

PANSHANGER PARK - S52 Legal Agreement & Planning History

Panshanger Park - prior to 1955

The Panshanger Park estate is located between Hertford and Welwyn Garden City in Hertfordshire. Earl Cowper, who later became Lord Chancellor of Great Britain, acquired what was then known as the Cole Green estate around 1700. Following the death of the seventh Earl Cowper in 1905, the estate was inherited by Lady Desborough and, after she died in 1952 with no heir, the estate was sold in lots by auction the following year. However, there was no interest in the house itself and it was demolished between 1953 and 1954.

Panshanger Park 1955 -1977

Although Panshanger House was demolished, the orangery, conservatory, nursery garden wall and stables remained, along with a number of other cottages and estate buildings, all of which are now listed by English Heritage. The first planning permission for the extraction of sand and gravel was granted during 1959 to the then owners Redland Aggregates. A series of further abandoned applications were submitted during the 1970s.

Panshanger Park 1977-1982

The major application, covering the existing operations, was submitted in July 1977. The application was “called in” for a decision by the Secretary of State following which a public inquiry was held during January and February 1979.

In *Calling in a Planning Application - Commons Library Standard Note*, it states that very few applications are called-in during any one year: “They normally relate to planning applications which raise issues of national significance.” This should indicate how significant the Government regarded any decision concerning this important parkland and gardens. The decision letter of the Secretary of State granting planning permission for sand and gravel extraction was dated 13 May 1980 but it included stringent conditions on the development and subsequent restoration of the park.

The primary aim of the S52 Legal Agreement dated January 1979 was “to control certain aspects of the proposed development of the land”. It was also to provide for the “management of land at Panshanger Park for woodland and wildlife, nature conservation, study of flora and fauna, geology and geophysical

features and the creation of a country park”; this being payback to the local community for the many years to come of disturbances related to working the site, and in return for the profits to be made by the gravel company in working this sensitive site to remove previously state owned minerals.

The Legal Agreement established a Management Committee (the Agreement for which was entered into in May 1981) to oversee these matters with a formal constitution and a core membership of two members of the operating company, two members of the Herts and Middlesex Wildlife Trust and two officers of the County Council. In addition to any planning conditions, the operation of the site is also overseen by this Committee which should meet on a regular basis. The future management of the site, including that of the Country Park should be discussed at these meetings.

In a Revision Document dated June 1982, there is a reiteration of the requirement that, “The Country Park will be managed by the Owner” and that, “Responsibility for developing the park lies with the Owners. The Management Committee will be responsible for approving the details of the implementation and continuous management and maintenance of the development schemes.”

Panshanger Park 1982-2012

In 1987 English Heritage listed the land and gardens at Panshanger as Grade II*, a landscape of national significance. In 1997 Lafarge acquired Redland Aggregates and thereby inherited all of the planning permissions and obligations. The 1980 planning consent was later subject to a Review of Planning Conditions in accordance with Schedule 13 of the Environment Act 1995. An alternative scheme of restoration was produced which was granted consent on 17th July 2003. This is the current site planning permission. In Lafarge’s supporting written statement regarding this desire to vary conditions, Lafarge stated their commitment to “the long term management and enhancement of Panshanger Park” and that the “long term recreational aims (should be) restoring the majority of the site to a Country Park in accordance with existing obligations”.

In his report on the application for the above-mentioned 2003 Planning Consent, the Director of Environment, Brian Owen, is quite detailed in his comments on ‘Planning Considerations’. Owen’s report stresses the site’s “historic landscape value - with landscape design by Capability Brown and

Humphrey Repton". The report also importantly points out that, "The site is within the Green Belt and is designated as a Landscape Conservation Area in the (then) adopted East Herts District Local Plan". It continues: "The restoration scheme for the site includes lakes along the river Mimram, within the valley, and open land suitable for recreation". It adds that, "part of the park will be designated as a nature reserve" while the "lakes, valley sides and retained woodland will become parkland".

The report talks of proposals to extend the Chisel Shelf woodland on the southern plateau with further "significant extensions within Panshanger Park and Cole Green". The report makes clear that, "The Broadwater is to be restored to its original shape in order to maintain the important vista from the site of Panshanger House".

An Official Consultee, the Environment Agency, proposed that development be dependent on the production of a scheme for, "the detailed design of the proposed lakes, river channels and associated structures (being) approved in writing by the LPA". An environmental clerk of works should be, "employed to supervise all operations regarding the diversion of the river channel and the restoration associated with the lakes".

Two other Official Consultees, The Garden History Society and Hertfordshire Gardens Trust welcomed the amended plans, particularly the restoration of the Broadwater and the reduction of planting around its edges, enhancing the views from the footings of Panshanger House, "an important element of Humphrey Repton's landscape design" (Owen).

Another Consultee, the Ramblers Association, suggested that paths be made statutory since permissive routes are not shown on OS routes so they are only useful to local people and not walkers from further afield wishing to plan walks. An important part of the 2003 agreement is that, in non open-access areas, as an alternative to fencing, "footpaths and bridleways will use management features such as ditches and embankments to encourage people to keep to prescribed routes" which will include, "walks along the banks of the lakes". Additionally, "Picnic points, interpretation boards and view-points will be provided as part of the country park."

The 1982 Revision Plan talks of bird hides, a riding school (then located in the stable block), and in-season angling for the general public on a day-ticket basis. The plan also includes, 'Portaloo' toilet facilities at the Thieves Lane car park

and eventually more permanent ones with also refreshment facilities following “modification of the Orangery Building”. This is coupled with the need to maintain the “landscape character of the park...the Great Oak, the garden remains and the hydraulic ram”.

Panshanger Park 2012-2014

In 2012 Lafarge Tarmac submitted a review of planning conditions to amend areas to be quarried at Panshanger. This application was later withdrawn in 2014. It is expected that Lafarge Tarmac will be submitting a new planning application to import inert materials to site, to complete restoration of the quarried land. This importation was not part of the original permission and would be an additional profitable venture for Lafarge Tarmac. It would also require large numbers of lorry movements to continue in the area for many years.

Lafarge Tarmac are being asked by HCC to comply with the S52 legal agreement and put forward, long overdue, plans for the Country Park at Panshanger. Amongst other items, details of restoration plans, public access and park management going forward are required.

HCC, now have the chance, in considering this new planning application and the plans for the Country Park to ensure that a magnificent Country Park is created, recognising its unique Grade II* listed landscape, its historical significance, its heritage buildings and gardens, its rich natural environment and its recreational and educational opportunities: a Country Park that the people of Hertfordshire have waited long for and should be proud of; a Country Park which is in keeping with original thinking when planning permission was first given and which honours the original legal agreement(s).

The S52 legal agreement cannot exist in part or be chosen to be applied in part, when it might suit a party, but then ignored elsewhere. It is a holistic and binding agreement on all parties. Should a review of the legal agreement be required then this should be tested in public and/or before the Planning Inspectorate, to ensure that due recognition is paid to the called in Public Inquiry and the Secretary of State’s decision and conditions of permission that flowed from the 13th May 1980 decision.