

**Decision Maker:** EXECUTIVE

For Pre-decision scrutiny by Environment PDS Committee on  
30<sup>th</sup> January 2018

**Date:** 7<sup>th</sup> February 2018

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** SCADBURY PARK MOATED MANOR

**Contact Officer:** Dan Jones, Director for Environment  
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**Chief Officer:** Nigel Davies, Executive Director for Environment

**Ward:** Chislehurst

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1. Reason for report

This report seeks Members approval for the use of cash match-funding in order to secure a Heritage at Risk Grant from Historic England which will help secure some of the most urgent repairs and stabilisation of brickwork at the Medieval Moated Manor within Scadbury Park Local Nature Reserve.

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2. **RECOMMENDATIONS**

2.1 The Environment Portfolio Holder is requested to agree to allocate £53k from the Earmarked Reserve set aside for Friends Groups and £7k from the existing parks revenue budget, to be used to part fund the project.

2.2 The Executive is asked to approve:

2.2.1 The submission of a Heritage at Risk Grant application for £95k, to Historic England for the project management and delivery of Urgent works;

2.2.2 The acceptance and delivery of this grant, if successful, with its associated terms and conditions, subject to the costs identified within the maintenance plan being funded within existing budgets and or any additional external funding secured;

2.2.3 The tendering of capital works identified by the Condition Survey as 1A Urgent works estimated to be £120k;

**2.2.4 The appointment of a Conservation Accredited Professional to develop, and project manage the scheme, at an estimated cost of c£35k;**

**2.2.5 To add the scheme to the Capital Programme, at a total cost of £155k, funded from £60k contribution from revenue and a HE grant of £95k, if successful.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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## Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Excellent Council Quality Environment
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## Financial

1. Cost of proposal:155k
  2. Ongoing costs: £3.3k, although future costs will be identified in the costed maintenance plan
  3. Budget head/performance centre: Parks & Green Space & the Capital Programme
  4. Total current budget for this head: £3.3k & £247.5k
  5. Source of funding: Historic England grant, existing revenue budget and Earmarked Reserve
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## Personnel

1. Number of staff (current and additional): 0
  2. If from existing staff resources, number of staff hours:
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## Legal

1. Legal Requirement: Compliance with Terms and Conditions as per the Historic England Grant.
  2. Call-in: Applicable
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## Procurement

1. Summary of Procurement Implications: The value of these procurements falls below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so are only subject to Part 4 of the Regulations. As per 8.2.1 of the Council's Contract Procedure Rules, the procurement of capital repair works must make use of public advertisement, and therefore must also be advertised on Contracts Finder. The procurement of a Conservation Accredited Professional, if advertised, must also be advertised on Contracts Finder. Where advertised, the relevant award notices must also be published.
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 505 members of the public visited the moated site at the most recent Open Weekend in 2017 with a total of 12,615 people having visited the site during ODAS open weekends to date. ODAS are also present on-site over Bank Holidays to talk to the public about the history of the site and our excavation work, and would engage on average 80 people per afternoon. ODAS also gives lectures about the history of the site to local groups. There is also the potential for the offer to be expanded to increase the number of visitors to the site in the future.

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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Awaiting responses. An update will be provided at the meeting.

### **3. COMMENTARY**

#### **Background**

- 3.1 Scadbury Park Local Nature Reserve is an impressive site offering 300 acres of countryside which include the remains of a medieval moated manor house with associated fish-ponds. The surviving remains cover a variety of building phases and include 16th Century brickwork, and partially rebuilt remains dating from the 1930s. Three main groups of families have been associated with the manor until its purchase by Bromley in 1983, two of which were significant players on the national stage, moving in circles of the royal court and being directly involved in national politics. First references to the Manor of Scadbury date back to the mid 1200's; with the Tudor manor house the home of the Walsingham family from 1424-1655 (further detail on the historical significance of the site available in Appendix 0, Statement of Significance). The larger site incorporates traces of a Tudor deer park and a series of World War II defences forming a wider heritage landscape which is now managed as a Local Nature Reserve, with approximately half the site leased to a tenant farmer.

