

PLANNING COMMITTEE - THURSDAY 13TH SEPTEMBER

REPORT TITLE:	Adoption of Flaybrick Memorial Gardens Conservation Management Plan (CMP)
REPORT OF:	CORPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES, HOUSING AND PLANNING

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to: inform the Members of the public consultation results relating on the adoption of Flaybrick Memorial Gardens Conservation Management Plan (CMP). The CMP has a vision with a series of volumes and action for Flaybrick Memorial Gardens. The CMP can be viewed in the attached appendix 1a-f.
- 1.2 Council officers are keen to pursue opportunities for improved recognition of and protection for Flaybrick Memorial Gardens Conservation Area. The CMP will help you to understand why the heritage is valued and by whom. It helps you take an overall view, and it sets out a framework of policies and actions that will help to make decisions about how to look after the heritage assets whilst ensuring it continues to be used, enjoyed and made accessible.

2.0 RECOMMENDATION

- 2.1 For Members to adopt the Flaybrick Memorial Gardens CMP to better understand the site and to put in place strategic policies and actions for future management of the site.

3.0 CONSERVATION MANAGEMENT PLANS

- 3.1 A Conservation Management Plan is simply a document which explains why a place is significant and how you will sustain that significance in any new use, alteration, repair or management. It is based on a very simple thinking process which starts with describing what is there, why it matters, what is happening to it and the principles by which you will manage it and then sets more detailed work programmes for maintenance, management, access, use or other issues.
- 3.2 The CMP differ from traditional character appraisal and management plans because they are explicitly driven by significance, and how that will be managed. They also take a holistic approach to a site. This means that they are particularly useful for sites with more than one type of asset or value. Often complex sites will already have plans, but they might only relate to one type of heritage -for example a countryside or collections management plan, a conservation area appraisals or a garden restoration plan. A single CMP brings them all together.
- 3.3 The CMP have been carried out in accordance with the advice published by Heritage Lottery Fund: Conservation Plan Guidance – September 2017.

4.0 BACKGROUND

- 4.1 In 2011 Flaybrick Memorial Gardens grade II* - Registered Park & Garden was declared at risk on the Historic England's register and Flaybrick Cemetery Conservation Area was also added to the at risk register.
- 4.2 A structural report in July 2014 indicated that the structure of the chapels were physically stable, with some localised problems. The chapels remained out of bounds. The next step was a Condition Survey. A Condition Survey was carried out in March 2015 by Ainsley Gomon Architects and was match funded by Historic England Heritage at Risk Funding.
- 4.3 In August 2016 to January 2017 Purcell were appointed to carry out urgent repairs to

stonework and carvings costing, match funding of £325,000 with Historic England was retrieved.

- 4.4 Additionally, Purcell was commissioned for partnership funding for a Conservation Management Plan was secured for the entire Flaybrick site. Funding of 50% of the cost of the CMP has been secured from Wirral's Capital Programme & a further 50% as grant from Historic England; the total budget is £16,000.00 for the production of this Conservation Management Plan.
- 4.5 This CMP is required as a first step towards achieving a sustainable future use for Flaybrick Memorial Gardens as a whole and will be used to inform decision-making and any future grant applications.

