

RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).

The form must be completed and passed to the Service Manager (Committee & Administrative Services) no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 days have passed and the Service Manager (Committee & Administrative Services) has confirmed the decision has not been called in.

1. Description of decision

The acceptance of Historic England grant-aid up to £150,000 for a condition survey of and repairs and restoration to the eastern and northern monastic precinct walls of the scheduled monument of Newnham Priory, Barker's Lane, Bedford.

2. Date of decision

13th April 2017

3. Reasons for decision

Acceptance of this grant-aid will enable a condition survey to be undertaken of the eastern and northern monastic precinct walls of the scheduled monument of Newnham Priory. In agreement with Historic England, the works recommended as part of the condition survey will be thereafter be implemented. These works in totality will aid the conservation of a nationally important archaeological monument.

4. Alternatives considered and rejected

None.

5. How decision is to be funded

Historic England grant-aid and Property Services budget.

6. Conflicts of interest

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).
13/4/17	13/4/17		

The Mayor has been consulted on this decision

Y/A

Signed Da Hodgson Date 13/4/2017 Name of Decision Taker MAYOR DAVE HODGSON

This is a public document. A copy of it must be given to the Service Manager (Committee & Administrative Services) as soon as it is completed.

Date decision published: 13 APRIL 2017

Date decision can be implemented if not called in: 27 APRIL 2017

(Decision to be made exempt from call in.....~~YES~~ or NO.....)

Bedford Borough Council

Report to: Mayor Dave Hodgson

Report by: Vanessa Clarke – Senior Archaeological Officer (Heritage and Compliance, Planning Services)

Subject: REQUEST FOR AUTHORITY TO ACCEPT HISTORIC ENGLAND GRANT-AID FOR A CONDITION SURVEY OF AND THE REPAIR AND RESTORATION OF NEWNHAM PRIORY SCHEDULED MONUMENT (EASTERN & NORTHERN PRECINCT WALLS)

1. Executive Summary

- 1.1 The report recommends authorisation be given for the Council to accept Historic England grant-aid of up to £150,000 for a condition survey of and repairs and restoration to the eastern and northern monastic precinct walls of the scheduled monument of Newnham Priory, Barker's Lane, Bedford, which is within the Council's ownership.
- 1.2 The scheduled monument is currently identified as 'Vulnerable' on Historic England's Heritage at Risk register. However, following a recent site visit by Historic England, the eastern monastic precinct wall has been reassessed as being at 'High Risk', with the principal vulnerability being loss of fabric through collapse and deterioration, plant growth and vandalism. The wall requires remedial works to stabilise its structure and reduce progressive deterioration and decay. Additionally, a section of the northern wall recently collapsed during Storm Doris due to previous weakening to its structural integrity from tree growth. It now also requires repairs to be carried out.
- 1.3 Authorisation to accept Historic England grant-aid would enable a condition survey of both the eastern and northern walls to be undertaken, and necessary repairs and maintenance to be identified in a schedule of works and an estimate of costs provided for these which would form the basis of a tender process. This would be followed by the implementation of the works within the context of an over-arching management plan.

2. Recommendations

2.1. That the Mayor considers, and if satisfied, approves:

- (i) **The acceptance of Historic England grant-aid up to £150,000 for a condition survey of and repairs and restoration to the eastern and northern monastic precinct walls of the scheduled monument of Newnham Priory, Barker's Lane, Bedford.**

3. Reasons For Recommendations

- 3.1 Authorisation to accept Historic England grant-aid will enable in the first instance a condition survey to be undertaken of the eastern and northern monastic precinct walls, comprising documentary, graphical and physical information about their history and existing condition, including materials, individual elements and state of repair. The resultant report will set out management issues and present a considered argument for selecting the most appropriate and sensitive approach to necessary conservation before setting-out a schedule of necessary works and estimated costs. This will (subject to further grant-aid – see section 4.3 below) be followed by an implementation stage of works undertaken within the wider context of a management plan and in accordance with a full specification based on the condition survey. These works in totality will aid the conservation of a nationally important archaeological monument, the status of which is signified by its legal protection through its inclusion on the National Heritage List for England as a Scheduled Ancient Monument (no. 1005391).
- 3.2 The condition of the eastern monastic precinct wall has noticeably deteriorated over recent years, with brickwork and concrete capping becoming loose along top sections of the wall and in some instances, falling to the ground. There is anecdotal evidence to suggest members of the public are climbing over the wall as a quick way of accessing the adjacent Priory Marina after its gates close late afternoon. Rapid ivy growth appears to be further weakening the integrity of the historic fabric of the wall, posing a health and safety risk. The wall requires remedial works to stabilise its structure and reduce progressive deterioration and decay. Historic England has also advised tree works should be undertaken to avoid wind throw & structural damage to the wall through root action. A section of the northern monastic precinct wall collapsed recently during Storm Doris and requires urgent repairs. Once repaired and consolidated, these sections of upstanding wall will continue to signpost the underlying archaeological remains and the monument will be preserved for future generations.
- 3.3 The ongoing deterioration of the eastern monastic precinct wall which has resulted in loose unconsolidated stone and brickwork along its length, presents a health and safety issue. To the west side of the wall lies the public Marina and to the east, the Council-owned and operated Priory Country Park. Similarly, the recent collapse of part of the northern monastic precinct wall presents health and safety issues. It lies adjacent to the adopted highway of Barker's Lane.