#### **Designations**

- 3.2 Scadbury Manor moated site and fishponds, was designated by Historic England, (HE) as both a Scheduled Ancient Monument, (SAM) in 2013 (due to its recognition as a site of national importance) (see Appendix 1 Scadbury SAM extent plan) and in 2014 was added to the Heritage at Risk Register.
- 3.3 The site's historical context, coupled with its poor condition, mean that HE are very keen and supportive towards steps taken by LB Bromley towards a long-term plan for its continued management and protection. In addition to the opportunities outlined in the report below, HE have also provided advice through its experts and commissioned an orthophotographic survey of the site for future use by Bromley.

#### **Scheduling as an Ancient Monument – landowner obligations**

- 3.4 The Scheduling of the site in 2013 now means that any works to the 'monument' require prior written permission from the Secretary of State for the Department for Digital, Culture, Media and Sport. Whilst Scheduling does not impose a legal obligation to undertake any additional management of the monument, HE encourage owners and occupiers to maintain their scheduled monuments in good condition so that the remains survive for future generations. It is a criminal offence to destroy or damage a scheduled monument either intentionally or through recklessness or to carry out or to permit others to carry out unauthorised works to a scheduled monument.

#### **Heritage at Risk Register**

- 3.5 Since 2014 the Manor has been on the Heritage at Risk Register, which is an annual HE publication which identifies the most important heritage assets at risk of damage or loss. The Manor is classified as having "Extensive significant problems with a declining trend and vulnerability for collapse". (<https://historicengland.org.uk/advice/heritage-at-risk/search-register/list-entry/408684>).

#### **Key Community Stakeholders**

- 3.6 These include:
- 3.6.1 *Orpington and District Archaeological Society (ODAS)* has held a Licence to operate and conduct archaeological excavations on the site for a number of years and has been a key

driver in the promotion of the manor site and in obtaining preliminary photographic surveys of the existing brickwork.

- 3.6.2 *Friends of Scadbury Park* who champion the improvement of the wider park and who are naturally keen to be involved in any future plans for the site.
- 3.6.3 *Chislehurst Society* who work to ensure that Chislehurst is kept special for residents and visitors alike and has been in existence since 1932. The Society may have some potential funds available for future improvements to the site, including the Moated Manor.

### **Current condition of the site and existing management**

- 3.7 The standing remains of the medieval manor house are in poor condition – unfortunately suffering from a variety of structural problems, with walls increasingly under stress and fragile brickwork in need of attention.
- 3.8 Plant growth also poses a major problem in the decay of the existing brickwork. Managing vegetation is a constant battle, admirably tackled by ODAS in partnership with Bromley and idverde.
- 3.9 ODAS and idverde, have been working in partnership, particularly as part of the Management Agreement outlined below, to carry out some periodic maintenance work to maintain and improve accessibility as well as stabilise and protect some of the remaining brickwork features.
- 3.10 The level of decay and increasing structural instability of the existing remains means that intervention is required both from an architectural perspective, in order to conserve what is left, but also from a public perspective, if the Council wishes to continue enabling the site to be accessed by ODAS and idverde to carry out on-going maintenance and also enable visitors attending ODAS open days etc.
- 3.11 All parties are also collectively working to ensure any landowner liabilities are satisfied e.g. the planned introduction of replacement and new perimeter fencing to prevent trespassers.

