

## **Friends of Panshanger Park - Submission**

### **East Herts District Council Draft District Plan - Preferred Options Consultation**

#### **Summary**

**The Friends of Panshanger Park** (FPP) object to the East Herts District Council (EHDC) Draft District Plan Preferred Options Consultation (hereafter referred to as 'the EHDC plan') in so far as its proposals will affect the setting of Grade II\* Panshanger Park, its wildlife diversity and its archaeology. We request that EHDC re-considers proposals for the DPD East of Welwyn Garden City (1700 homes) and the West of Hertford developments of 550 homes adjacent to the eastern edge of Panshanger Park. Our objections are based on the significance of Panshanger Park as an irreplaceable heritage asset and are in line with the National Planning Policy Framework (NPPF) policy recommendations for preservation of the historic environment. FPP also highlight the threat posed by adjacent developments to the rich wildlife and biodiversity within the Park.

FPP will show misrepresentations contained within the EHDC Plan, the importance of green belt separation between Hertford and Welwyn Garden City and other issues in respect of the proposed development areas.

In developing our response FPP refers to the NPPF, its twelve core planning principles and the policies that underpin plan making. In particular we expand on the core principles 10, 7 and 5 which state that planning should:

*“- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*

*- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*

*- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognizing the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;”*

We note that the EHDC plan adopts national policy and also sets its own strategic guidelines in 3.3.2. One of its key principles being *“to focus development in locations where the impacts on the historic and natural environment are minimised”*

#### **East Hertfordshire Historic Parks & Gardens - Panshanger Park**

English Heritage recognises fifteen Grade Two Parks in the District of East Hertfordshire (EHDC map attached). Only three are Grade II\* rated Historic Parks. Of these Panshanger Park is the largest and most significant, is nearest to centres of population and is the richest in wildlife.

#### **Panshanger Park – S52 Legal Agreement**

Panshanger Park has opened as a new Country Park for the people of Hertfordshire, partially fulfilling the terms of a 1979 legal agreement which gave planning permissions for mineral

extraction rights now exercised. The first area of the Country Park opened on 31<sup>st</sup> March 2014, with more areas to follow. Further detailed restoration and management plans for the Park are being developed and delivered in line with the legal agreement. More details are set out in the letter from Jan-Hayes Griffin to Lafarge Tarmac 4<sup>th</sup> February 2014. The significance of the wildlife value within and around the park is also recognised through the existing Panshanger Park Management Committee structure which comprises the owners, Hertfordshire County Council and Herts & Middlesex Wildlife Trust.

### **Statement of Significance - Panshanger Park, Hertfordshire**

The significance of Panshanger is recognised by English Heritage's inclusion of it on the Register at II\* (Grade II\* sites are particularly important, of more than special interest warranting every effort to preserve them). This landscape was laid out by Lancelot 'Capability' Brown in the mid 18<sup>th</sup> century centred on Cole Green House and by Humphry Repton from 1799 centred around Panshanger House but both using the Mimram valley to create a unique landscape. This work by the two major landscape designers of the most important phase of English Landscape development was not altered during Victorian times, apart from the addition of formal gardens adjacent to the house. It retains much of its integrity, atmosphere and sense of place with woods, water and grassland combining to form a quintessential English Landscape. It is the most accomplished of the string of landscape gardens along the Mimram designed by Repton or Brown. Nikolaus Pevsner noted (1953) '*The views...are still superb, one of Repton's most perfect schemes*'. For Panshanger its significance lies not only in this unique combination of design talents and topography, but also in its setting of relative tranquillity, its communal importance as a repository of social and natural history and as a valued communal green space.

In addition Panshanger Park has outstanding wildlife value. It includes the most valuable chalk stream north of the Thames, an internationally rare habitat in itself, marshy areas, osier beds, veteran trees rich in invertebrates, neutral and acid grasslands (a rare habitat in the County), veteran trees, amphibians and reptiles, dragonflies, moths and butterflies, bats, large mammals (deer, foxes, badgers, hedgehogs), birds of prey (red kite, buzzard, kestrel, sparrowhawk). Many of these need to feed within and beyond the boundaries of the Park in order to maintain a viable population size.

