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My Ref: JHG/AMH
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Date: 4 February 2014

Dear Mike

Planning Permission for extraction of sand and gravel, restoration of the land and creation of a Country Park at Panshanger and S52 Agreement

Thank you to you and Stuart for attending the meeting held at County Hall on the 16 January. I apologise that I was not able to be there at the last minute. However I understand it was a very productive meeting and I am delighted to hear that the eastern part of the Country Park will be open to the public by 31 March this year.

Following our telephone conversation I am writing to you now to set out the County Council's feedback on your proposals, clarify the County Council's role and the decision making processes going forward. I apologise for its length but it is in the spirit of ensuring we are all clear where we stand and to encourage Lafarge Tarmac Ltd to maintain progress.

The structure of my letter is as follows:

- a) The New Management Plan
- b) Country Park East
- c) Country Park West
- d) Our comments on your Interim Masterplan, Grazing Plan, Draft Masterplan
- e) The Visitor Centre
- f) The Historic Core
- g) Respective roles of the County Council and the Management Committee

a) THE NEW MANAGEMENT PLAN

When I wrote to you in August last year, I explained that you need to submit a new, detailed (replacement) comprehensive Management Plan for the Park to take the place of the individual Management Plans approved back in 1982. I know you are working on this document and that the maps and documents presented at the recent meeting form 'work in progress'.

This document will be the comprehensive document to replace the old Management Plans approved by the County Council in 1982. The expectation is

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that the new document should be a written submission with maps to cover all the topics previously referred to in detail. This document will be assessed by the County Council following submission by our Development Control Committee. If approved it will legally become a replacement for those documents approved in 1982 as a requirement of the S52 Agreement. We would really like you to submit this new Plan by the end of May 2014.

However because you plan to open part of the Park by end of March, you will also need to submit some details to us for approval as soon as possible (for example fencing in the eastern part of the Park). These can then be agreed as an interim measure, later forming part of the comprehensive document.

As you are aware, the expectation in 1982 was that more detailed management proposals would have been submitted before the Country Park opens. I am very happy that the eastern part of the Country Park is to open shortly, however the details do still need to be submitted to the County Council.

b) COUNTRY PARK EAST

These details need to be given priority, given that the eastern part of the Park will be open by 31 March. The details need to include the following:

• Details of extent and nature of Fencing

- The aim should be to minimise the amount of fencing in the historic landscape.
- All fencing should be of an appropriate style for the historic landscape. No barbed wire should be used.
- Any fencing around Riverside Cottage (Grade II Listed Building) will need planning permission in its own right and will need to be appropriately designed.
- Where fencing is located adjacent to the woodland edge it should be sited just within the woodland to reduce visibility.
- Paths should not be double-sided with fencing.
- Although an appropriate fence for a temporary period can be sited along the track to Riverside Cottage to divide the eastern park from the western park, this would need to be removed when the remaining land to the west becomes open access.
- Any woodland that is fenced shall have suitable kissing gates at appropriate intervals to allow access for the public between the woodland and the valley open area.
- All fencing shall be to current B.S standard.
- Fencing should not be erected around lake boundaries.

• Lakes

- Osprey Lake and Kings Lake. Osprey Lake will be a sensitive ecological area managed by the HMWT with a viewing platform and boardwalk. Details of the viewing platform and boardwalk need to be submitted. These will need to be sensitively designed and constructed with regard to their

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prominent location within the landscape of the heritage asset. They should have seating as part of the design.

- The south side of Kings Lake should have a picnic area with benches provided. There should be no fence around this lake. Consideration should be given to recreational activities in connection with this lake eg. rowing boats.
- Details of a bird hide/viewing location from the south side of Osprey Lake need to be submitted.

• **Paths**

- The path leading to the viewing platform from Thieves Lane car park needs to be promoted as an "Easy Access" Path and designed in terms of surface to cater to be accessible for all. The surface needs to be hard wearing, visually high quality and appropriate to its location in the Grade II* Registered Park, for example bitmac finished with tarspray and resin bonded aggregate. There should be a bench provided half way along this route. Any remaining barbed wire should be removed.
- The Old Drive through Lady Hughes Wood (cycle route) should be cleared and cleaned to expose the old surface and repaired in places where necessary.