### **Funding from Historic England**

- 3.12 To date, Bromley has previously secured from Historic England:
- A three year £20k Management Agreement to provide periodic maintenance and capital works including controlling vegetation, felling trees threatening the moat, soft capping and propping of sensitive walls (Historic England (HE) and LBB each providing up to £10,000) ending in January 2018.
  - In 2016 – a £12.6k Heritage At Risk (HAR) Grant for the production of a Condition Survey (with £3k of match funding from Bromley) (see Appendix 2 for Condition Survey, available on request). This details the key areas of the site at risk from further deterioration and proposes a timescale for works ranging from urgent works to those works that are recommended for completion within two to three years. The estimated total budget to deliver all of these works was outlined in the report as being in excess of £1.3 million for delivery of capital works (taking the highest estimate figure in cases where there are different options for the recommended conservation works required). However, there is now a need to refine indicative costings for the most urgent work, obtaining current up to date prices from the marketplace.
- 3.13 Going forwards, there is the potential for an additional 3 year £20k Management Agreement for the site jointly funded by HE and LBB. Also, as HE are keen for the structure to be removed from the At Risk Register and be reassured that there is a long term plan for its repair, they have expressed that they would welcome another Heritage at Risk Grant application from

Bromley for the first stage of repair works. This application would address the most urgent (Category 1A Urgent) stabilisation works, specifically works to the Large Cellar; the Narrow Passage and the South Moat Wall (see Appendix 3 for a more detailed Scadbury layout plan).

### **Heritage At Risk grant conditions**

- 3.14 As expected, there are a number of conditions that would apply for ten years from the date of the final grant payment, including the need to:
- carry out maintenance in accordance with a costed maintenance plan, keep records of the maintenance work carried out and certify annually that this has been done
  - open the property to the public in line with the requirements set out in the standard conditions.
  - have suitable insurance or make good any damage or loss sustained to the property
  - repay the grant if Bromley disposed of the property, for example by way of sale, exchange or lease.
  - repay the grant if Bromley changed the use of the property.
  - recommend that a suitably qualified and experienced professional adviser undertakes a condition survey of the property every five years
- 3.15 Should indicative costings outlined in the costed maintenance plan exceed the existing available budget of £3.3k for maintenance of the site, alternative funding options will be sought. However, should additional funding not be identified, Officers will not proceed with the project.
- 3.17 Whilst HE would require a commitment to the above conditions, there would be no obligations stipulated by HE through the awarding of this grant for any on-going commitment to deliver the remaining phases of works identified in the Condition Survey, through future grants or otherwise. Indeed, HE have outlined they would not want to be bound to fund future phases either as they would not have a guarantee of grant funds available for future years at this point (see Appendix 4, available on request, Confirmation email from HE).
- 3.18 HE usually require 50% match funding for their grants, however, through discussions it is understood that this could be a lower percentage. As HE like to be seen as the 'last funder', options need to be explored around other potential sources of funding including: The Chislehurst Society, ODAS and the Friends. Through initial discussions, it is, however, anticipated that the Council will be the main funder for this current application, with others contributing for any potential subsequent phases.
- 3.19 In addition to the £35k for the recruitment of the Conservation Accredited Professional, Members are asked to approve the expenditure of a further £25k of match-funding towards the capital costs of Phase 1 repair works to enable a grant application for £95k to be made to the HE. It is proposed that the £60k contribution from the Council be funded by £53k from the earmarked reserve set aside for Friends Groups and the remaining £7k from existing revenue budgets.

### **Benefits of a HAR grant application**

- 3.20 Whilst the HAR grant application would provide the capital investment needed to carry out the most urgent works to the site there is a need to be mindful of any on-going long-term maintenance commitments as a result of the acceptance of a grant. Through discussions, HE have made it clear, that even if the Council were intending to not invest in the site, then it would need to make the site structurally safe in line with its landowner liabilities, which would involve an investment of money. This will be something that the Conservation Accredited Professional will review the costs of. However, as outlined above, there is no legal obligation to undertake any additional management on a Scheduled Monument.

3.21 If the grant application is successful, the associated works will need to be incorporated into the Council's Capital Programme.

