

ORAL SUBMISSION MADE BY MELVYN ELSE TO DACORUM SITE ALLOCATIONS
LOCAL PLAN EXAMINATION HEARINGS TUESDAY 4TH OCTOBER 2016

OBJECTIVE

TO ACHIEVE A MINOR AMENDMENT IN RELATION TO THE OPEN LAND DESIGNATION OF EDGEWORTH HOUSE ON THE BASIS THAT IT IS LAND WHICH WAS INITIALLY INCLUDED IN THE LOCAL PLANS FOR HOUSING AND TODAY SHOULD STILL BE INCLUDED FOR HOUSING. IT IS A SITE IN AN EXISTING RESIDENTIAL AREA WHICH OFFERS POTENTIAL FOR SUSTAINABLE HOUSING AS OPPOSED TO WHAT WAS GREEN BELT LAND HAVING TO BE USED IN EVER GREATER QUANTITIES TO MEET THE COUNCILS HOUSING NEEDS.

I ALSO WISH TO CHALLENGE THE LEGALITY IN RELATION TO THE DESIGNATION OF THE EDGEWORTH HOUSE SITE AS OPEN LAND. I SUBMIT THAT IN THIS SPECIFIC CASE THE COUNCIL HAS FAILED REPEATEDLY TO MEET ITS LEGAL OBLIGATIONS. IN MANY COUNCIL DOCUMENTS WHERE ANY FORM OF PUBLIC CONSULTATION IS INVOLVED THE COUNCIL IS ASKED OR ASKS ITSELF THE QUESTION "HAS THE PUBLIC BEEN MADE AWARE OF THE CONSULTATION". THE ANSWER FROM THE OFFICERS IS INVARIABLY YES. SOMETIMES A LIST OF WHERE THE INFORMATION CAN BE SEEN AND THE FACT THAT A CERTAIN NUMBER OF LETTERS HAVE BEEN SENT OUT TO SO CALLED INTERESTED PARTIES IS RECORDED. SADLY THE SYSTEM EMPLOYED DOES NOT ALWAYS WORK. IT MAY LOOK SATISFACTORY FROM A CASUAL GLANCE BUT SCRATCH THE SURFACE AND THE FLAWS ARE READILY EVIDENT. THE NUMBER OF LETTERS SENT OUT IS IRRELEVANT IF THE MOST IMPORTANT PEOPLE TO BE INFORMED IN RELATION TO A SPECIFIC PROPOSALS ARE NOT ON THE LIST. AS WILL BE SHOWN BELOW THERE ARE OTHER FLAWS AND FAULTS IN THE SYSTEMS BEING EMPLOYED.

EDGEWORTH HOUSE WAS INCLUDED IN THE 1991 - 2011 PLAN AS LAND FOR HOUSING. IN 2006, WHICH IT SEEM IS TAKEN AS THE START POINT FOR THE CURRENT CORE STRATEGY AND PLAN IT WAS SHOWN AS A SITE FOR 11.45 DWELLING UNITS (A FIGURE BASED ON DENSITY FROM TWO SCENARIOS OF BULIDING SLIGHTLY DIFFERENT NUMBERS OF UNITS FROM A CASE STUDY DONE FOR THE COUNCIL ON THE SITE).

IN THE GARDENS OF EDGEWORTH HOUSE THERE ARE A NUMBER OF TREES WITH TPO'S. MANY OF THESE ARE AROUND THE EDGE OF THE SITE. IF A NEIGHBOUR WISHES TO REMOVE SOME OVERHANGING BRANCHES THEY WRITE TO THE COUNCIL WHO WILL THEN WRITE TO US INFORMING US OF THIS MATTER. I WOULD THINK THEREFORE THAT IT IS NOT UNREASONABLE TO ASSUME THAT IF THE COUNCIL WISHES TO CHANGE THE DESIGNATION OF YOUR GARDEN OR ANY GARDEN FROM LAND WITH A DEVELOPMENT POTENTIAL TO OPEN LAND IT WOULD BE REASONABLE AS PART OF THE COUNCILS RESPONSIBILITY TO INFORM NOT JUST THE GENERAL PUBLIC AND

SPECIAL INTEREST GROUPS BUT FAR MORE IMPORTANTLY TO ENSURE THE PARTIES DIRECTLY INTERESTED ARE INFORMED. NAMELY IN THIS CASE THEY WOULD WRITE DIRECTLY TO US AS THE OWNERS OF EDGEWORTH HOUSE.

