

Committee(s): Epping Forest Consultative – For Discussion Epping Forest and Commons – For Decision	Date(s): 12 06 2019 08 07 2019
Subject: The Deer Sanctuary, Theydon Bois - Conservation Statement (SEF 22b/19)	Public
Report of: Colin Buttery, Director of Open Spaces Paul Wilkinson, City Surveyor	For Decision
Report author: Paul Thomson, Superintendent of Epping Forest	

Summary

This report is necessary to seek the adoption of the draft Conservation Statement for the heritage landscape of Birch Hall Park, also known as the Epping Forest Deer Sanctuary. Birch Hall Park fell outside the Epping Forest arbitration award, having consisted of agricultural fields since medieval times. The creation of the current parkland was associated with the construction of the third Birch Hall in 1892. This faux parkland was created by converting arable fields to pasture; the removal of hedgerows and boundaries leaving large hedgerow trees to resemble parkland plantings.

The estate was acquired by the City Corporation in 1959 to provide a deer sanctuary for a supposedly threatened dark-haired variety of Fallow Deer. The dedication of the Sanctuary unconsciously created the first 112 acres of Epping Forest Buffer Land which now encompasses 1,800 acres of largely farmed estate. The Conservation Statement proposes 12 policies to protect the heritage interest of the park.

Recommendation(s)

Members are asked to:

- approve the draft Conservation Statement for consultation with key stakeholders.

Main Report

Background

1. Section 7(3) of the Epping Forest Act 1878 obliges the Conservators to '*at all time as far as possible preserve the natural aspect of the Forest*'. While the definition natural aspect is not clearly defined in the Act, the description of the natural aspect within section 7 includes both heritage and nature conservation elements. The recognition of the nature conservation elements accurately presages the later obligations to the Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) included in subsequent legislation.
2. Epping Forest and its associated Buffer Land also contains a series of heritage buildings and heritage landscape elements which both reflect the Forest's character while distinguishing them from the remainder of the Forest. The heritage elements notably include scheduled Ancient Monuments at Ambresbury Bank and Loughton Camp; Grade II* Registered Parks and Gardens at Copped Hall and Wanstead Parks; the Grade II* Warren House & Gardens; the Grade II Snaresbrook Crown Court Gardens and Eagle Pond, together with locally listed landscapes such as Highams Parks and unlisted areas such as Knighton Wood, Paul's Nursery, Warlies Park and Birch Hall Park. Many of these heritage landscapes also coincide with Local Planning Authority Conservation Areas notified under section 69 and 70 of the Planning (Listed Buildings and Conservations Areas) Act 1990.
3. To help guide the conservation of these buildings and landscapes, the City Surveyor's Built Heritage Team is funding through the Cyclical Works Programme (CWP) the creation of Conservation Statements (CS). These statements will enable the significance and special character of historic places to be understood and consequently conserved in a sustainable manner as their public use and relevance continues to evolve.
4. Implicit in the term conservation is an acceptance of appropriate change as society's requirements for buildings or places alter over time. This objective is recognised in the National Planning Policy Framework (NPPF) 2012, which defines conservation as the 'process of maintaining and managing change to a heritage asset in a way that sustains, and where appropriate, enhances its significance'.
5. Birch Hall Park, also known as the Epping Forest Deer Sanctuary, forms one of these Heritage Landscapes. Conservation Statements are widely acknowledged as best practice in the planning and management of Public Open Spaces where there are no major development proposals.

Current Position

6. Today, Birch Hall Park is retained as a fenced deer park principally to maintain the 1959 objectives of both protecting the melanistic character of the fallow deer and preventing the overall loss of deer to the pressures of urbanisation. Public access to the site is restricted to periodic guided walks. The relative isolation and

lack of disturbance of the site has created an area which is rich in a range of wildlife, including a number of protected species.

7. The future of the Deer Sanctuary forms part of the Epping Forest Deer Management Strategy Review which will report this Autumn prior to widespread public consultation. Recent DNA sampling of the herd by Durham and Nottingham Universities has preliminarily indicated that the melanistic herd is not a distinct race of Fallow Deer and cannot be linked to the Danish Dyrehaven herd to which it was thought to be related.
8. Birch Hall Park includes a recreational boating and fishing lake that was formed during the Victorian landscaping of the site. The lake forms a small raised reservoir, in the 10,000 – 25,000 cubic metre category, which is managed under the Health and Safety at Work “etc” Act 1974. When the lake dam water levels get to around 40mm of the crest of the dam, water starts to leak from three locations along the dam. The lake dam is the subject of a scoping assessment to either repair, reduce or remove the dam. The lake was subject to approval by your Committee of 12 January 2015 for scoping works by the engineers from the City Corporation’s Department of Built Environment. The Conservation Statement will help guide the future management of the lake feature in relation to the risk considerations.
9. The Place Services consultancy was selected by external tender to complete a Conservation Statement for the Birch Hall Park during 2016. The delay in consideration by your committee was related to the expectation of a companion report on dam modifications.