### **Conserving and enhancing the historic environment of Panshanger Park**

FPP suggest that the significance of Panshanger Park has not been considered by EHDC in selecting proposed development areas adjacent to the Park specifically: developments west of Hertford for 250 houses at Thieves Lane, 300 houses to the north of Welwyn Road/B1000 and a 'Development Plan Document' (DPD) area east of Welwyn Garden City for up to 1700 houses. All of these developments will cause significant harm to the setting of Panshanger Park and will impact its wildlife.

The National Planning Policy Framework (NPPF) requires a presumption in favour of sustainable development and Local Plans should meet objectively assessed needs unless specific policies in the NPPF indicate development should be restricted. FPP believe these proposed developments do not comply with NPPF policy.

Paragraph 12 of the NPPF deals with '*Conserving and enhancing the historic environment*'. It requires that local planning authorities take particular consideration of development proposals that could affect the historic environment and heritage assets.

Para 12 “....they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance”

FPP suggest that although the EHDC Plan has listed a policy on Historic Parks & Gardens in Section 21.6 which refers to 2007 Plan policy and SPD. EHDC have not assessed the impact of its proposals on the setting of Panshanger Park as a Grade II\* listed Park. Paragraphs 129 and 132 of NPPF detail requirements for local planning authorities in plan making and development consideration.

*Para 129 ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise’*

NPPF goes further to stress the importance of conservation of heritage assets and their setting and the importance of protecting heritage assets of the highest significance.

*Para 132 ‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting..... Substantial harm to or loss of designated heritage assets of the highest significance, notably ..... grade I and II\* registered parks and gardens.... should be wholly exceptional.’*

NPPF para 141 outlines requirements for the developer and for the local planning authority to make detailed assessments of the impact of development on significant heritage assets and the setting of those assets. This information should be available for public examination as part of the Plan making process.

Para 141. *‘Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible.....’*

No evidence has been presented by EHDC or developers regarding the significance of Panshanger Park prior to down selecting the proposed sites West of Hertford and the DPD East of Welwyn Garden City. FPP will suggest the EHDC Plan put forward as the ‘Preferred Options’ in respect of the suggested sites is flawed.

### **The Importance of Setting**

The **setting** of Panshanger Park in the landscape must be considered beyond the boundaries of the Park itself. The EHDC Historic Parks document (SPD 2007) is referred to in the EHDC plan and states clearly that *“Significant damage can be done to the design aesthetic of a landscape by a development which is beyond the site boundaries. Alterations to the wider setting of the designed landscape therefore must be assessed against the test of whether the proposals are detrimental to an historic landscape.”*

The **setting** of a heritage asset is defined within the Glossary to the NPPF, and reflects the English Heritage Guidance on the setting of a heritage asset: *“the setting is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.*

FPP contend that the **setting** of Panshanger Park would be adversely affected by the proposed developments. The Park borders are effectively established by the boundaries of the A414, Panshanger Lane, B1000 and Thieves Lane. All areas within these boundaries should be considered as the immediate Panshanger Country Park area. However setting for a Heritage asset goes beyond its physical boundaries. FPP suggest that the Park's setting is already affected and physically bound by the A414 to the South. The A414 was built below Panshanger Park ground levels to reduce its effect on the setting of the Park. The B1000/Welwyn Road represents the northern barrier with open countryside beyond which complements the setting of the Park. The western border abuts the full length of Panshanger Lane and the open countryside beyond enhances the setting of the Park. The eastern boundary at Thieves already abuts the edge of Hertford town. Development in this area would create additional and further harm to the setting of the Park.

Panshanger Park is evolving as the Country Park is finally opened to the people of Hertfordshire. This is increasing the significance of this historic place. How it is used and experienced in its historic context will have great importance to local people and visitors from further afield. Repeating the core NPPF planning principle that states planning should *"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;"* could not be truer than here.