AT NO STAGE HAVE WE EVER BEEN CONTACTED BY THE COUNCIL ON THIS MATTER. INDEED UNTIL THE OPEN DAY IN BERKHAMSTED ON THE CORE STRATEGY IN 2013 WE WERE NOT AWARE THAT OUR GARDEN WAS IN ANY WAY ON A DIFFERENT DESIGNATION TO THAT SHOWN IN THE 1991 TO 2011 PLAN MENTIONED ABOVE.

SADLY THE METHOD USED BY THE COUNCIL FALLS SHORT OF WHAT IS REQUIRED AND EVEN WHAT THEY CLAIM IS HAPPENING. THE ABOVE FAILURE TO WRITE DIRECTLY TO THE PARTIES TRULY MOST INTERESTED THE PARTICULAR MATTER IS COMPOUNDED BY A FAILURE TO ADVERTISE MANY OF THESE STUDIES/CONSULTATIONS IN THE LOCAL NEWS PAPER. THE COUNCIL DOES NOT TAKE ADVERTISING SPACE IN THE LOCAL PAPERS IN MOST INSTANCES. INSTEAD MORE COMMONLY IT RELIES ON JOURNALISTS PICKING UP THE STORY AND PUBLISHING SOMETHING. THE LOCAL GAZETTE HAS A HEMEL HEMPSTEAD EDITION AND A BERKHAMSTED AND TRING EDITION. ON ONE OCCASION WHEN I COMPLAINED TO THE COUNCIL ABOUT THE LACK OF PUBLICITY ON A CERTAIN CONSULTATION I WAS TOLD IT WAS IN LAST WEEKS GAZETTE. I WAS VERY SURPRISED THAT NEITHER I NOR MY WIFE HAD SEEN IT AS WE HAD BEEN GAZETTE READERS OVER VERY MANY YEARS SO WE WENT BACK AND SEARCHED THE PAPER IN QUESTION. IT WAS NOT THERE. I RE-CONTACTED THE PLANNING DEPARTMENT AT THE COUNCIL. IT TRANSPIRED IT HAD BEEN PICKED UP BY A JOURNALIST AND SOMETHING WAS PUBLISHED IN THE HEMEL HEMPSTEAD EDITION OF THE GAZETTE BUT IT WAS NOT IN THE BERKHAMSTED AND TRING EDITION. IN SUMMARY THE COUNCIL HAS FAILED TO INFORM US OF ITS PLANS/CONSULTATIONS AND STUDIES INTO THEIR WISH TO DESIGNATE THE GARDENS OF EDGEWORTH HOUSE AS OPEN LAND. AT NO STAGE HAVE THEY EVER CONTACTED THE OWNERS OF EDGEWORTH HOUSE IN RELATION TO WHAT THEY WERE DOING. IT IS MY SUBMISSION TO YOU THAT THEY HAVE FAILED IN THEIR LEGAL DUTY IN RELATION TO THIS SPECIFIC MATTER.

THE OPEN LAND DESIGNATION APPEARS TO BE SOMEWHAT OF AN ODD ONE AND A LARGELY DACORUM BASED CONCEPT. THE NATIONAL PLANNING DOCUMENTS REFER TO OPEN SPACE AND IT IS CLEARLY DEFINED WHAT THIS IS AND WHAT CRITERIA MUST BE MET FOR SUCH A DESIGNATION. FOR OPEN LAND THE SAME IS NOT TRUE. INDEED IT WAS THE DACORUM OPEN SPACE STUDY OF 2008 WHERE THE POSSIBILITY OF A PART OF THE PRIVATE GARDENS AT EDGEWORTH HOUSE WERE FIRST MUTED AS BEING OPEN LAND WITH THE SENTENCE "THE OPPORTUNITY COULD BE TAKEN TO INCLUDE A PART OF THE EDGEWORTH HOUSE SITE NEAREST THE CANAL AS OPEN LAND". WHY THE GARDENS OF EDGEWORTH HOUSE WERE SELECTED FOR SUCH AN OPPORTUNISTIC VENTURE I AM NOT SURE. THE SAME STUDY IN PARA 1.6

PAGE 8 STATES "PRIVATE RESIDENTIAL GARDENS ARE NOT INCLUDED FOR THE PURPOSE OF PRODUCING AN OPEN SPACE STRATEGY".