Options

10. The Birch Hall Park Conservation Statement details 12 policies:
 - Maintaining palaeo-environmental evidence
 - Protecting earthworks
 - Replacement of mature and veteran tree habitat
 - Data requirement for use by protected species
 - Limits to intellectual access
 - Loss of integrity of lake feature
 - Retention of informal parkland landscape
 - Regeneration of Ancient Semi-Natural Woodland is poor
 - Sustaining the landscape significance of the site
 - Restore Ancient Semi-Natural Woodland Survey, monitoring and consents
 - Resource needs

Proposals

11. It is proposed to adopt the draft Conservation Statement for the purposes of being issued for the first stage of external stakeholder consultation with the Local Planning Authorities and the relevant Government Agencies – Environment Agency, Historic England and Natural England, together with statutory planning

consultees The London Parks and Gardens Trust and the Victorian Society. Further Committee approval will be sought for wider public consultation through the Epping Forest 'Inovem' Inclusionware™ portal.

12. Birch Hall Park is not associated with any recognised Landscape designer and no known plan remains of the original landscape design. Provenance in terms of an accepted park design and association with a recognised landscape designer are pre-requisites for listing on the National Register of Parks and Gardens. The conservation policies therefore contain no recommendation for the protection of the site through listing.

Corporate & Strategic Implications

13. The recommendations of this report support the Corporate Plan with particular reference to the following aims:

a. Contribute to a flourishing society

- i. People enjoy good health and wellbeing
- ii. Communities are cohesive and have the facilities they need.

b. Shape Outstanding Environments

- i. We inspire enterprise, excellence, creativity and collaboration
- ii. We have clean air, land and water and a thriving and sustainable natural environment
- iii. Our spaces are secure, resilient and well maintained.

14. And supports the Open Spaces Business Plan as follows:

a. Open Spaces and historic sites are thriving and accessible.

- i. Our open spaces, heritage and cultural assets are protected, conserved and enhanced
- ii. London has clean air and mitigates flood risk and climate change
- iii. Our spaces are accessible, inclusive and safe
- iv. Our habitats are flourishing, biodiverse and resilient to change.

b. Spaces enrich people's lives.

- i. People enjoy good health and well being
- ii. Nature, heritage and place are valued and understood
- iii. People feel welcome and included
- iv. People discover, learn and develop.

c. Business practices are responsible and sustainable.

- i. Our practices are financially, socially and environmentally sustainable
- ii. London's natural capital and heritage assets are enhanced through our leadership, influence, investment, collaboration and innovation.

Implications

15. **Financial:** The CMP costs were within the City Surveyors approved Cyclical Work Programme budget. Most of the existing work programme reflected in the

CS policies will be met from existing Local Risk budgets. The more aspirational policy elements do not represent financial commitments at this stage and will be the subject of further Committee consideration regarding a fundamental review of funding and grant arrangements before any implementation would be considered.

16. **Legal:** Birch Hall Park is subject to restrictive covenants regarding the height of any structures and a right of refusal on purchase prior to any subsequent sale.
17. **Equalities:** An equalities impact assessment, if applicable, will be incorporated in the final draft of the CS.
18. **Charity:** Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.
19. **Consultative Committee:** The Epping Forest Consultative Committee supported the Conservation Statement approach and its policies.

Conclusion

20. The draft Conservation Statement for Birch Hall Park is presented to members for comment and approval prior to seeking the first stage of external consultation with the Local Planning Authorities and the relevant Government Agencies – Environment Agency, Historic England and Natural England, together with statutory planning consultees The London Parks and Gardens Trust and the Victorian Society. A further draft of the CS will be presented in due course incorporating that external consultation, with a view to seeking wider public consultation in 2020.

Appendices

- Appendix 1 – The Deer Sanctuary, Theydon Bois - Conservation Statement

Paul Thomson

Superintendent of Epping Forest

T: 020 7332 5300

E: paul.thomson@cityoflondon.gov.uk