• **Riverside Cottage**

- The cottage is Grade II Listed. A detailed plan needs to be produced for the cottage area which should show the removal of all unauthorised pens, clutter and car parking. Fencing surrounding the building will require planning permission and will need to be carefully located and sensitively designed given the Listed status of the building set within the Grade II* landscape. There is limited Permitted Development for outbuildings while the cottage is in domestic use. It should be noted that any change of use would require planning permission.

• **Thieves Lane Car Park**

- Although clearance and temporary upgrading of the access track off Thieves Lane will need to be undertaken before the end of March, a more detailed plan for the expansion and upgrading of Thieves Lane car park will need to be produced and submitted. The proposed car park at Thieves Lane should cater for 50 cars and include marked disabled parking spaces. The car park needs to be professionally designed with significant regard to its prominent and visible location within the Grade II* Registered Park. The details need to include alterations to surfacing, landscaping and the entrance/exit. The entrance/exit track will need to be upgraded to meet current highway safety standards in terms of visibility and may require further cutting into the embankment. You should be aware that the works may require planning permission. An entrance sign needs to be erected adjacent to the road directing people to the car park for the Country Park.

All of these details need to be submitted to the County Council for approval by **28 February 2014**. At this stage I am happy for the initial works to be undertaken to

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allow the opening of the Country Park on the 31 March and understand and support what needs to happen prior to the opening. However any works that you undertake without planning permissions are at your own risk. You should specify exactly which works you consider need to take place prior to the 31 March.

c) **COUNTRY PARK WEST**

It is acknowledged that the details for the west side of the Country Park will be more complex, especially in terms of phasing and temporary fencing around the site of the Orangery and the historic core.

- **Fencing**

Fencing along the woodland edges should be the same as for the eastern Park being set in so that they are less visible. It will not be acceptable to fence straight across the valley directly in front of the site of the old house. A detailed plan for how this issue will be dealt with therefore needs to be drawn up prior to the fencing being erected as this is the most sensitive area of the heritage asset and fencing across this area will adversely affect views. Herts Garden Trust should be consulted on this matter before any proposals are made. There should be no fencing alongside the Broadwater, allowing both the public and animals access to the water's edge.

- **Car Parking**

The first car parking to be made available in Country Park West should be on the open grass within Garden Wood. This area can be used as an informal picnic area. The ground at the entrance to the area will need to be strengthened with suitable material such as hoggin. The office car park at The Stables should be made available at weekends for the public visiting the Country Park. A further area should be allocated for overspill car parking to the west or east side of the drive from North Lodge.

- **Paths**

Historic lines of paths should be identified in Garden Wood and the woodland around Panshanger Oak. These routes should be cleared and way marked. In Garden Wood the route from the car park should lead over to a grassy area to be used as a picnic area off the Old Drive. Other routes in Garden Wood should lead south to the valley and gates would be required in the fence line to provide access to the open space in the valley. Old paths should be identified in the old gardens around The Orangery and these should be carefully cleared or recreated as necessary creating a trail to Panshanger Oak and out to the valley. A bridleway should be created along the existing track east-west in the woods on the south side of the valley. A path should be created to the north west of Panshanger Oak through the woodland to the exit the Park near to the road to Tewin.

- **Historic Core**

This area needs a careful assessment in terms of phasing of opening. It is not acceptable to just fence this area off whilst opening the rest of the Country Park.

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Even if development is proposed for this area, a scheme needs to be worked up which will allow the public to have access to parts of the area at the earliest possible opportunity. The site of the old house could be fenced off on a temporary basis to allow open access to the area during 2014, beyond that however, it is expected that an appropriate scheme to include levelling and grassing of the area together with recreation of the Terrace garden as a picnic area should be undertaken.