NOT THE PRODUCT OF A DETAILED EVALUATION OR RIGOROUS STUDY OR EVEN WORKING WITHIN THEIR OWN PARAMETERS AND CRITERIA.

IN A SUBSEQUENT PUBLIC CONSULTATION ON OPEN SPACE QUESTIONS WERE ASKED IN RELATION TO POSSIBLE SITES FOR OPEN LAND BUT AGAIN WITH NO EXPLANATION OF THE DIFFERENCES BETWEEN OPEN SPACE AND OPEN LAND. INDEED MOST OF THE RESPONSES RELATED TO OPEN SPACE, PLAYING FIELDS, PARKS AND OTHER PUBLIC SPACES.

THE SUPPORT IN RELATION TO THE QUESTIONS APPERTAINING TO THE OPEN LAND DESIGNATION THROUGHOUT DACORUM SHOWED SIGNS OF BEING A BOX TICKING EXERCISE WITH MANY SITES RECORDING SIMILAR NUMBERS AND CERTAINLY NOT A REAL EXERCISE OF ASSESSING PUBLIC OPINION OR ALTERNATIVES. THE EDGEWORTH HOUSE SITE WAS ONE OF THE TWO LEAST POPULAR PROPOSALS IN BERKAMSTED BUT THE ONLY ONE TO ULTIMATELY GO FORWARD. ASKING QUESTIONS LIKE WHICH OF THE FOLLOWING NEW OPEN LAND DESIGNATIONS DO YOU SUPPORT IS A WEAK QUESTION UNLIKELY TO PROVIDE ANY VALUABLE INFORMATION BEYOND ALLOWING THE SURVEY ORGANISER TO CLAIM THE PUBLIC WAS CONSULTED. WHILE STRENGTH HAS BEEN MADE THAT THE EDGEWORTH HOUSE SITE IS SUPPORTED BY BERKHAMSTED TOWN COUNCIL SO WERE ALL THE OTHER SITES IN BERKHAMSTED IN THIS SURVEY. I THINK IT IS ALSO MISLEADING AT LEAST FOR THE OFFICERS TO STATE IT WAS WELL SUPPORTED WHEN IN REALITY THE SUPPORT WAS FOR GENERAL QUESTIONS ABOUT WOULD YOU LIKE TO SEE MORE OPEN SPACES OR PARKS OR PLAYING FIELDS OR SUPPORT FOR RETENTION OF GREEN BELT LAND. QUESTIONS REALLY RELATING TO OPEN SPACE NOT OPEN LAND. INDEED IN PARA 2.38 AND PARA 2.40 OF THE RESULTS SECTION IT IS ACKNOWLEDGED RESPONDENTS WANTED TO USE THE DESIGNATION TO SAVE GREEN BELT LAND OR SAVE SITES FROM DEVELOPMENT WHILE OTHERS SUGGESTED THAT EXPANSION INTO THE GREEN BELT SHOULD ONLY BE ALLOWED ONCE ALL THE BROWNFIELD SITES HAD BEEN USED UP.

INDEED THE WHOLE OPEN LAND SAGA IN RELATION TO EDGEWORTH HOUSE APPEARS TO BE SHROWDED IN AMBIGUITY AND INCONSISTENCY. ON P 50 OF THE DACORUM OPEN SPACE STUDY IT STATES OPEN LAND AREAS THAT ARE INCLUDED IN THE PPG 17 OPEN SPACE TYPOLOGY ARE

- LEISURE SPACE
- SCHOOL GROUNDS/PLAYING FIELDS
- WOODLAND
- NATURE CONSERVATION SITES
- ALLOTMENTS
- CHURCHYARDS

CEMETRIES
AMENITY LAND
WALKWAYS AND THE GRAND UNION CANAL

NO MENTION OF PRIVATE GARDENS AS ONE OF THE CATEGORIES.

INDEED THE ONLY MENTION OF PRIVATE GARDENS IN THE ABOVE STUDY AS MENTIONED IS IN PARA 1.6 ON PAGE 8 WHERE IT STATES “PRIVATE RESIDENTIAL GARDENS ARE NOT INCLUDED FOR THE PURPOSE OF PRODUCING AN OPEN SPACE STRATEGY”.