The EHDC plan when referring to both proposed developments West of Hertford suggest they will include provision of:

*'HERT 3 Part I (i) & Part II (j) measures to ensure that any impact on views from within Panshanger Country Park towards the site is mitigated'.*

The EHDC proposal suggests impacts can be mitigated by dealing with only views from the heritage asset. This suggests a misunderstanding of the meaning of setting as it relates to a heritage asset. The setting is experienced in many ways from both within and outside of the asset and goes beyond views alone.

As the full Park is opened, the historic core is restored and visitor facilities established. Visitor numbers are estimated as 75,000 per year (people within 30mins Park distance) and up to 250,000 per year from further distances. Panshanger Park will undoubtedly become the jewel in the crown of East Hertfordshire parks. Conserving this Park in its open countryside setting should be a critical objective of the EHDC planning process.

### **Misrepresentations of the EHDC Plan**

FPP wish to point out serious errors in the EHDC Plan with regard to proposed conditions or contributions in relation to the Country Park at Panshanger. We would also point to omissions with regard to the protective statutory designations of Panshanger Park which should have been put before the public.

FPP suggest that these errors and omissions could render the 'down-selection' of the preferred options referred to earlier as flawed. FPP suggest that the consultation documents are without doubt misleading the public with respect to the suggested conditions of development and the contributions we refer to.

The original S52 planning agreement conditions are referred to within the letter from Jan-Hayes Griffin to Mike Pendock, Lafarge Tarmac. FPP refer EHDC to Hertfordshire County Council (HCC) on this matter. Whilst we have copy of the legal agreements and documents, the statutory authority which will ensure delivery of the Country Park of behalf of the people of Hertfordshire is HCC.

Turning to the EHDC Plan and its serious errors which are as follows:

*“Chapter 11 - East of Welwyn Garden City  
Policy EWEL1 - Land East of Welwyn Garden City  
Part V*

*A new Country Park shall be provided at the Panshanger Estate as a condition of development of Land East of Welwyn Garden City, comprising the following features:*

- (a) Open access to the park as a multi-functional green space for members of the public and for wildlife;*
- (b) pedestrian and cycle routes through the park between Hertford and Welwyn Garden City;*
- (c) natural sustainable drainage measures;*
- (d) enhancement of biodiversity and local habitats;*
- (e) suitable financial and other arrangements for the long-term management and maintenance of the Country Park.”*

This wording suggests that development *must* take place *before* a Country Park is to be provided. The provision of the Country Park and a wildlife reserve is already a condition (dating back 35 years) of minerals planning permission granted to the owners. This existing condition obliges the owners of Panshanger Park to deliver on all of the above. Moreover housing provision was not one of the conditions of the original Panshanger Park agreement.

FPP cannot imagine how such a gross error could have been made and would like to understand how this condition came to be contained within the EHDC Plan. We would further suggest that its inclusion could suggest the ‘down-selection’ process for preferred options was flawed. FPP suggest this error in the EHDC Plan could significantly affect public response to the plan and consequently could provide grounds for a subsequent legal challenge. Members of the public are misled by this error into believing that, unless the plan is approved, green belt is declassified and development east of Welwyn Garden City is allowed, then a Country Park and wildlife reserve will not be forthcoming.

*“Chapter 7 - Hertford  
Policy HERT 3 - West of Hertford  
Development of 550 homes will be provided by 2021 in the following locations:  
Part I 300 dwellings to the north of Welwyn Road, which shall include provision of:  
(j) contributions towards the Panshanger Country park initiative.  
Part II 250 homes to the south of Welwyn Road/west of Thieves Lane, which shall include provision of:  
(j) contributions towards the Panshanger Country park initiative.”*

The S52 legal agreement as referred to earlier delivers the Country Park for the people of Hertfordshire. There is no definition in the EHDC Plan of what additional contributions are required for the Country Park. There can be no enabling development associated with Panshanger Country Park. This would contravene the existing legal agreement.

Regarding the protective statutory designation of Panshanger Park: The EHDC plan at no point refers to Panshanger Park or Panshanger Country Park as an English Heritage Grade II\* listed Park. This listing provides the Park with statutory levels of protection. FPP do not understand why this is not referred to within the Plan and its protective rights considered.

