

Committee(s): Epping Forest & Commons – For decision	Dated: 21/11/2022
Subject: Rookery Wood – Proposal to Submit Scheduled Monument Application (SEF 32/22)	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	11, 12
Does this proposal require extra revenue and/or capital spending?	Y
If so, how much?	£7,000
What is the source of Funding?	Local Risk
Has this Funding Source been agreed with the Chamberlain’s Department?	N
Report of: Juliemma McLoughlin, Executive Director of Environment	For Decision
Report author: Sally Gadsdon, Environment Department	

Summary

Rookery Wood is located on the 611 acre Copped Hall Park estate which forms a significant element of Epping Forest Buffer Land. As a Grade II* Registered Park and Garden and Conservation Area the Park contains, within Rookery Wood, well-preserved earthworks of a Tudor/early Stuart major water feature related to the designed landscape of the original Tudor Copped Hall mansion. The 2014 Epping Forest Historic Environment Policy encourages the increased protection of heritage features, identified through research, using Scheduling applications to Historic England. The Copped Hall Parkland Management Plan has stated that the earthworks are of high significance and could be considered for schedule monument application, which has been corroborated by Historic England’s regional Landscape Architect.

In the mid-20th Century, a substantial plantation of poplars was inappropriately planted across the site of the earthworks. The relatively short-lived trees are mature and have a greater tendency to break apart and windthrow with age. There is potential funding available from the government’s Countryside Stewardship Scheme (CSS) for a capital grant to remove these trees for the long-term preservation of the earthworks, this grant could cover 100% of costs which could be in the region of £100,000-£200,000. This capital grant is based on a percentage of the actual cost of the works, the percentage awarded is higher if the site has important designations.

Increasing the protection of this significant heritage feature through appropriate designation is best practice; the proposal to submit a fast-track scheduling assessment submission is proposed at this current time to coincide with the timeline of the CSS application, increasing the chances of a higher grant award. With future government land management grant schemes under review, the CSS is a very good opportunity to obtain funding for works which will need to be undertaken sometime in the future for the City Corporation to fulfil its role as a responsible steward of

important historic features on its land. Historic England have already indicated that they may submit a scheduling assessment in time anyway. A grant application could be submitted without a scheduled monument designation, but it is possible it will not receive as much grant funding.

As a significant water feature, one of the earthworks forms a dam capable of impounding water. Initial assessments of the dam by the Environment Department's District Surveyor's Team indicates that the dam may be structurally unstable. There is already provision within the Reservoirs Act 1975, as amended by the Flood & Water Management Act 2010, to lower the volumetric threshold of waterbodies for Large Raised Reservoirs classification. In this situation any recommendations by the Inspecting Engineer or Supervising Engineer will become mandatory requirements. A scheduled monument designation would impact on the cost and delivery of any statutorily required works to the dam. Therefore, a decision is requested to determine whether a scheduling application should be submitted at this current time to increase the chances of a higher grant award for the removal of trees taking into account the consequences of any future potential dam works.

Recommendation

Members are asked to:

- Decide whether a fast-tracked scheduling application should be submitted at the current time to Historic England to assess the Rookery Wood earthworks for Scheduled Monument status to increase the grant funding potential for historic feature protection.

Main Report

Background

1. The Copped Hall Park estate has its origins in the Medieval period with the building of the original Copped Hall north of the current mansion. The land in the estate around it was developed and designed over time, with a second Copped Hall being built in mid-18th century.
2. The first phase of parkland landscape design in the Tudor period related to the original house. Many landscape features were created, one of the main ones being a square lake and canal that would have been visible from the front of the original Tudor mansion. It was a major feature not only visually, but a feature that was part of an entry route into the estate, which ran along the northern boundary of the lake and up to the mansion through an avenue of trees across what is now Thirty-nine Acres field.
3. The exact date of the creation of the lake and canal is not known. In assessing the archival material relating to Copped Hall, the Parkland Management Plan

states that the water features were probably created between the 1560s and the 1640s.

