

APPENDIX 1 CALA MANAGEMENT LTD (CHILTERN)

THE PADDOCK, BUSHEY HEATH

RESPONSE TO PROPOSED CHANGES TO GREEN SPACES POLICIES IN HERTSMERE SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT (SADM) POLICIES PLAN

Background and Introduction

1. This consultation relates to the emerging Hertsmere Site Allocations and Development Management (SADM) Policies Plan, which is currently subject to an Examination in Public.
2. Following a letter issued from the Inspector which raised a number of concerns in respect of policies SADM 35 Major Green Space and SADM36 Local Green Space in the submitted Plan, Hertsmere Council has submitted a revised 'Open Spaces' section of the Plan for consultation.
3. This is a response to this consultation, in particular in relation to the site referred to as 'BH 007 The Paddock, Elstree Road'.

Local Green Space Scoring Criteria

4. Paragraphs 7.5 to 7.7 and Appendix 7A of the Council's response to the Inspector's List of Matters, Issues and Questions set out the proposed revised scoring criteria for open spaces within the Borough. In particular it has raised the scoring threshold for Local Green Spaces from 11 to 30 out of a possible 48 points and it has increased the weighting of two particular criteria: 'amenity benefits and sense of place' and 'cultural and heritage benefits'.
5. We support the increase in the point threshold from 11 to 30 and we feel that this much more accurately represents the exclusivity of this designation as required in NPPF Paragraph 77. We note, however, the Council's own admission in its paragraph 7.6 that this score is "somewhat arbitrary".
6. We disagree, however, with the increase in the weighting of two of the scoring criteria to the exclusion of others and in our opinion this does not align with the NPPF. In particular, the weightings for 'amenity benefits and sense of place' and 'cultural and heritage benefits' are 2.5 times the weighting for ecological benefits despite this being an equal criterion in NPPF Paragraph 77. There is no explanation given for this divergence of value, nor why this aspect is also weighted greater than site accessibility and use.
7. Furthermore, we note that 'structural and landscape benefits', which relates to the contribution of an open space to the identity and fabric of an area, and is therefore not a listed NPPF Local Green Space criterion, is weighted greater than 'ecological benefits', which is a valid criterion. This further highlights the difference in the Council's approach to the NPPF requirements.

Revised Scoring of The Paddock

8. In Appendix 7A of the Council's response to the Inspector's List of Matters, Issues and Questions, The Paddock's open space score has, through a combination of re-scoring and the revised weighting described above, been doubled from 15 to 30 points, which coincidentally brings it just within the Council's "somewhat arbitrary" Local Green Space threshold.
9. We find it highly unlikely that a site could change so considerably within this Examination process that its score could double and we contend that if equal and appropriate weighting were given to all of the NPPF Paragraph 77 criteria then this would not be the case and The Paddock would not qualify for Local Green Space status.

10. With regard to the re-scoring of The Paddock, paragraphs 7.10 to 7.14 of the Council's response to the Inspector's List of Matters, Issues and Questions set out the reasoning for the re-scoring of three criteria, which we respond to in the following sections.

Structural and Landscape Benefits

11. In paragraph 7.10 the Council makes reference to two Appeal decisions in relation to The Paddock, and in particular the Inspectors' recognition of the site's contribution to the street scene in addition to the spacious, suburban character of the area. The decisions are dated 26th September 2012 and 23rd December 2015 respectively and are attached to this submission. The Council argues that these decisions justify an increase in this score from 1 to 2, or its weighted score from 3 to 6.
12. The first Appeal decision is dated September 2012, which pre-dates the original scoring process (December 2012) and therefore would have been available to the LPA at that time. We therefore contend that this is not new information and would have been taken account of in the original scoring.
13. The second appeal Inspector (2015) reiterates his predecessor's findings in relation to streetscene impact. In addition, the second Inspector clearly stated in paragraph 11 of his decision letter that the matter of the proposed LGS designation was not before him as part of the Section 78 appeal.
14. In both appeals, The Paddock is identified as only making a contribution to the street scene rather than being a fundamental element and this in our opinion supports the original score of 1 and does not justify the proposed increased score of 2.
15. We would also highlight, as per our paragraph 7 above, that "structural and landscape benefits" is not a NPPF criterion for Local Green Space designation.

Amenity Benefits and Sense of Place

16. This criterion relates to the contribution of green spaces to the visual amenity of urban landscapes to the benefit of residents, employees and those passing through.
17. In particular the factors against which sites are judged under this criterion are:
- Helps to create a specific neighbourhood;
 - Provides an important landmark;
 - Clearly visible from most areas; and
 - Softens urban texture.
18. It is our contention that The Paddock, with its hedged and treed boundaries and fencing, only makes a partial contribution to these criteria. Whilst we acknowledge that it does break up the built character of Elstree Road (which is a 'structural and landscape benefit' as discussed above), it is not particularly attractive beyond its inherently open nature and does not significantly contribute to the sense of place.
19. With regard to the Council's justification for the increase in score from 1 to 2 (weighted score increase from 5 to 10), it references a deficit in local parks and gardens, which we consider to be irrelevant to the site in question, which is not accessible or managed as a park or garden. Furthermore the Council references the level of development within the locality to date and implies that the reason for the higher score is to protect the site from development, which is not only irrelevant in the context of this assessment but is also against the spirit of the NPPF.

20. It is therefore our contention that The Paddock makes a relatively small contribution to the overall amenity of the area in comparison to other similarly scored open spaces within the assessment area and that the original score of 1 should remain.

Cultural and Heritage Benefits

21. The Council's case in paragraphs 7.13 to 7.14 for the increase in score from 1 to 2 (weighted score increase from 5 to 10) is irrelevant to the factors for scoring this criteria, which are as follows:
- Historic buildings;
 - Historic gardens;
 - Symbol of the area;
 - Conservation area; and
 - Monuments and/or memorials.
22. The Paddocks meets none of these criteria and therefore it is our contention that the score should in fact be zero.
23. It is also interesting to note that in paragraph 4 of the 2012 appeal decision the Inspector states that the "...open space adds little to the character of Reveley Lodge...".
24. The Council's case for the highest score available is based upon the generous character of the former owner, the grounds upon which the site was bequeathed to the current owner, and an argument that in spite of its pastoral status and documented low ecological value the site represents "a last remaining part of the original heath". Again, none of these factors are relevant to the scoring factors listed above.

Conclusion

25. It is our conclusion that the Council has not made a justified case for the increase in weighting of certain open space scoring criteria to the detriment of other NPPF supported criteria, neither has it justified the increase in scoring of The Paddocks against its own established scoring factors. We therefore contend that the doubling of the score of The Paddocks to meet the Local Green Space threshold is not adequately supported in evidence.
26. Given that The Paddocks exactly meets the lower (arbitrary) scoring threshold of 30 points for Local Green Space designation, the application of any one of our alternative scoring approaches set out above would reduce the site below this threshold and we therefore conclude that The Paddocks does not qualify for Local Green Space status either under the NPPF criteria or the Council's scoring framework.

Ian Dudley

Lockhart Garratt Ltd

14th March 2016