### **Employment of a Conservation Accredited Professional**

3.22 To enable the submission of a second Heritage at Risk Grant application, HE requires the Council to engage a Conservation Accredited Professional. This person's role would be to secure tender prices for the identified capital works for the three identified areas of the Moated Manor as above. As part of the delivery of a successful grant application it is intended that this person would also be used to project manage the delivery of the repair works

3.23 A brief is currently being developed for the Conservation Accredited Professional who would be responsible for carrying out the three phases of work, with independent prices for each Phase, so the work could be awarded as the project progresses as required. The work within each Phase is set out below:-

#### **Phase 1**

- Reviewing the scope of work identified in the condition survey
- Developing the project to RIBA stage 4 with cost estimates
- Creating a specification for the agreed scope of work
- Producing a costed maintenance plan
- Identify costs associated with 'making good' on the site but doing no conservation works

#### **Phase 2**

- Taking forward the detailed schedules and specifications to tender
- Evaluating the tenders
- Producing a tender report with recommendations

#### **Phase 3**

- Overseeing the delivery of agreed selected works, through to final completion and including liaising with all stakeholders.

3.24 The work is estimated at a total cost of £35k (£7k for the first two Phases and £28k for Phase 3). The engagement of the consultant and delivery of Phase 1 objectives is due to be carried out imminently.

3.25 Should indicative costs identified by the Consultant in Phase 1 for on-going maintenance exceed the value that could be covered by the Parks Management budget, then Officers would explore alternative sources of funding. However, should additional funding not be identified, Officers will not proceed with the project. If the indicative costs are considered satisfactory then the consultant will be instructed to continue to Phase 2.

3.26 Once tender prices for the identified works have been secured, it is envisaged that a package of repair works will be created to the value £120k, which will then form the basis for the HAR grant application to HE.

3.27 In the interim, an outline application will be submitted to Historic England, in order to register an expression of interest by the end of their financial year. However, if the on-going maintenance costs associated with the conservation work carried out are too prolific, this may need to be withdrawn.

## **The Future**

- 3.28 HE have outlined that they may consider a third or even fourth Heritage At Risk application for capital repair works, however for the longer-term, the remainder of the investment required may need to come from a larger funder such as the Heritage Lottery Fund. All such grant applications will require match-funding.
- 3.29 Previous discussions with the Heritage Lottery Fund regarding this and other sites, have identified the need for a vision for the park to be in place when applying. This would require working with the variety of stakeholders on site, and would need to look at the future purpose of the wider site and its integration with the Manor, plus issues such as visitor management and access etc.
- 3.30 Any vision would also need to tie in with other site stakeholders such as the current tenant farmer and the TREE centre buildings which are currently occupied by the Shaw Trust (both of which have leases with Bromley).
- 3.31 HE have also encouraged the Council to apply for one of their Capacity Building grants which would provide funding to employ someone who could be a dedicated resource for working up a HLF application. The proposed timing of this would be to follow the second HAR application.
- 3.32 However, any future grant applications will be dependent on the grant conditions that are attached as the Council may not be able to commit to future maintenance requirements given the current financial position as outlined in the forecast.

## **4 POLICY IMPLICATIONS**

- 4.1 The proposals in this report are within existing policy. In the Quality Environment section of the Building a Better Bromley 2016-18 vision one of the issues is “Sustaining a clean, green and tidy environment through value-for-money services provided to a consistently high standard” and “Encourage Residents Associations and the expanding network of ‘Friends’ to contribute to parks, trees and streets management”.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 This report is seeking approval to submit a Heritage at Risk grant application to Historic England for a sum of £95k to carry out urgent works at the Scadbury site. The Council would be required to provide match funding of £60k, resulting in a total project cost of £155k.
- 5.2 It is proposed that the match funding is made up of £53k from the earmarked reserve set aside for Friends Groups and the remaining £7k from existing revenue budgets.
- 5.3 HE insist that any grant application submission cannot include estimated costs for the works and therefore it will be necessary to obtain accurate costs through a tender process prior to submitting the final application.
- 5.4 HE has confirmed that if the Council were to accept the grant for the urgent works, the Council would not be under any obligation to fund further capital works identified by the survey. The Council would however, be required to meet the conditions of the grant which are set out in 3.14 above and include the requirement to carry out maintenance in accordance with a costed maintenance plan.
- 5.5 It will be necessary to appoint a conservation specialist to prepare the work required to support the grant application and to oversee the delivery of the works, as set out in 3.24 above. This would include a costed maintenance plan. In appointing the specialist, officers must be mindful of the IR35 requirements.