4. The water bodies were modified over time, the square lake and canal might have been modified in the 18th century. In the 19th century the square lake was changed into a serpentine water feature with the rest of the lake being planted with deciduous woodland. Other features have been created throughout the development of the water features including an island, sluices, ditches, culverts and raised walkways. The features may either have been decorative or practical (for fish and waterbirds) or a combination of the two.
5. In the mid twentieth century, 500-700 poplars, western red cedar and other conifers were planted across and around the square lake and along the canal features.
6. The Copped Hall Parkland Management Plan brought to the fore the historical significance of the heritage features within the estate, especially the Tudor square pond and canal. Whilst the 2014 Historic Environment Policy does not relate to the Buffer Lands, the Committee report on the adoption of this policy states it will help ensure the City Corporation follows best practice in managing its heritage assets, and the approach to managing heritage features on the Buffer Lands should follow in the same vein for significantly important features.
7. Today, the majority of the earthworks associated with the water bodies from all phases of design remain, however, little water is held in them due to recent low rainfall years and trees across the site taking up water.
8. The northern bank of the Tudor square lake is the most prominent feature and constitutes a dam. Whilst the potential water holding capacity of the water features is lower than the current threshold of 25,000m³ for the water bodies to be classed as a Large Raised Reservoir, there is a potential that it will be classed as such in the future if regulation enabled by the Flood & Water Management Act 2010, which brings this threshold down to 10,000m³. Within this dam are two 19th century culverts with wall headings, both of which are thought might be structurally unstable because of different issues including degradation of these culverts, but they have not been formally assessed.
9. The poplars that were planted in the twentieth century are now mature and this tree species has a greater tendency of branch drop and/or falling over and are therefore risking damaging the earthworks. Their failure would create a reputational risk to the City of London Corporation in terms of the stewardship of historically important sites and credibility of land management competence as the site is very visible to residents, as well as visitors on the nearby Public Rights of Way. In the future Copped Hall may receive more visitors and therefore the visibility of this will be higher.
10. Given the nature of poplar trees their collapse will happen in time and in a storm event large-scale stand collapse could happen. Therefore, a managed removal process is desirable.

11. In addition to forming a substantial element of the Epping Forest Buffer land since its acquisition in 1992, Copped Hall Park was designated as the Copped Hall Conservation Area by Epping Forest District Council and Historic England in 1984, being contiguous with parts of the Bell Common & Upshire Conservation Areas. The Park was further designated as a Grade II* Registered Park and Garden (entry Number 1000384) by Historic England in July 1987. Both designations are enabled by the Planning (Listed Buildings and Conservation Areas) Act 1990).
12. The Copped Hall Parkland Management Plan assesses the significance of the water features and their earthworks thus:
 - a. The very well-preserved substantial earthworks remaining from the Tudor period are a relatively “rare survivor” of this group of features which were probably a high-status water garden.
 - b. Paintings from 1746, showing the water features at the time, add to the “exceptional significance” of the area.
 - c. There is exceptional “associational” significance due to the probable associations with key figures of the Tudor and Stuart courts. It is also possible that performances of Shakespeare plays may have involved these features.
13. The authors of the Parkland Management Plan visited the site with the regional Historic England Landscape Architect in 2018 who concurred with the assessment of significance. The in-house Archaeological Survey and Investigation team of Historic England undertook a research project over 2021/2022 to better understand the earthworks across the site. Using this information, the site was visited in summer 2022 by Epping Forest Officers and the regional Historic England Landscape Architect to look at specific features and methods of extraction.
14. No decision has been taken on the long-term management of the historic water bodies. The serpentine water feature has silted up over time. Restoring the water bodies is not currently possible with the existing staffing resources, but the Parkland Management Plan highlighted the removal of trees as one of the highest priorities to protect the earthworks.

Current Position

15. Report SEF 17/22 on the Countryside Stewardship (CSS) grant applications for 2023 included proposals to seek funding through this grant to fell the poplar across Rookery Wood.
16. The proposed grant to undertake this work is a capital grant (“HE1 Historic and Archaeological Feature Protection”) that can offer up to 100% of funding of the costs of the work. The percentage funding depends on the importance of the site and its protection status, the greater the importance and status, the greater the likelihood of a higher percentage funding.

17. Natural England and the Rural Payments Agency who administer and advise on this grant have been contacted to determine if this site is eligible for the HE1 grant, however they have not been able to provide a definitive answer. In addition, the accompanying CSS annual management revenue grant that is required to look after the site after the capital works have been completed has not been confirmed by Natural England either. There will be further liaison with Natural England to determine eligibility for the grant before any scheduling application is made.
18. Given the works will need to be carried out in the future at some point, and with the uncertainty around future government support schemes for land management, it is sensible to seek funding to undertake this work now because this is the last application round of the CSS. It has not been possible to obtain an estimate of the cost of the works, but it is likely to be around £100,000-£200,000 given the high number of trees to be removed and the complexities of undertaking these operations around the sensitive earthworks that cover the site (see Map 1). The works would have to take place between mid-August and be completed by the end of September to avoid bird breeding season and work on the land when the ground conditions are the best.
19. If the site was able to be scheduled by the time the CSS application is assessed by Natural England (May-June 2023) this would maximise the chance of being awarded funding of a high percentage. Historic England offer a fast-track scheduling application process which guarantees a decision within 12 weeks (unless the site is particularly complicated).
20. This report does not cover the requirements or costs for any potential future work to the dam, this sits with District Surveyor's Team in the Department, who are awaiting a decision on the future direction of the management of Rookery Wood, its historic features and water bodies before commencing a capital project to make the dam safe as time and resources permit. If the decision is to schedule the earthworks this will change the options available to your committee to make the dam safe when these become statutory, or before should the capital project proceed. All dam work proposals would be submitted to Historic England for comment regardless of designation status.
21. The decision whether to schedule a site is at the discretion of the Secretary of State. "The Schedule aims to capture a representative sample of nationally important site rather than be an inclusive compendium of all such assets" ([Historic England Scheduling Selection Guidance](#)). Site are selected on their archaeological or historical interest plus their management needs guided by a non-statutory Principles of Selection (see Annex 1 of the [DCMS Scheduled Monuments Policy Statement](#)). Those sites that are identified as being of national importance, but which are not scheduled are afforded protection under the planning system.
22. Historic England have indicated that in time they would submit a scheduling assessment application themselves if the City Corporation do not. If the CSS grant offer for Rookery Wood is considered insufficient for the work to be undertaken, the trees will start to collapse in time, this could be any time from