- **The Orangery**

It is accepted that it will take time to get to a point when the Orangery is restored and open to the public as a facility for the Country Park. In the meantime it is essential that the public have access to view this important listed building in the centre of the Park and understand the history. Therefore a scheme for the area around the Orangery needs to be worked up in association with Herts Garden Trust to form a useable terrace/picnic area to the front of the building. It is accepted that The Orangery will need to be fenced off to be secure and the style and design of fence used should be appropriate to its historic setting. The gardens around The Orangery should be recreated to provide the public with a series of trails and a sense of the history of Panshanger. In particular the Manure path leading from The Stables to the rear of The Orangery should be re-instated and used by visitors to the Country Park when accessing the historic core from the office car park at weekends.

d) **COMMENTS ON SUBMITTED PLANS**

- **Draft 2014 Interim Masterplan**

This plan shows a white line around the eastern part of the Country Park to open on 31 March and shows open access. This is welcomed and acceptable although paths should be marked going west-east to the south of Kings Lake and also through the centre of Chisel Shelf Woods along an existing track. Both of these routes are important as they form a link to public footpaths. I understand that the east-west route along the valley could be held up due to the continuation of extraction in the valley. It seems to me that the solution is to allow, in addition to the Country Park east, a route along the track through the woods to the south of the Mimram along an existing track to link up with Public Footpath 10 and the Butterfield Way.

- **Draft Final Masterplan**

The white line on this plan contains those areas for open access and excludes the historic core around the site of The Orangery. This is not acceptable to us. A phased plan for allowing the public in to view The Orangery and have access to the land around including the site of the old house and the old gardens will need to be worked up. The phasing will need to allow the public into this area very soon which may have to entail new temporary fencing around the Orangery and the site of the old house.

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- **Draft Grazing Plan**

This is acceptable subject to appropriate types of fencing being used as detailed earlier. However the track to Riverside Cottage forms the central part of the valley and it is not considered acceptable to permanently fence along this route as the views in the historic landscape would be interrupted. This would need to be shown as temporary removable electric fencing. The fencing alongside The Broadwater and across the valley lower down from the site of the old house are also not acceptable to us.

e) **THE VISITOR CENTRE AND OFFICES**

You have proposed a Visitor Centre as a new build development on the current plant site with access from Panshanger Lane. The plan shows a green-roofed building containing café, exhibition area, wc's, kitchen and offices for 36 staff with car park for the office and disabled parking spaces. Another car park is proposed further east of the building.

As you are aware, the site is Green Belt, a Grade II* Registered Park and Garden, and is designated Country Park due to legal agreement. The chosen location for the building is quite prominent within the valley designed for its views both east and west by Humphry Repton. Even though the building would be low profile and have a grassy roof, we feel that it would still be a prominent feature in the historic landscape and that it could cause significant harm to the heritage asset.

In policy terms given the location in the Green Belt, the development would be inappropriate and by definition harmful to the Green Belt. It could not therefore be approved except in very special circumstances. You have not yet stated what the very special circumstances would be that you would put forward but it seems unlikely that a robust case could be put forward for the proposal for the 36 staff office space as this could be provided on other sites outside of the Green Belt. Even though you say that the offices would be for use by the HMWT, it seems to me that they could operate from premises elsewhere.

f) **HISTORIC CORE**

There are existing old buildings on the site, all Grade II Listed and within the land designated as Country Park. The majority of these sit within the "historic core" of the Park and are inter-related historically. These buildings, comprising The Orangery and Conservatory and the Stables and Home Farm will need long term viable uses, and long term viable uses which are compatible with the use of the land as Country Park. You are fully aware that the Orangery and Conservatory need extensive renovation and I know that the Orangery Working Group has been working towards ideas for potential future uses for these buildings. Any potential future use will need to operate in conjunction with the use of the land as Country Park and therefore the ideas that you have put forward for restaurant/café/toilets etc may well be acceptable. Any extension to the building would be inappropriate development in the Green Belt (as explained above), however you are more likely to be able to demonstrate very special circumstances if the use proposed is directly related to the use of the land and would lead to a use by the public visiting the Country Park as well as restoration of the old buildings. In terms of the Listed

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Buildings that need restoration, it is particularly important that the use proposed is a long term viable use. As the use of the land as Country Park is 'in perpetuity', then any proposed use needs to take account of this and operate in tandem with the Country Park.