## **Wildlife Considerations**

The outstanding wildlife value of the Park has been outlined above and the Herts and Middlesex Wildlife Trust are actively involved in its management and are currently providing a full-time interpretation officer on site five days a week.

Although the Park is large by Hertfordshire standards at about 980 acres the important species such as birds of prey and the larger mammals need an extensive area to rest, feed and multiply. Thus areas in the setting of the Park, or Buffer Zone as most ecologists would describe it, are vital to these organisms. Areas which may look untidy such as Archer's Spring are important to wildlife as they provide habitat on which to feed, take shelter from adverse conditions and escape from predation.

Section 4.4 of the document quoted above states that *"...veteran and dead trees beneficial to fungi, invertebrates, bats and hole-nesting birds....have a distinctive ecology meriting greater attention"*.

The East Herts Historic Parks document (SPD 2007) para 7.4.3. makes clear that we should *"...acknowledge the ecology of the historic park and garden and take steps to manage as appropriate for the benefit and increase of biodiversity"*.

Professor Lawton's Government commissioned report, 'Making Space for Nature' 2010, says *"There is compelling evidence that England's collection of wildlife sites are generally too small and too isolated, leading to declines in many of England's characteristic species..."* and that *"A new type of Environmental Stewardship scheme is needed, particularly to help buffer sites and establish stepping stones and ecological corridors"*.

In other words, he maintains that key wildlife sites (such as Panshanger Park) need protecting by 'buffers', otherwise their functioning will be impaired. FPP believe that development up to the margins of Panshanger Park will go against this key recommendation whatever mitigating circumstances are employed.

Lawton's point is, there is a need for ecological corridors around and between wildlife sites for them to properly thrive. His vision is for:

- *"Better places for wildlife – creating more and better-connected habitats at a landscape scale, providing space for wildlife to thrive and adapt to climate change.*
- *Better places for people – through enhancing a wide range of benefits that nature provides, such as recreation opportunities, flood protection, cleaner water and carbon storage.*
- *Unite local communities, engaging landowners and businesses through a shared vision for a better future for people and wildlife."*

We believe that to declassify Green Belt land surrounding Panshanger Park is to fail to consider this important report which the government commissioned and has accepted in full.

## **The Threats**

We need to consider the impact of 300 and 250 homes on the Hertford side of the Park and 1700 in East Herts on the west side of the Park and 1200 plus 700 in two parcels on the Welwyn Garden City side. This totals 4150 which is excessively high and exceeds the number in any other part of the District; even Bishop's Stortford, the largest town in the District. Development on the periphery should be out of the question. The impact of the occupants of these homes and their activities beyond their boundaries would be threatening to the values outlined above.

## **The Historical Context of Panshanger Park**

Panshanger Park as an historical environment will suffer if it is allowed to be detached from its historical context. The valleys and the plateau between the confluence of the two rivers Lea and Mimram have yielded evidence of occupation going back at least to Lower Palaeolithic times. Birchall Farm (on which East Herts and Welwyn Garden City are proposing to allow development) is designated by HCC as an Area of Archaeological Significance (AAS) following identification of a number of features including a "plough-razed barrow", a number of circular enclosures and field systems and a ditched oval enclosure which RCHM identify as one of only five henges in Hertfordshire (HCC sites and monuments records). A Museum of London 'Watching Brief' report in 2004 also found evidence of Bronze Age activity on this farm. In 1966, to the west of the present day Panshanger Park, the burial chamber of a very important Iron Age chieftain was uncovered. This can be seen today recreated in a display at the British Museum. We believe that Panshanger Park as a heritage asset needs to be considered within its historical context and to fail to do so by allowing development on the land surrounding the park would be detrimental.