now to many years in the future. If the trees are not removed and they start to damage the earthworks through collapsing, this might prompt Historic England to submit a scheduling application sooner and the site could end up on the national Heritage At Risk Register, along with Wanstead Park. Removing the trees and seeking a scheduling assessment is best practice for a historic feature of this significance.

Options

23. **Option 1 Recommended:** The City Corporation submits a fast-track scheduling application for Rookery Wood to be considered for entry on to the schedule of ancient monuments of national importance. This would allow a decision to be obtained by the time the Countryside Stewardship grant application is considered by Natural England. The fast-track application costs in the region of £2,000, and a consultant will be required to prepare this, that would cost approximately another £5,000.
24. **Option 2:** The City Corporation submits a non-fast-tracked application for Rookery Wood to be considered for entry on to the schedule of ancient monuments of national importance. There is no guarantee this application would be processed in time for it to be taken into consideration with the Countryside Stewardship application. The consultancy cost (c. £5,000) would still be required.
25. **Option 3:** Do not submit an application for Rookery Wood to be considered for entry on to the schedule. Historic England may submit an application in time anyway. Still seek funding through the Countryside Stewardship scheme to determine what funding is offered, though it is possible the percentage funding would be lower. A [request to review](#) a scheduling decision can be made, but only within 28 days of the decision and only “when there is significant evidence to indicate that a decision has been wrongly made”.

Proposals

26. Option 1 is recommended. This is the best practice approach to a historic feature of this degree of significance. Option 1 is recommended over option 2, because if the site is scheduled in time for the CSS grant application there is a greater chance of being awarded funding and of that funding covering a high percentage of the costs.
27. It is uncertain whether there will be funding in the government’s successive Environmental Land Management (ELM) schemes for this type of work. 2023 is the last application year for the Countryside Stewardship Scheme.
28. It is proposed that the application is prepared by a consultant. The estimated cost is £5,000.
29. The fast-track listing should deliver a decision in time that can be used with the Countryside Stewardship application. The fee for this service is £2,000, however

if this scheduling application takes Historic England more than the standard time this cost could rise.

Key Data

30. There are earthworks covering an area of 4 hectares across the site of Rookery Wood in Copped Hall. These earthworks date back to the Tudor-Stuart period of 1560-1640.
31. The earthworks “rare survivor” of probably a high-status water garden. The features have been assessed by consultants who prepared the Copped Hall Parkland Management Plan as being of exceptional evidential, historical and associational significance
32. There are approximately 500-700 trees that were planted across the site in the mid-twentieth century. The poplars, the majority species, are now mature and will be at risk of falling or breaking up, thereby risking damage to the earthworks.
33. The cost of removing the trees could be around £100,000-£200,000, however it could be higher, no estimate has been able to be obtained. The HE1 Historic and Archaeological Feature Protection grant offers up to 100% of costs, the percentage funded is higher if sites have designations like scheduled monument status.
34. The cost of any statutorily required works to the dam could cost significantly more than the cost of the tree removal, and it is likely this cost would higher if the site is scheduled.

Corporate & Strategic Implications

Strategic implications

35. City of London Corporate Plan 2018-2023: (11) We have clean air, land and water and a thriving and sustainable natural environment; (12) Our spaces are secure, resilient and well-maintained.
36. The proposed action supports the Natural Environment division’s Vision of enriching people’s lives by enhancing and providing access to ecologically diverse open spaces and outstanding heritage assets across London and beyond.
37. The proposed action meets the Natural Environment division’s objective of ‘Open spaces and historic sites are thriving and accessible’.
38. The removal of trees is relevant to the City Corporation’s target of Net Zero as part of the Climate Action Strategy. See Climate Implications section below.