With regard to The Stables building, this is also a Listed Building and although not in need of renovation currently, it also needs a long term viable use to be identified which would be compatible with the use of the land as Country Park. It is likely that uses such as a study centre would be acceptable as long as the use was to be directly linked to the use of the Country Park.

With regard to the potential business centre to the rear of the Stables and to the potential hotel, all of the considerations with regard to Green Belt, Registered Park and Country Park would apply as explained above. However it would be likely that East Herts District Council would be the Planning Authority for determination of these aspects and you would need to approach them for advice on any proposals not linked to the use of the land as Country Park as soon as possible.

I have consulted with the Highways Authority and the advice is that the preferred option for the Country Park would be to have two main entrances into the area to avoid queuing onto the highway at peak times. The access at North Lodge may need to have alterations but this should be possible technically. In the short term, no alterations would be required, given that the access is currently used by vehicles attending the offices.

g) **RESPECTIVE ROLE OF THE COUNTY COUNCIL AND THE MANAGEMENT COMMITTEE**

You sent an email Felicity Hart on 16 January enquiring about the role of the Management Committee at Panshanger. I fully expect the Management Committee to continue to play an important role in the future management and maintenance of the Country Park. However it is important to understand the background to the function of the Management Committee.

The letter from the County Council to the then landowner in July 1982 stated that the County Council accepted the submitted Management Plans submitted as a requirement of the S52 but advised that "***the Company be advised that the County Council looks forward to receiving more detailed management proposals for the Country Park before it opens, and for the future use of the Orangery***". These further details have not been submitted and now form a substantial part of the new management plan that you are working on.

The Management Committee was constituted to have the duty of approving the details of the implementation and continuous management and maintenance of the said schemes. The key word in the Management Agreement is "implementation". The duty of the Management Committee is therefore in approving the details of the **implementation** and in order for that to happen it follows that the detailed Management Plan must first have been submitted to and approved by the County Council.

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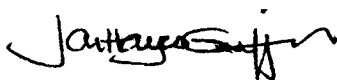
So although paragraph 12 of the Management Agreement refers to the Management Committee approving the type and location of fencing and notice boards to be erected on the land, this has to be taken in the above context and therefore relates to fences and notice boards *post commencement* of the Country Park as part of the implementation and continuous management and maintenance referred to in the Management Agreement. For example, once the Country Park is up and running, if it then becomes clear that a fence is required in a particular location, then the proposal would be put before the Management Committee for approval and not the County Council. This is the intended function and duty of the Management Committee.

To conclude, there is now a real urgency to produce and submit a detailed new Management Plan for the Country Park. As Panshanger Country Park East will be open by 31 March, it is understood and accepted that some work on the ground will need to take place for that to happen. The details of that work will form part of the wider replacement Management Plan that will need to be submitted to the County Council. In the meantime, however, I would be very happy for you to meet with Felicity Hart and Tony Bradford to ensure that the detailed work that you are about to undertake is appropriate for the historic landscape in order to ensure we are content with all the details, and to avoid the risk of abortive work.

I do believe we have all made significant progress in the last six months and I know Members are appreciative of your work and are delighted that part of the park will be open soon. It is important to maintain momentum of this and your plans for the rest of the Country Park. Clearly there are a number of issues to be resolved but the County Council is committed to working with you to achieve a mutually acceptable scheme that will create a Country Park that we can all be very proud of.

It has been suggested that the next meeting of the County Council Working Group will take place on Friday 4 April 2014 on site. Please let me know if you would be able to meet this date and show members around the site. If you have any queries please do not hesitate to call me. I am copying this letter to Members and representatives of various local groups with an interest in Panshanger Park.

Yours sincerely



Jan Hayes-Griffin
Assistant Director (Planning, Strategy & Communications)

cc: Stuart Wykes, Lafarge
Councillor Morris Bright
Councillor Malcolm Cowan
Councillor Peter Ruffles
Councillor Ken Crofton
Jonathan Tiley, Hertfordshire County Council
Felicity Hart, Hertfordshire County Council
Brian Owen, Hertfordshire County Council
Kevin Steptoe, East Herts District Council
Councillor Linda Haysey, East Herts District Council