

Progress to date

1. Urgent Works Notice of May 2022

- 1.1 During the late-summer of 2021 the Council appointing a conservation accredited structural engineer (a 'Lead Advisor') and associated sub-contractors to survey the Stable complex, to determine what works were urgently required for their preservation, and to prepare a Schedule of Urgent Works. Historic England grant aided 80% of the costs of this stage of the urgent works process.
- 1.2 The Lead Advisor identified numerous issues with Bradgate Stables that require immediate action or attention. The required works considered urgently necessary as specified within the Schedule consist of vegetation clearance around the perimeter and within the stable complex to allow for access and inspection, erection of scaffolding for support and access to masonry walls, works to the walls, and specialist conservation work to preserve key architectural features on the stable tower. The scope and nature of the works in the Schedule are considered the minimum necessary to achieve the urgent preservation of the building and have been specified to hold good for at least a 12-month period, in line with the suggested period specified within the Historic England guidance. At the time of writing this report the content of the Schedule is currently under review by the Lead Advisor.
- 1.3 Following agreement by full Council on 26 April 2022 and having received no clear commitment from the owner to undertake the works voluntarily the Council duly served an Urgent Works Notice upon the owner on 25 May 2022 confirming that on expiration of 7 June 2022 the Council intended to carry out the Works in default.
- 1.4 In tandem with the serving of the Notice the Council's Lead Advisor completed a tender exercise and recommended a suitable conservation contractor to undertake the works. As agreed by full Council on 26 April 2022, a grant offer from Historic England of 80% of costs of up to £300,000 made to the Council of undertaking the works in default was accepted. The offer was made and accepted on the expectation that the Council attempts to recover the costs from the building owner under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and subsequently reimburse Historic England. Returned costs from the preferred contractor were approximately £170,000.
- 1.5 On 24 June 2022 the Council received a Judicial Review Pre-Action Protocol before claim from the owner's legal advisors stating that the Council decision to serve the Urgent Works Notice was to be challenged as unlawful on six grounds. The claim expected that the Council agree to withdraw the Notice and to take part in discussions with the owner and Historic England about the future of the listed building.
- 1.6 Following Counsel advice on the content of the letter and the grounds of challenge the Council did not accept that a legal error was committed,

however, the Urgent Works Notice was withdrawn on 5 July 2022 on the basis that the owner had indicated a desire to preserve the building. Alongside the agreement to withdraw the Notice the Council made it clear to the owner that genuine engagement was expected in this respect, and if it became clear that there was no intention to doing necessary works to preserve the building in the near future, the Council would proceed towards serving a second Urgent Works Notice and defend any legal proceedings brought in respect to it.

2. Progress of talks with the owner

- 2.1 Representatives of the Council, Historic England and the owner have met in person on 19 August 2022 and on site at Bradgate Stables on 16 November 2022 to discuss the owner's voluntary undertaking of works and associated actions to secure the urgent preservation of the building. In addition, varying levels of correspondence have been shared between these parties from the withdrawal of the Urgent Works Notice up to the date of drafting this report, including regular requests from the Council's Conservation Officer to the owner for updates on actions.
- 2.2 The owner commissioned a programme of ecological work which has been completed by a Protected Species Surveyor during the appropriate species survey seasons throughout 2022. Where required for species present at Bradgate Stables a suitable ecological mitigation strategy has been devised by the Surveyor to ensure the undertaking of the works would have no adverse impact upon species and be in accordance with the Wildlife and Countryside Act 1981. The Protected Species Surveys and associated reports have been shared with the Council by the owner.
- 2.3 At the time of writing of this report the owner has undertaken some vegetation clearance including removal of brambles around the perimeter of the building and removal of a limited number of saplings and trees within the interior courtyard. The owner has informed the Council that the vegetation clearance and sapling/tree removal is to recommence following addressing health and safety protocols and to the extent and specification contained within the Schedule of Works.
- 2.4 A replacement post and wire fence around part of the perimeter of the building was erected during late-December 2022, and although not part of the Schedule of Works is a minor measure towards ensuring site security.
- 2.5 The owner has involved a conservation accredited structural engineer with discussions regarding the building and the engineer was present at the site meeting on 16 November 2022. The engineer provided verbal confirmation to all parties present at the meeting that all of the works presented in the Council's Schedule of Works are urgently required and that there are no items within the schedule he disagreed with, although this verbal confirmation has not been provided formally in writing to the Council. Notes of the meeting were circulated to the owner including this above point and no objection has been received in respect of this verbal confirmation from the engineer. In addition, no alternative structural survey or similar assessment has been

formally presented by the owner to the Council suggesting that works are not urgently required nor have any alternative solutions of equal standard to achieve Council's specified urgent works been formally presented by the owner to the Council for consideration.

- 2.6 During the 16 November 2022 site meeting there was an intent from the owner to address the issues with the west side courtyard facing gable but at the time of writing this report the Council have not been notified of any works programmed or undertaken in respect of this particular work item. The most recent correspondence from the owner to the Council's Conservation Officer from early-February 2023 referenced considering a quote from a contractor to undertake scaffolding works but at the time of writing this report the Council have not been notified of any works programmed or undertaken on this particular item or any detail of what the scaffolding works would involve.