4. Key Implications

Legal Issues

- 4.1 Historic England grant-aid would be offered in two separate stages. The first agreement for £12000 of Historic England grant funding matched by £8000 of funding available from the Property Services budget for the project development stage would be made under Section 17 [referred to henceforth as S.17] of the Ancient Monuments and Archaeological Areas Act 1979 (as amended) [referred to henceforth as the "1979 Act"] between the Historic Buildings and Monuments Commission for England (Historic England) and Bedford Borough Council as Owner of the Scheduled Ancient Monument known as Newnham Priory (Scheduled Monument no. 1005391). A first draft of the agreement is set out at Appendix 1 and would be in place for a period of three years from the date of the owner's signature. It has been provisionally agreed but will be reviewed by Legal Services before it is completed.

4.2 In accepting the payment to them by Historic England of the sum of £12000 for entering into a S.17 agreement, the Council would have to agree to undertake the following obligations in respect of Scheduled Monument no. 1005391 (as set-out in Appendix 1 of this Report):-

- Acquire a Condition Survey (or Management Plan as agreed) as outlined in the Brief referred to in Annex 1 of the S.17 agreement.
- Maintain a healthy grass cover on the monument where grass currently grows;
- Control burrowing animals;
- Control the regeneration of scrub and sapling growth by cutting down to ground level, leaving the roots in situ to avoid disturbing the archaeological layers. Remove dead trees only when ground conditions are dry;
- Obtain the prior consent of the Secretary of State for Culture, Media and Sport for all works involving the breaking of the ground surface of the scheduled monument not covered by the S.17 agreement;
- Not to afford any person access to the land in question for the purpose of using a metal detector if they cannot produce the written consent of the Commission. (It is in any case an offence under S.42 of the Act to use a metal detector on a scheduled monument without the written consent of the Commission);
- To permit any authorised representative of the Commission to have access to the monument at any reasonable time with reasonable prior notice;
- If the Council's occupation or ownership of the monument ceases before the expiry of the agreement, to notify the Commission accordingly and to repay, if so required, the appropriate portion of the payment made to them by the Commission.

Resource Implications

4.3 Dependent upon the outcome of and recommendations made in the Condition Survey and Schedule of Works, Historic England will consider an application to their 'Repairs Grants for Heritage at Risk' grant stream to fund the works arising. Any second agreement would be for a sum up to 80% of the required amount, to a maximum of £138000. If for instance, this second phase of works arising runs to £130000, Historic England could consider an 80% Heritage at Risk grant amounting to £104000, leaving BBC to match fund **£26000** at this stage. The Council's total contribution to the project under these circumstances would be **£34000** including its Phase 1 match-funding of £8000. If the works arising run to more than £130000, Historic England would make a maximum Phase 2 contribution of £138000 (£150,000 total allowance for this project minus their £12000 contribution to the Phase 1 works). This would represent 80% of a total eligible costs figure of £172500. This would require a Phase 2 (20%) contribution from the Council of **£34500**. The Council's total contribution to the project under these circumstances would be **£42500** including its phase 1 match-funding of £8000. The Council's Property Services Team has confirmed the availability of this maximum sum of £42500 from its budget. Whilst a second phase of funding is not guaranteed, the 'Commission' (Historic England) has indicated that on the basis of their part-funding of Phase 1 works (the 'condition survey') they are likely to look upon a grant-aid application through the Heritage At Risk stream, favourably.

- 4.4 By not accepting Historic England grant-aid, there is an increasing risk through lack of inspection, maintenance, repair and control of vegetation and nearby tree growth, of the collapse of further areas of the eastern and northern monastic precinct walls, damaging historic fabric and posing a safety risk to members of the public and Council and Marina staff.
- 4.5 There will be a small resource implication for the Council in accepting Historic England grant-aid, in taking on responsibility for the financial management of the project. However, the tender process and day-to-day management for both the Phase 1 condition survey and Phase 2 implementation of a schedule of works would be overseen by a dedicated member of staff from Historic England's Heritage at Risk Team and their appointed conservation-accredited architect.
- 4.6 There is a risk posed in the medium to long-term to Council financial resources through not accepting Historic England grant-aid for the repair and maintenance of the precinct walls. The sum on offer from Historic England is a substantial contribution towards conserving this nationally important monument and making it safe, a sum which would otherwise potentially have to be found from the Council purse.