THE STATEMENT IN THE 2008 OPEN SPACE STUDY THAT “THE OPPORTUNITY COULD BE TAKEN TO INCLUDE THE PART OF THE EDGEWORTH HOUSE SITE CLOSEST TO THE CANAL.... MENTIONED ABOVE WAS HOWEVER RELATED TO A SITE AREA OF ONLY SOME 5700 SQ M . THE CORE STRATEGY DEFINED OPEN LAND AS AREAS OF OPEN SPACE GREATER THAN 1 HA IN SIZE”. SO ON THIS CRITERIA ALONE IT DOES NOT QUALIFY. (TO SAY NOTHING OF PRIVATE GARDENS NOT QUALIFYING AS OPEN SPACE AS PART OF AN OPEN SPACE STRATEGY) THE AREA ISN'T BIG ENOUGH. FURTHERMORE IT DOES NOT QUALIFY IN THAT IT DOES NOT FIT INTO ANY OF THE ABOVE MENTIONED PPG 17 TYPOLOGIES.

UNDETERED HOWEVER THE COUNCIL DECIDES TO INCLUDE MORE OF THE EDGEWORTH HOUSE GARDENS SO THAT IT MEETS THE MINIMUM SIZE REQUIRED BY THE CORE STRATEGY. NO STUDY, NO DETAILED EVALUATION, NO REAL CONSIDERATION OF ALTERNATIVE SITES AND NO REAL ASSESSMENT OF WHETHER WHAT IS BEING PROPOSED MEETS THE REQUIREMENTS AND CRITERIA TO WHICH THE PLANNERS ARE SUPPOSED TO BE WORKING. THIS IS NO BASIS TO ADOPT OPEN LAND.

NO ONE CAN ARGUE THIS IS THE PRODUCT OF A RIGOUROUS ASSESSMENT OF THE SITE AT ANY STAGE. THE 2008 OPEN SPACE STUDY DOES NOT PROPOSE THE ALLOCATION OF THE WHOLE SITE AS OPEN LAND. THE LATTER OCCURS ONLY WHEN SOMEONE REALISES “ ERROR ” IT DOES NOT MEET THE MINIMUM AREA CRITERIA. INDEED IT IS EVIDENT FROM THE BACKGROUND PAPER TO THE OPEN SPACE CONSULTATION THE SITE DID NOT FORM A PART OF THE APPRAISALS UNDERTAKEN BY THE COUNCIL IN 2006 (AT THIS STAGE IT WAS STILL CLASSED AS BW9 A SITE FOR HOUSING) NOR WAS IT ONE OF THE SITE APPRAISALS UNDERTAKEN IN 2008. INDEED IT IS NOT INCLUDED AS ONE OF THE APPRAISALS UNDERTAKEN IN 2014.

THE LACK OF RIGOUR IN RELATION TO ANY PROPER STUDY OF THE QUESTION OF THE GARDEN AT EDGEWORTH HOUSE BEING CLASSIFIED AS OPEN LAND CAN BE FOUND THROUGHOUT THE WHOLE TIME SPECTRUM OF DOCUMENTS PUBLISHED BETWEEN 2008 AND 2016. INDEED ONE CAN ARGUE THAT THE ONLY ASSESSMENT OF THE SITE IN A BACKGROUND PAPER IN 2014 IS TO BE

FOUND IN APPENDIX 4 WHERE THE COMMENT IS ...“THE GREEN SPACE HERE FORMS THE BACK GARDEN OF THE DWELLING AND NOT APPROPRIATE TO ALLOCATE AS OPEN LAND”. IN THE NEXT COLUMN UNDER RECOMMENDATION IT SAYS “DESIGNATE AS OPEN LAND”. SO THE RECOMMENDATION DOES NOT FOLLOW THE OFFICERS ASSESSMENT.

WHEN POINTED OUT TO THE COUNCIL THEIR RESPONSE IS THAT THERE IS AN ERROR IN APPENDIX 4 WHICH WILL BE CORRECTED IN DUE COURSE. BUT WHAT IS THE ERROR IT DOES NOT SAY. ONE WOULD REASONABLY ASSUME THE RECOMMENDATION IS WRONG SINCE IT DOES NOT ACCORD WITH THE ANALYSIS IN THE COMMENTS COLUMN.