5.0 ABOUT THE DRAFT FLAYBRICK MEMORIAL GARDENS CMP

- 5.1 The future vision of Wirral Council is to implement a long-term sustainable strategy for the site, which will conserve significance (the process of sustaining and enhancing heritage interest), provide a programme for management and set out deliverable actions to achieve this. The strategy for Flaybrick Memorial Gardens is based on eight conservation principles, which aim to conserve the original design intent of Kemp.
- 5.2 The CMP have been carried out in accordance with the advice published by Heritage Lottery Fund: Conservation Plan Guidance – September 2017. In accordance with the guidelines, the CMP brings together the current extent of our understanding of the historic development, setting, context and significance of the site in order to inform constructive proposals for the future development of the site. It aims to provide a single comprehensive resource for those involved in decision-making. The CMP is broken down into four volumes:
- 5.3 **Volume One: Preliminaries and Evaluation**
This volume is divided into two, firstly it introduces the preliminaries; the concept of the CMP, its authors and background information.
- 5.4 The second part is the evaluation where an overview of the topography & geology of site and its significant features which includes all the different types of heritage within the site; Conservation Area status, 7 listed buildings (GII) and registered park and garden (GII*).
- 5.5 The history of the development of the cemetery, from earliest times to the present. This is illustrated through a series of maps which identifies the plan evolved through its landscape, the original tree planting and its footpaths.
- 5.6 Who manages the site: Flaybrick Memorial Gardens is owned by Wirral Borough Council and managed by an on-site ranger team. A Friends Group was formed in the 1990s in reaction to concerns for the welfare of the Flaybrick Memorial Gardens. The Friends of Flaybrick group are committed to helping to look after and promote the Gardens. Both lodges are now in private ownership as residences having been sold in the 1990s. The Memorial Gardens are locked at dusk and opened again to visitors in the early morning, with timings dependent on the season.
- 5.7 How people make use of the site: The memorial gardens provide an open space which is often used by dog walkers or parents using the footpath to take their children to and from school. Family members with flowers visit their loved ones. Tourists and local people have the opportunity to attend the heritage walks which are available every month and the heritage open days. Also, since the chapels have been stabilised and made safe, access to the inside is also available.
- 5.8 **Volume Two: Analysis**
This volume is divided into three sections: General Cemeteries, Significance and Issues & Opportunities.
- 5.9 **General Cemeteries**
The need for cemeteries: The overcrowding and a growing desire to commemorate the dead in a romantic garden setting led to the development of urban cemeteries in the 19th century.

6.0 ***The design of cemeteries:*** Proposals for Birkenhead Cemetery (called Flaybrick Hill from 1956), were initially discussed by the Birkenhead Improvement Commission in 1842. At this time commercial and local authority cemeteries were developed as a solution to public health issues caused by the overcrowded churchyards and particularly the spread of cholera. Initially, cemeteries were laid out in an informal picturesque style which developed from the Père Lachaise Cemetery in Paris (1804). This was copied widely in England at garden cemeteries such as: Arnos Vale, Bristol (1837–1840); St. James Cemetery, Liverpool (1826); and The Rosary Cemetery, Norwich (1819).

6.1 The Metropolitan Burial Act of 1853 stated that cemeteries were to include both consecrated and non-consecrated areas to accommodate both Church of England and Roman Catholics, but also the Non-Conformists. Plots were set where each denomination would be sited and there were focal chapels dedicated to each faith.

6.2 ***Edward Kemp's Approach to Cemetery Design:*** Kemp's approach for the Anglican and Non-Conformist area was formal, laid out on a grid with avenues of trees, and similar to Loudon's designs as published in his *On the Laying out, Planting and Managing of Cemeteries* (1843). These walks were punctuated by circular paths around circular planting beds which helped with pedestrian circulation but also allowed privacy for visitors. Kemp introduced sinuous areas of tree and shrub planting along the perimeter of the grounds and clumps of planting dotted around the central quadrants. Kemp favoured a mixed or irregular style of planting, adopting a philosophy of 'blending of Art with Nature', unlike Loudon who sought to separate plants in order to view their individual characteristics. Loudon employed plants in a cemetery as part of a morally improving, educational, comforting and dignified experience.

6.3 In the Roman Catholic section, Kemp designed an elaborate arrangement of intersecting, curvaceous walks, screened by layered planting which is similar to Paxton's design for London Road Cemetery, Coventry (1845).

6.4 ***Survival of general cemeteries:*** were regarded as much as public landscapes as they were functional burial places. Many had landscape architects involved in the design alongside the architects of the buildings. Historic England identified that this relationship has been lost in many local authority strategies. Cemeteries have been subject to neglect or successive waves of alterations compromising their historic value and often anti-social behaviour, as at Flaybrick. However, there is often a local connection to the site and, as at Flaybrick, family plots are still visited and used today. Local Friends groups, developed towards the end of the 20th century, have worked to improve the landscaping and appearance of general cemeteries such as Flaybrick.