Financial implications

39. The estimated cost of the fast-track scheduling application £2,000 and the consultant £5,000 to prepare this would be funded from within Epping Forest Local Risk.
40. If the site is scheduled there will be more heritage constraints on the way the dam works are undertaken to make it structurally safe, this may remove other cheaper standard engineering options for the necessary future works to the dams. Any he proposed approach would be presented to Historic England for comment. Historically compatible works are likely to be the most expensive due to additional compliance requirements.
41. A Countryside Stewardship scheme grant could offer up to 100% of the costs of removing the trees, a higher percentage is likely if the site is designated. Without designation a grant of between 60 and 100% could be offered but the remaining costs would have to be found internally. There is uncertainty about the suitability of future land management grants to undertake this work if this work is not carried out under Countryside Stewardship; if there are no suitable grants or other ways of delivering this work the City Corporation may need to fund removal of the trees if they start falling down and damaging the earthworks.

Resource implications

42. The scheduling application will be undertaken by a consultant overseen by Epping Forest officers.

Legal implications

43. If the site is scheduled it will be designated under the Ancient Monuments and Archaeological Areas Act 1979. This will have consequence on most ground works done on the site.
44. A Natural England licence would be required to undertake works if any protected species are on site and the works pose a risk to these species. A species survey is being undertaken currently.
45. If the water body is classified as a Large Raised Reservoir in the future requirements under the Reservoirs Act 1975, as amended by the Flood & Water Management Act 2010 will come into force.

Risk implications

46. There is a risk that the CSS historic feature protection grant is not awarded or awarded at a low percentage of the total cost and the additional funding cannot be found to deliver these works. If the site is scheduled before the CSS application negotiations are concluded at the end of summer 2023 then the City Corporation will have another scheduled site with complex management needs which might be included on to the Heritage At Risk Register by Historic England. However, it is not proposed to apply to schedule the site until after greater clarification from the government agencies that administer the CSS grant on potential percentage award. Even if neither the grant nor the scheduling applications were made, Historic England have already stated that they would consider submitting the site to a scheduling assessment in time.

47. If the work is not carried out the collapse of the trees could present a reputational issue for the City Corporation as a responsible landowner and steward of an historic landscape.

Equalities implications

48. None.

Climate implications

49. Under the Copped Hall Proposals (SEF 18/22) there are plans for extensive tree planting and tree regeneration across other parts of the Copped Hall estate on which Rookery Wood is located. Part of this tree planting is not part of the Carbon Removals project and the number of trees in would in time approximately compensate for the loss of trees.

Security implications

50. When the reduction in Reservoir capacity to 10,000 cubic metres is brought in to force the requirements of the Reservoirs Act 1975 will apply. Any recommendations by the Inspecting Engineer or Supervising Engineer will become statutory and the timeframes under the legislation will apply otherwise the Environment Agency will have step-in rights at the expense of the City of London Corporation as Undertaker. There is no governmental programme for this at present, but it is already within the current legislation and has been enacted in Scotland and Wales already so the change in threshold is anticipated to happen.

Charity Implications

51. This is within the Buffer Lands and not part of the lands forming the Epping Forest charity.

Conclusion

52. The City Corporation is custodian of large areas and large numbers of historic features. Rookery Wood in Copped Hall contains earthworks of a Tudor/early Stuart water body that is considered nationally important and eligible for scheduled monument assessment. Historic England concur with this assessment and have indicated they may submit a schedule monument assessment in time. The best practice approach would be to submit a scheduled monument application. The hundreds of poplar trees that were inappropriately planted across the site in the 20th century pose a risk to these historic earthworks as they will very likely collapse on to them in the future; this would be a reputation risk to the organisation.

53. Grant funding is available from the government's land management grant scheme to remove the trees and preserve this historic site. The grant funding could award up to 100% of actual costs (estimated £100,000-£200,000), the percentage is likely to be higher if the site has an important designation. A

scheduled monument application could be made for this site which could help increase any grant award.

54. However, one of the earthworks forms a dam and it is possible that the associated waterbody could be designated as a Large Raised Reservoir in the near future. The dam is known to be structurally unstable, and any recommendations by the Inspecting Engineer or Supervising Engineer will become statutory. If the earthworks are listed the options for carrying out any necessary works will be reduced and the work would be more expensive because of additional compliance requirements. All proposals would be presented to Historic England for proposals regardless of designation status.

55. This Committee is asked to consider whether to submit a scheduled monument assessment to increase the chances of a larger grant award for the removal of trees or whether to apply for the grant for tree removal without a scheduling assessment to reduce the constraints on any future works to the dam. However, Historic England have indicated they may submit a schedule monument assessment in time.

Appendices

- Appendix 1 – Maps, Photos and Archival Material of Rookery Wood

Background Papers

- SEF 22-21 Copped Hall Parkland Management Plan
- SEF 17-22b Countryside Stewardship Grant 2023 Proposals
- SEF 18-22b Copped Hall Proposals

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