NO SAY THE PLANNERS OR THE COUNCIL IT IS THE RECOMMENDATION THAT IS CORRECT. PERHAPS SURPRISINGLY IT TURNS OUT IT IS THE ANALYSIS THAT NEEDS CHANGING.

THIS IS THE SORT OF SITUATION THAT CAN CALL ONE TO QUESTION THE WHOLE VALIDITY AND EFFACY OF THE PROCESS. PARTICULARLY WHEN IT IS MERELY ONE CHANGE ON ANOTHER TO GENERATE A DESIRED RESULT. ERROR 1 LAND AREA NOT BIG ENOUGH FOR OPEN LAND DESIGNATION - SOLUTION- ADD MORE LAND. ERROR 2 AND SO ON.

THE DEVELOPMENT PLAN FOR DACORUM COMPRISES THE SAVED POLICIES IN THE ADOPTED DACORUM LOCAL PLAN (2004) AND THE CORE STRATEGY 2013. HOUSING IS DIRECTED TOWARDS “A DEFINED RESIDENTIAL AREA” WHICH IS WHERE THE SITE IS LOCATED. POLICY 9 STATES THAT IN RESIDENTIAL AREAS “APPROPRIATE RESIDENTIAL DEVELOPMENT IS ENCOURAGED” WHILE POLICY 14 WHICH RELATES TO THE COUNCILS HOUSING STRATEGY ADVISES HOUSING GROWTH WILL BE ACHIEVED “ PARTICULARLY IN RESIDENTIAL AREAS KEY PHRASES FROM THE NPPF INCLUDE “DELIVERING SUSTAINABLE DEVELOPMENT” AND PROTECTING THE GREEN BELT TO NAME BUT TWO SO WHY TAKE AWAY A SITE ALREADY ALLOCATED OR IDENTIFIED AS SUITABLE FOR HOUSING AND THEN TO HAVE TO USE MORE GREEN BELT LAND FOR HOUSING?

OVER THE YEARS WE HAVE PRESENTED TO THE COUNCIL ARGUMENTS ABOUT WHY THE GARDEN AT EDGEWORTH HOUSE SHOULD NOT BE DESIGNATED AS OPEN LAND BUT SHOULD RETAIN ITS INITIAL DESIGNATION AS A SITE FOR HOUSING DEVELOPMENT. THEY ARE WELL DOCUMENT IN THE BACKGROUND SUBMISSIONS THAT ARE AVAILABLE AS A PART OF THIS HEARING SO I WILL NOT REPEAT THEM HERE.

I BELIEVE I AM CORRECT IN STATING THAT THE INSPECTORS REPORT INTO THE DRAFT DACORUM CORE STRATEGY RAISED CONCERNS ABOUT THE SUPPLY OF HOUSES AND ALSO CONCERNS ABOUT THE USE OF GREEN BELT LAND TO MEET THE HOUSING NEEDS. WHILE THIS SITE MAKES ONLY A SMALL

CONTRIBUTION IN THIS RESPECT IT NEVER THE LESS MEANS LESS HOUSES WOULD BE BEING BUILT ON WHAT WAS PREVIOUSLY GREEN BELT LAND IF IT AND OTHERS LIKE IT WERE BROUGHT BACK INTO THE HOUSING FOLD.

FOR REASONS WHICH I AM TOTALLY UNABLE TO EXPLAIN OR UNDERSTAND AND OTHERS WHO HAVE LOOKED AT THE MATTER HAVE CONCLUDED LIKEWISE, THIS SITE HAS ATTRACTED A DIFFERENT SET OF CRITERIA AGAINST WHICH IT IS BEING EVALUATED WHEN COMPARED TO OTHER SIMILAR SITES IN DACORUM. IT IS THE ONLY GARDEN PROPOSED AS OPEN LAND. IT IS ONE OF MANY MANY SITES WITH AN ELEMENT OF FLOOD RISK POTENTIAL, (SOME LIKE THE ONE 100M DOWN STREAM, THE PROPOSED LIDL SITE WITH AN UNDERGROUND CAR PARK SOME EIGHT METRES FROM THE SAME RIVER AND 30 PLUS DWELLING UNITS ON THE SAME SITE) SEEMED TO SAIL THROUGH THE PLANNING PROCESS. STAG LANE AND OTHER DEVELOPMENT SITES ARE ALL ONLY A LITTLE FURTHER ALONG THE SAME RIVER. EDGEWORTH HOUSE IS ONE OF MANY SITES WITH A LISTED BUILDING BUT THE ONLY ONE TO BE DETAILED OUT FOR DIFFERENT TREATMENT. IT IS A SITE WHICH ATTRACTS NON-PLANNING TERMS AS IF THEY HAD PLANNING MEANING "SENSITIVE SITE" OR THE FACT THAT MARIE EDGEWORTH MAY HAVE VISITED THE HOUSE AS THOUGH THIS ADDS WEIGHT TO SOME PLANNING DECISION. IT IS A SITE WHERE REGULARLY ERRORS (OR MORE SERIOUS) ARE MADE IN TABLULATION OF SITE FEATURES OR DEFINITIONS. FOR EXAMPLE SHOWING EXISTING USE AS OPEN LAND WHEN IT IS GARDEN LAND OR SHOWING IT AS A GREENFIELD SITE WHEN IT IS URBAN.