Risk Implications

- 4.7 There is a risk that the Council would, under the S.17 agreement, have to repay part of the £12000 grant-aid from Historic England should it break the agreement by relinquishing ownership of the monument or by not meeting any of the other obligations set-out in Appendix 1 or Section 4.2 of this Report. Grant-aid of up-to £138,000 under the Heritage at Risk funding stream for Phase 2 works, is understood not to be subject to the same obligations.
- 4.8 See section 4.6 above.
- 4.9 In the event that the Council were to let the scheduled monument fall into further disrepair, there is a risk that the monument may be compulsorily purchased or taken into guardianship in accordance with section 10 of the Act. This risk is, however, very low and only likely to occur in exceptional circumstances.

Environmental Implications

- 4.10 There is considered to be a benefit to the local historic environment in repairing the precinct wall and the final scheme may include the provision of interpretation boards to enhance the enjoyment and appreciation of the site.

Equalities Impact

- 4.11 There are not considered to be any equality and diversity implications in taking this decision.

Policy Implications

- 4.12 There are not considered to be any policy implications in taking this decision.

5. Summary of Consultations and Outcome

- 5.1. The following have been consulted in preparing this report:

Legal Services
Property Services

Report Contact Officer: Vanessa Clarke – Senior Archaeological Officer (Heritage & Compliance) Vanessa.Clarke@bedford.gov.uk
Ian Johnson - Service Manager (Heritage & Compliance) Ian.Johnson@bedford.gov.uk
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File Reference: N/A

Previous Relevant Minutes: None

Background Papers: None

Appendix: A. Historic England draft Section 17 Management Agreement Condition Survey

Appendix A

3rd February 2017

HISTORIC ENGLAND DRAFT SECTION 17 MANAGEMENT AGREEMENT FOR A CONDITION SURVEY

AA/43228/4

Historic Buildings and Monuments Commission for England

ANCIENT MONUMENTS & ARCHAEOLOGICAL AREAS ACT 1979

Management Agreement under Section 17 of the Act in respect of

National/County Monument No BD79 (LEN 1005391) Newnham Priory

1. This agreement is made under Section 17 of the Ancient Monuments and Archaeological Areas Act 1979 between the Historic Buildings and Monuments Commission for England and Bedford Borough Council as owner of the scheduled ancient monument known as Newnham Priory (OCN BD79; LEN 1005391) and shown in red on the attached map, for the period of three years from the date of the owners signature.
2. In consideration of the payment to them by the Commission of the sum of £12000 for entering into this agreement, the owner agrees to undertake the following obligations in respect of the site of the monument:-
 - 2.1 Acquire a Condition Survey (or Management Plan as agreed) as outlined in the Brief referred to in Annex 1 of this agreement
 - 2.2 Maintain a healthy grass cover on the monument where grass currently grows
 - 2.3 Control Burrowing Animals
 - 2.4 Control the regeneration of scrub and sapling growth by cutting down to ground level, leaving the roots in situ to avoid disturbing the archaeological layers. Remove dead trees only when ground conditions are dry
 - 2.5 Obtain the prior consent of the Secretary of State for Culture, Media and Sport for all works involving the breaking of the ground surface of the scheduled monument. Works that are executed in accordance with the terms of a written agreement under S17 of the 1979 Act - i.e. those specified in paragraphs above – benefit from Class 8 Consent and a consent application is unnecessary. No other works benefit from Class 8 Consent.
 - 2.6 Not to afford any person access to the land in question for the purpose of using a metal detector if they cannot produce the written consent of the Commission. (It is in any case an offence under S.42 of the Act to use a metal detector on a scheduled monument without the written consent of the Commission);

- 2.7 To permit any authorised representative of the Commission to have access to the monument at any reasonable time with reasonable prior notice;
- 2.8 If their occupation of the monument ceases before the expiry of this agreement, to notify the Commission accordingly and to repay, if so required, the appropriate portion of the payment made to them by the Commission.
3. The Commission agrees to pay the sum mentioned in paragraph 2 above upon receipt of this agreement signed by the occupier.

Signed: _____ Date: _____

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Signed: _____ Date: _____

Historic England East of England Region
Historic Buildings and Monuments Commission for England