.95	£ -	£ 254,646.95	£ 30,000.00	£ 20,000.00	£ 30,000.00	£ 324,646.95	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ 16,376.18		£ 16,376.18				£ 16,376.18	
£ -		£ -				£ -	
£ 3,210.74		£ 3,210.74				£ 3,210.74	
£ -		£ -				£ -	
£ 14,936.44		£ 14,936.44				£ 14,936.44	
£ -		£ -				£ -	
£ -		£ -				£ -	
£ 6,735.87		£ 6,735.87				£ 6,735.87	
£ 41,259.23	£ -	£ 41,259.23	£ -	£ -	£ -	£ 41,259.23	

NOTE:

The expenditure cost report excludes:  
 Any loss of Revenue from car parking  
 Any CCC Staff time (PT, DR, JS, CM, RS)  
 Any VAT  
 Cost of ongoing scaffolding inspections and building monitoring  
 Cost of any future additional scaffolding / shoring due to building structural instability  
 Further administration / legal costs in respect of notices and approvals

£ 750,000.00	£ 80,000.00	£ 830,000.00	£ 30,000.00	£ 20,000.00	£ 20,000.00	£ 900,000.00
		£ 830,000.00				£ 900,000.00

£900,000 spent by  
 Cardiff Council on  
 the project

Cardiff MP, **Stephen Doughty** is quoted as saying that there are still a

***‘huge number of unanswered questions about this particular proposal’***

It is understood he has called for a full inquiry by the Welsh Government and Cadw.

He is also quoted as saying that he was

***‘.....deeply concerned that Cardiff Council officials have been conducting a very secretive process with a preferred bidder and now appear to be trying to cut a backroom deal to hand over a major piece of Cardiff and Wales' national heritage without proper democratic scrutiny of the proposals, or full engagement with the local community, including local residents, businesses and the current tenants.’***



Questions:-

*Where is the transparency of process?*

*Where was the justification of Section 78 Powers being used?*

*Why is it that 3 years on from serving s78 Notice the fact that no significant collapses have occurred and yet notices stay in place?*

*Do conflicts of interest exist?*

Position:-

*It is hoped that Signature Living do progress an appropriate scheme for the building that sees it protected and allowed to evolve, and they are fully supported in that process.*

*It is hoped that accountability for historic actions of Cardiff Council results from this process, with lessons learned that recognise the city's heritage*





## Mann Williams Consulting Civil and Structural Engineers

7 Old King Street, Bath, BA1 2JW

T 01225 464419 E [bath@mannwilliams.co.uk](mailto:bath@mannwilliams.co.uk)

53 Mount Stuart Square, Cardiff, CF10 5LR

T 02920 480333 E [cardiff@mannwilliams.co.uk](mailto:cardiff@mannwilliams.co.uk)

9-11 Corporation Square, Belfast, BT1 3AJ

T 02890 998670 E [belfast@mannwilliams.co.uk](mailto:belfast@mannwilliams.co.uk)