SEVERAL OF THE ABOVE MENTIONED ASPECTS WERE HIGHLIGHTED IN A RECENT SUBMISSION WE MADE TO CONSULTANTS IN RELATION THE 2016 SHLAA. EVENTUALLY THE CONSULTANTS TOOK ON BOARD SOME OF THE COMMENTS WE HAD BEEN MAKING. THE SAME COMMENTS WE HAVE BEEN MAKING OVER MANY YEARS.

OVER THE PAST SIX MONTHS A COUPLE OF THINGS HAVE CHANGED WHICH NEED TO BE TAKEN INTO ACCOUNT IN RELATION TO THE EDGEWORTH HOUSE SITE AND MATTERS RELATING TO THIS HEARING. A WRITTEN SUBMISSION HAS BEEN MADE TO THIS HEARING IN RELATION TO THESE MATTERS AND THEREFORE I WILL ONLY SUMMARISE.

THE SITE HAS BEEN INCLUDED IN THE LATEST SHLAA AS A SUITABLE SITE FOR HOUSING AND IN THE LATEST ENVIRONMENT AGENCY STUDY IN RELATION TO THE RIVER BULBOURNE IT SHOWS THE FLOOD RISK IN THE GARDENS OF EDGEWORTH HOUSE TO BE SUBSTANTIALLY LESS THAN PREVIOUSLY ASSESSED.

TO DESIGNATE THE SITE AS OPEN LAND IN THE LIGHT OF THE LATEST INFORMATION AND BEARING IN MIND THE COMMENTS MADE ABOVE IN TERMS OF LACK OF RIGOUR OF ANY STUDY AND THE FAILURE TO MEET MINIMUM

LEGAL COMPLIANCE REQUIREMENTS IN RELATION INFORMING DIRECTLY INTERESTED PARTIES I WOULD ASK THAT THE OPEN LAND DESIGNATION IN RELATION TO THE GARDENS OF EDGEWORTH HOUSE ARE DROPPED AS A MINOR MODIFICATION TO THE PLAN.

THIS WILL GIVE A MUCH CLEANER AND CLEARER PATH FORWARD. AT THE MOMENT IN RELATION TO THE CORE STRATEGY THE COUNCIL ARE EFFECTIVELY SAYING THE SITE COULD COME FORWARD AS A WINDFALL SITE. IF IT WAS PUT FORWARD AS A WINDFALL SITE HAVING AN OPEN LAND DESIGNATION WOULD MAKE IT UN-NECESSARILY COMPLICATED BECAUSE OPEN LAND POLICY 116 STATES THAT OPEN LAND WILL BE PROTECTED FROM BUILDING WHEREAS THE AREA BASED SPG SETS OUT CONSIDERATIONS FOR DEVELOPMENT WHICH IS SUPPORTED BY THE SHLAA WHERE AN ESTIMATE OF 12 UNITS IS CONSIDERED SUITABLE FOR THE SITE.

TODAY AS A PRIVATE GARDEN THE GROUNDS OF EDGEWORTH HOUSE GIVE NO PUBLIC ACCESS. INDEED THEY CAN NOT REALLY BE SEEN FROM OUTSIDE THE BOUNDARY WALLS AND FENCES. WITH AN OPEN LAND DESIGNATION THESE GARDENS IT WILL STILL OFFER NO PUBLIC ACCESS AND NO REAL PUBLIC AMENITY. THE SITE IS VERY WELL SCREENED BY FENCES AND HEDGES.