6.5 Significance

Flaybrick Memorial Gardens is a cemetery to the north-west of Birkenhead on the Wirral Peninsula, which is designated as a Grade II* Registered Park and Garden by Edward Kemp, containing several listed buildings by Lucy & Littler. The Cemetery dates to 1862 and was designed by the Victorian landscape architect Kemp, who is renowned for his innovative and prolific designs for public parks and gardens. Flaybrick Memorial Garden is a rare and complex example of his work (comparable to Anfield Cemetery), illustrating the High Victorian interest in the mixed style of landscape design, utilising formal and informal components within his design.

6.6 The surviving character of Flaybrick Memorial Garden reflects the different approach Kemp took to cemetery landscapes, compared to his park and garden layouts. The Cemetery holds high local and national communal value and represents the diverse religious community of Birkenhead in the 19th and 20th centuries. Value rests in the continued use of family plots, and visits to the site as a peaceful and historically significant location, a route through to the wider geographic area, and for visits to specific graves.

6.7 Issues & Opportunities

This section is a framework that will explain what is happening to the heritage of the Flaybrick Memorial Gardens, how it might be vulnerable and what the potential threats are to its long-term survival.

- 6.8
- A lack of understanding regarding the statutory policies and protections for heritage.
 - There is a lack of heritage value of the Cemetery and its graves.
 - Relationships with private owners re-established
 - Guidance and support for private owners to restore lost features and repair works.
 - Maintenance management scheme drawn up for the Chapels
 - Development of future grant aided work: Excavation of existing steps leading to a basement below the south-west vestry, Reconstruction of the Spire or Reinstatement of roofs to the eastern apses in the chapels.
 - Any alterations at the site will need to include an assessment on the impact on the below ground archaeology as well as the landscape itself.
 - Gaps in knowledge for preserving, repairing and maintaining grave stone and monuments.
 - There's no overarching Management and Maintenance Plan for the site
 - Site security is also a key issue and raising public perception of the Cemetery
 - The creation of an interpretation strategy will help create a cohesive plan for the cemeteries future.
 - The introduction of way-finding signage, interpretation boards, and also improvements to the availability of online information about the significance of the site.
 - Further research into and conserve the original design and layout of the Cemetery through a landscape management strategy.
 - Significant historic views across the site have been lost due to vegetation overgrowth.
 - Gaps in knowledge over the condition of the heritage.
 - Opportunity to widen engagement at the site and celebrate its heritage by sharing understanding in order to increase support locally

7.0 **Volume Three: Management Policies and Action Plan**

- 7.1 The two overarching actions to be implemented as a priority within the next two years are:
- To adopt an agreed management structure setting out the roles and responsibilities of staff and volunteers.
 - To produce a Management and Maintenance Plan that sets out cyclical tasks for staff and volunteers.
- 7.2 Additional commissions that should be carried out within the next five years to inform the conservation of the site include:
- an access audit;
 - a way-finding audit;
 - an interpretation strategy;
 - a funding strategy; and
 - a condition survey.
- 7.3 All decision-making beyond the cyclical actions set out in the Management and Maintenance Plan will require expert advice and specialist input in order to conserve the original design intent.
- 7.4 Following adoption of this CMP, a series of consultation exercises to capture opinion should be carried out. It is essential that the Action Plan and the policies within this CMP be adopted and have an 'owner' – someone who takes control of the plan, chases those responsible for carrying out its actions, reviews annually and updates every five years.

8.0 **Volume Four: Appendices**

- 8.1
- A. Listing Descriptions
 - B. Ecology Report
 - C. Tree Survey
 - D. Questionnaire

9.0 PUBLIC CONSULTATION

- 9.1 A 6 week public consultation exercise was conducted to solicit the views of stakeholders: residents surrounding the site, Bidston Avenue Primary School, Wirral Council officers, Councillors, Friends Group and Historic England on the matter of the proposed CMP.
- 9.2 The list of stakeholders all received a flyer or an email, 6 poster was erected; 2 displayed in the notice board in the grounds of Flaybrick Memorial Gardens, 2 on the railings of the Chapels and 2 in the grounds of Tam O' Shanter's, a hyperlinks to the CMP was cited on the Friends of Flaybrick website. The CMP were available to view online via the Council website on the Parks and Gardens Page, under Flaybrick Memorial Gardens:
<https://www.wirral.gov.uk/leisure-parks-and-events/parks-and-open-spaces/flaybrick-memorial-gardens>
- 9.3 The consultation flyer and poster invited the public to view the CMP online and to have their say on the document. Written comments were sent directly to the ranger John Jakeman by the 15th July, this provided a 6 week consultation period. A copy of the flyer is attached as Appendix 2.