5.6 Prices will be obtained for each Phase, giving officers the flexibility to stop the project at the end of each Phase if required.

5.7 Currently there is an annual budget of £3.3k set aside for the maintenance of the site. Should the costed maintenance plan identify that there will be a substantial increase in cost required, then officers will explore options for alternative funding. However, if not successful the project would not be able to go ahead given the financial position of the Council and the grant may have to be turned down.

5.8 Approval is sought to add the scheme to the capital programme at a cost of £155k, subject to confirmation of a successful grant application. The details of the costs and funding are shown in the table below, along with the profile of the expected spend: -

<u>Expenditure</u>	2017/18 £'000	2018/19 £'000	Total £'000
Capital works	0	120	120
Conservation Consultant cost for Phases 1 & 2	7	0	7
Conservation Consultant cost for Phase 3	0	28	28
<b>Total estimated costs</b>	<b>7</b>	<b>148</b>	<b>155</b>
<u>Funding</u>			
Existing revenue budget	7		7
Earmarked Reserve for Friends Groups		53	53
Historic England Grant (subject to successful application)		95	95
<b>Total Funding</b>	<b>7</b>	<b>148</b>	<b>155</b>

## 6 LEGAL IMPLICATIONS

6.1 As part of the grant award there will be a number of associated terms and conditions that Bromley needs to adhere to, some of which are outlined in 3.14 above and also Appendix 4 (available on request). As per previous grants for green space projects, HE may apply a condition for repayment of grant if the site is sold or transferred within the term of the grant i.e. 10 years.

6.2 The estimated cost of a Conservation Accredited Professional and the cost of capital repair works are below the relevant EU threshold for services and works and as such not subject to the full application of the Public Contracts Regulations 2015. The procurements must be carried out in compliance with the Council's Contract Procedure Rule 8.

## 7 PROCUREMENT IMPLICATIONS

7.1 Two procurement processes are identified in this report;

- Procurement of a Conservation Accredited Professional to run the tender process and project manage delivery of repair works at a cost of £35,000.
- Procurement of capital repair works at a value of £120,000.

7.2 The value of these procurements falls below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so are only subject to Part 4 of the Regulations. As per 8.2.1 of the Council's Contract Procedure Rules, the procurement of capital repair works must make use of public advertisement, and therefore must also be advertised on Contracts Finder. The procurement of a Conservation Accredited Professional, if advertised, must also be advertised on Contracts Finder. Where advertised, the relevant award notices must also be published.

- 7.3 Any time limits imposed, such as for responding to adverts and tenders, must be reasonable and proportionate.
- 7.4 With regard to the procurement of a Conservation Accredited Professional, officers must act in accordance with the intermediaries legislation (IR35).
- 7.5 Both of these procurements must be administered using the Council's e-procurement system in line with 3.6.1 of the Council's Contract Procedure Rules.
- 7.6 *idverde* will procure these requirements on the Council's behalf in accordance with the Council's Contract Procedure Rules.

<b>Non-Applicable Sections:</b>	<b>IMPACT ON VULNERABLE ADULTS AND CHILDREN PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Appendix 0 Statement of Significance Appendix 1 Scadbury SAM extent plan Appendix 2 Condition Survey – Available on request Appendix 3 Scadbury layout plan Appendix 4 Email from HE outlining no obligation for future phases – Available on request