AS A DEVELOPMENT SITE CONTROLLED THROUGH THE PLANNING PROCESS THE SITE COULD ACTUALLY ADD TO OPEN SPACE PROVISION AND INCREASE PUBLIC ACCESSIBILITY TO GREEN SPACE BY FOR EXAMPLE INCLUDING MULTI-FUNCTIONAL OPEN SPACE AS PART OF DEVELOPMENT CONDITIONS. PARTS OF THE SITE COULD BE RETAINED AS AMENITY SPACE WITH ACCESS TO FOOD GROWING SPACE, ACCESS TO WOODED AREAS, WHILE PARTS OF IT ARE DEVELOPED FOR WHAT IS TRULY SUSTAINABLE HOUSING ON A SITE CLOSE BY A WIDE RANGE OF FACILITIES. PREVENTING DEVELOPMENT BY AN OPEN LAND DESIGNATION WOULD KEEP THE LAND IN PRIVATE OWNERSHIP AND IN NO WAY DOES SUCH ACTION REDUCE THE DEFICIT OF OPEN SPACE THAT IS CLAIMED IN THE PLAN. THE ALTERNATIVE OF A DESIGNATION OF OPEN LAND WITH A CAVEAT "THAT THIS DOES NOT PRECLUDE DEVELOPMENT" MERELY ADDS COMPLICATION AS PLANNING POLICY RELATING TO OPEN LAND CONTRADICTS THIS. PLANNING POLICY I AM SURE YOU WILL AGREE SHOULD ALWAYS SEEK TO BE AS CLEAR AS POSSIBLE IN ORDER TO SAVE UN-NECESSARY WASTES OF TIME AT THE PLANNING APPLICATION STAGE.



Dacorum's Local Planning Framework
Site Allocations - Pre-Submission
Representation Form – Additional Sheet

Please use a separate sheet for each representation

(office use only)

Received: 4/11/14

Post/Email/ In-Person

Recorded:

Acknowledgment sent:

For help answering these questions please refer to the Explanatory Notes with the Full Form

Name or Organisation

Berkhamsted Town Council

1. To which part of the Site Allocations does your representation relate? (Please specify the paragraph number and/or policy reference which you wish to comment on)

Paragraph

Policy

Other (site reference)

OL/5

Are you (tick one)

Supporting

Objecting

2. Do you consider that the Site Allocations is...

(a) **Legally compliant**

Yes

No

(b) **Sound**

Yes

No

3. Do you consider that the Site Allocations is unsound because it is not:

(a) **Justified**

(b) **Effective**

(c) **Consistent with national policy**

4. Please give details of why you consider the Site Allocations is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Site Allocations, please also set out your comments.

OL5 Edgeworth House

New Designation Map Book (Page 84)

We support the designation of this site as open space.

5. Please set out what change(s) you consider necessary to make the Site Allocations legally compliant or sound.

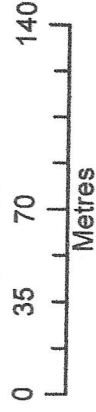
Your response should have regard to the test that you have identified in Q3 above where this relates to soundness. You will need to say why this change will make the Site Allocations legally complaint or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Detailed FRA centred on Edgeworth House 20 High Street, Berkhamstead, Berkhamstead, H4 3LS - 22/07/2016 - HNL/17544/MS



Environment Agency
 2 Bishops Square Business Park
 St Albans Road West
 Hatfield
 Hertfordshire
 AL10 9EX