## **Wildlife Threat**

Areas have been selected for housing which include or abut Wildlife Sites and Ancient Woodland, which we understand to be a protective statutory designation. Area O5C shown as 300 homes known locally as Archers Spring includes a Wildlife Site and rough scrubby vegetation which is a refuge to many forms of wildlife when disturbance levels in the Park is high. Area O6F shown as 250 homes in good agricultural land currently with a crop of rape has Lady Hughes Wood partly within it and beside it and is clearly within the envelope of the greater park and area shown on page 134 of the largest document as supplied to councillors.

## **Separation of Hertford and Welwyn Garden City**

The NPPF purpose of the Green Belt Para 80 states that it serves to:

- *"check the unrestricted sprawl of large built up areas*
- *prevent neighbouring towns merging into one another*
- *assist in safeguarding countryside from encroachment*
- *preserve the setting and special character of historic towns"*

It has served to separate the historic County Town of Hertford from its relatively new Garden City neighbour and the short stretch of countryside includes beautiful areas that separate the two and provide the pleasant atmosphere that makes the two towns so different yet attractive in their own ways. The gap is also defined by its smaller settlements and historic villages, such as Hertingfordbury and the smaller 'Greens', these proposals threaten to encroach on these nearby villages destroying their distinctive character. It is not surprising that people want to live in these towns and villages. But the construction of any extra housing let alone 4150 homes (East Herts 1700 + 550 + Welwyn Hatfield 1200 + 700) would encroach on the countryside, spoil the landscape and threaten the wildlife. The uniqueness of the area, its settlements, its high wildlife values and attractiveness are the result of this wedge of countryside with its long history, careful management and biological richness.

### **Smoothing the Green Belt Boundaries**

The East Herts Green Belt Review tried to explain the importance of the Green Belt and how it could be made better or rationalised. One criterion was smoothing the boundaries. However there are 'natural boundaries' to the Green Belt, for example along obvious edges of towns for example Thieves Lane in Hertford, so building in the Green Belt side of that line would be very damaging. Similarly having an urban finger which sticks out into the surrounding Green Belt as at Archers Spring (O5C) would do the exact opposite to smoothing the boundaries.

Housing abutting Ancient Woodland and Wildlife Sites is of considerable concern to us. People stray from their properties, dump rubbish over the back fence and beyond, make noise, introduce light pollution and, if the buildings are tall, shade such high value areas. Sadly experience shows that such areas degrade rapidly and this continues over a considerable period of time.

### **Conclusions**

Panshanger Park is an extremely important historic Grade II\* area of Countryside forming a vital wedge between Hertford and Welwyn Garden City. It has a natural boundary which is more or less as shown on the Consultation Document (e.g. page 13 of the one circulated to some households). Its history, landscape and wildlife are so fascinating and exquisite that they need full protection in the way that they have enjoyed since the designation of the Green Belt. They also need a buffer to protect views, atmosphere and the rich wildlife, which is precious in a location so close to the huge metropolis of London and large towns in Hertfordshire. The number of homes suggested by East Herts and Welwyn Hatfield in the Green Belt is excessive. Any extra building in this area is seriously damaging, hence our unqualified and universal opposition to this aspect of the Plan.

### **Bibliography**

Country Life. Vol VI 12 August 1899; Vol LXXIX 11 January 1936 ; 19 April 1972

Cowper Archives held at Hertfordshire Archives & Local Studies

English Heritage Register Entry for Panshanger Park Grade II\*

English Heritage Listings for:

Panshanger Orangery & Conservatory II

Riverside Cottage II

Panshanger Stables II

Panshanger South Lodge, Gatehouse and Gatepiers II

Walls of Kitchen Garden at former Cole Green House II

Keepers Cottage (now Panshanger House) II

Historic Landscape Management, *2004 Historic Landscape Management Plan for Panshanger Park*

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Rowe, A., HGT 2006 *The History of the Pleasure Gardens at Panshanger Park*

Stroud, D 1962 *Humphry Repton*

Stroud, D 1975 *Capability Brown*

## Appendix – English Heritage Listed Parks in East Herts

**15 parks and gardens considered of national importance i.e. Grade II listed  
3 parks additionally Grade II\* rated. Panshanger Park is the largest of these.**

