

**Executive**

**12 July 2018**

Report of the Director of Economy and Place

Portfolio of the Executive Member for Finance and Performance

## **Clifford's Tower Visitor Centre Update**

### **Summary**

1. Following the decision of English Heritage not to proceed with their plans to build a Visitor Centre for Clifford's Tower, this report asks the Executive to reconsider the decision made in January 2017 to offer a long leasehold for the land required to build the Visitor Centre and the associated short term lease to create an adjacent public plaza.

### **Recommendations**

2. Executive are asked to agree:
  - i) To retract the offer of a long lease for the land requested by English Heritage for the construction of a Clifford's Tower visitor centre following their decision not to proceed with the proposed visitor centre (shaded light blue in Annex 1)

**Reason:** To reflect the decision of English Heritage not to proceed with the visitor centre

- ii) To retract the offer of a two year lease for the adjacent land for the associated public plaza that was proposed as part of the visitor centre project (shaded orange in Annex 1)

**Reason:** To reflect the decision of English Heritage not to proceed with the visitor centre

## Background

3. English Heritage (EH) is the trading name for English Heritage Trust (EHT). They operate heritage assets under a licence from the Historic Buildings and Monuments Commission for England (HBMCE), whose trading name is Historic England. The ownership of Clifford's Tower, therefore rests with HBMCE but it is managed and operated by EH.
4. In October 2016, EH (as the operational arm of HBMCE) received planning permission to build a new visitor centre as part of works to improve and restore Clifford's Tower. The site of the proposed visitor centre was partly on council land and partly on HBMCE's land, and EH consequently made a formal request to acquire the required land.
5. In response, in January 2017, Executive agreed to a package of land deals to both formalise the complicated ownership agreements relating to Clifford's Tower and to allow the implementation of EH's planning permission for the proposed restoration and development of a visitor centre. It was agreed to:
  - offer a temporary licence to allow the site compound for the remedial works to the tower and construction of a new visitor centre at the base of the motte (land edged blue in annex 1)
  - offer a long lease on the section of council land required for the new visitor centre to be built (land shaded light blue in annex 1)
  - offer a short term lease for an adjacent piece of council land for use as a public plaza as part of the new visitor centre development (land shaded orange in annex 1)
  - to transfer freehold ownership of the section of the motte that is currently under council ownership but the guardianship of EH (land shaded pink in annex 1)
6. Since EH received planning permission for their proposals in October 2016 the planning decision has been subject to a period of Judicial Review (JR), and although the High Court dismissed the initial challenge a further appeal is now listed before the Court of Appeal on 23<sup>rd</sup> July 2018. During that judicial review period, EH have been positively engaged in the development of the Castle Gateway masterplan which includes the land surrounding Clifford's Tower. In June 2018 EH notified the Council that following a strategic review of their proposals, and due to the exciting alternative opportunities offered by the masterplan (which was approved by the Executive in April 2018) they did not intend to take forward their existing plans for a visitor centre. Instead they are keen to undertake the

conservation and restoration works to the tower and motte, and to work with the council as part of the Castle Gateway project to consider other options to improve the Clifford's Tower visitor experience.

7. It is therefore recommended that the Executive decisions to offer a long leasehold for the land required to build a visitor centre, and the short term lease for the associated public plaza, are withdrawn. However, the Executive approvals to formalise the land ownership agreements relating to the motte and the offer of a temporary licence for a site compound for works relating to the restoration would remain in place for the reasons set out in the remainder of this report.

### **Land ownership of the motte**

8. The EH planning permission for the visitor centre includes significant works to conserve and safeguard both the tower itself and the motte on which Clifford's Tower sits. It is EH's intention to proceed with those important works despite the decision not to proceed with the visitor centre. As illustrated in Annex 1 a large proportion of the motte is already in HBMCE's ownership and maintained by EH. However, one section (shaded pink in Annex 1) remains within the council's ownership but under the guardianship of HBMCE. This is a result of the historic arrangements relating to the motte and the surrounding land uses of Clifford's Tower. Embedded within the current motte structure is a significant retaining wall which until the 1930s was exposed and formed part of the outer walls of the Victorian women's prison. It was on demolition of the prison in 1935 that the motte was reformed and the spiral access path to the tower replaced with a straight staircase. The area of the newly reinstated motte that extends out from the now buried retaining wall in to Castle car park remained in the council's ownership but under the guardianship of HBMCE.
9. As part of the January 2017 report the Executive agreed to transfer the freehold of this section of the motte to HBMCE for nil payment given that the upkeep and repair is already their responsibility. In addition to simplifying the ownership arrangements it will remove any potential future council liability for the stability of the motte or the tower and enable EH to undertake essential maintenance and structural repairs. This land is not judged to have any commercial value. For the avoidance of doubt this would not allow EH to proceed with the previously proposed visitor centre. The visitor centre building footprint would have extended beyond the motte, and withdrawing the offer of the long leasehold for that additional council owned land would not allow the visitor centre to proceed.

## **Temporary licence for a construction compound**

10. To allow the conservation works to take place it is also proposed to proceed with the original offer of the temporary license for EH to create a construction compound. This is required for the planned remedial and restoration works to the tower and motte, which EH intended to undertake regardless of the decision not to pursue the visitor centre. The existing Executive approval is to allow EH to occupy the area of land edged with the blue line in Annex 1 on a temporary licence at a rate of £1k plus VAT per month for the duration of the restoration works to Clifford's Tower (subject to a maximum period of 15 months). The council will continue to work with EH to enable those repairs and maintenance works to be carried out, and to integrate their ambitions for improving the Clifford's Tower experience into the Castle Gateway project.

### **Implications**

11. The following implications have been identified:
- (a) **Financial** – The decision not to proceed with disposal will mean the council will not receive the previously agreed £25k capital receipt for the land in question.
  - (b) **Human Resources** – There are no human resource implications.
  - (c) **Equalities** – none
  - (d) **Legal** – The council has not entered into any formal/legally binding agreements for completion of the proposed land transactions referred to above and so is entitled to decide not to proceed with such proposals.
  - (e) **Crime and Disorder** – none
  - (f) **Information Technology** – none
  - (g) **Property** – Covered in the report.
  - (h) **Other** – There are no other implications.

## Risk Management

12. English Heritage has made a recent public commitment that it does not intend to proceed with the visitor centre element of the project. It follows that the land transfer required for that visitor centre is no longer necessary. A formal decision of the council that it will not proceed with that land transfer also provides further certainty to the public that the visitor centre element of the planning permission could not be built.

## Contact Details

### Author:

#### Tracey Carter

Assistant Director for  
Regeneration and Asset  
Management  
Tel: 01904 553 419

### Chief Officer Responsible for the report:

#### Neil Ferris

Director of Economy and Place

#### Andy Kerr

Commercial Project  
Manager  
Tel: 01904 554 153

#### Report

Approved

✓

Date 28/6/18

## Specialist Implications Officer(s) List information for all

### Financial

#### Patrick Looker

Finance Manager  
01904 551633

### Legal

#### Gerard Allen

Senior Solicitor  
01904 552004

**Wards Affected:** Guildhall

**For further information please contact the author of the report.**

**Background Papers:** Executive report January 2017 - Disposal of land for the proposed Clifford's Tower visitor centre

## Annexes

Annex 1 – Map highlighting the different land ownership of Clifford's Tower