10.0 CONSULTATION RESPONSES

- 10.1 The Parks and Gardens Department received a total number of 96 comments from 4 different sources. The full responses to the public consultation are attached in Appendix 3. The comments received have been divided up in order to address each concern.
- 10.2 The public consultation exercise received a low level of response in terms of the number of letters received. Out of the 55 flyers and 11 emails sent out, there were no objectors and 100% total support for the CMP with only specific minor amendments requested.
- 10.3 The 4 supporters that welcomed the CMP expressed their comments by making:
- Suggestions for inclusion
 - Suggestions on more accurate historical information
- 10.4 The comments of concern can be summarised into 3 main points and will be addressed accordingly:
1. 14 Inaccurate descriptions or qualifications requested to the text
 2. 8 requests for more information or clarification requested
 3. 6 disagreements over specific suggestions, mostly tree removal or vegetation control.
- 10.5 Through consultation feedback the CMP the strength and the detail required for the proposed strategies will be improved. In few instances, the consultation provided new insight into challenges, risks and opportunities for the heritage at Flaybrick. This feedback will be incorporated into the revised and final CMP.

11.0 POLICY IMPLICATIONS

- 11.1 National Policy: National Planning Policy Framework (NPPF) Planning for the Historic Environment sets out the Government's objectives for the historic environment and the reasons for its conservation. This document is integral to plan making and is an important material consideration, alongside adopted local planning policies, when assessing development that will affect a heritage asset, including Conservation Areas.
- 11.2 Local Policy: Wirral's UDP Policy CH01: The Protection of Heritage, CH2: Development Affecting Conservation Areas, Policy CH3 Demolition Control with Conservation Areas and Policy CH23 Flaybrick Cemetery Conservation Area. These policies are an important material consideration with all development proposals; the local authority will pay particular attention to the protection of Wirral's heritage assets.
- 11.3 The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69, states that every Local Planning Authority shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and, shall designate these areas as Conservation Areas. It shall be the duty of a Local Planning Authority from time to time to review the past exercise of

functions under this section and to determine whether any parts or any further parts of their area should be designated as Conservation Areas; and, if they so determine, they shall designate those parts accordingly.”

- 11.4 Section 71 of the Act states that it shall be the duty of a Local Planning Authority “From time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are Conservation Areas.”
- 11.5 Section 72 of the Act states that “In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions under or by virtue of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 11.6 Conservation Areas are defined by the Planning (Listed Buildings and Conservation Areas) Act 1990 as an ‘area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’. Conservation Area designation means that planning permission is required for the demolition of most structures, notice has to be given to fell trees, the extent of permitted development rights is reduced and a high standard is required for all development schemes. Local planning authorities also have a duty to periodically review the extent of the designated area and expand (or reduce) the Conservation Area boundary as is appropriate.

12.0 FINANCIAL AND STAFFING IMPLICATIONS

- 12.1 The main resource implications are the insertion of electronic versions of the documents on the website. It is not anticipated that paper copies will be required; however officers are able to print copies if required. All expenditure can be accommodated within current department budgets.

13.0 LEGAL IMPLICATIONS

- 13.1 Not updating the reviews of the Conservation Areas weakens the purpose of these heritage assets, meaning that Conservation Areas can obtain an ‘at risk’ status and potentially can be disbanded, having negative implications for the Council.

14.0 EQUALITY IMPLICATIONS

- 14.1 Under the provisions of the Equality Act 2010 Section 149, public authorities must have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act, b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The legislation and Equality and Human Rights Commission Guidance have been fully complied within the development of the Flaybrick Memorial Gardens CMP.

15.0

LOCAL MEMBER SUPPORT IMPLICATIONS

- 15.1 This document will be of interest to the assigned Members to the Flaybrick Memorial Gardens and Flaybrick Cemetery Conservation Area.

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APPENDICES

1. *CMP*
2. *Copy of consultation flyer*
3. *Responses to consultation*