E.H
 SITE
 BOUNDARIES



Legend

— Main Rivers

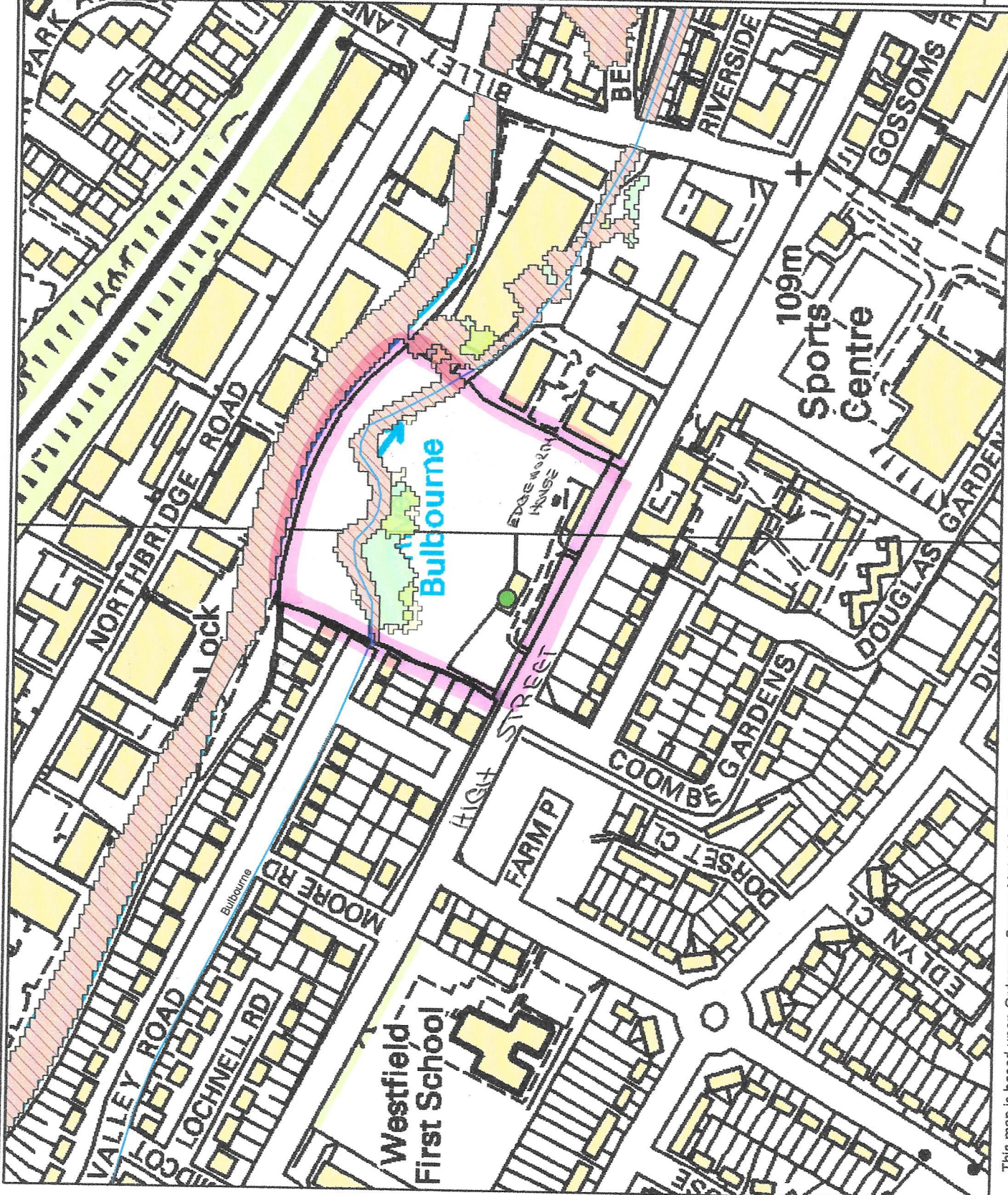
Defended Flood Outlines

- 1 in 2 (50%) Defended
- 1 in 5 (20%) Defended
- 1 in 10 (10%) Defended
- 1 in 20 (5%) Defended
- 1 in 50 (2%) Defended

The data in this map has been extracted the Gade and Bulbourne Modelling Study (JBA, 2016). This study is a catchment scale mapping study and so may need local updates for site specific decisions. It should be noted that it was not created to produce flood levels for specific development sites within the catchment.

Modelled outlines take into account catchment wide defences. Flood risk data requests including an allowance for climate change will be based on the 1 in 100 flood plus 20% allowance for climate change, unless otherwise stated. You should refer to 'Flood risk assessments: climate change allowances' to check if this allowance is still appropriate for the type of development you are proposing and its location. You may need to undertake further assessment of future flood risk using different allowances to ensure your assessment of future flood risk is based on best available evidence. <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

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Produced by:
 Partnerships & Strategic Overview,
 Hertfordshire & North London

Appendix 4 - Open Land Site Matrix

Reference	Site	Town	Existing Use	Proposed Use	Built form	Designations / Constraints	Character	Comments	Recommendation
	Edgeworth House, High Street	Berkhamsted	Open Land	Open Land	Dwelling and outbuildings	Watercourse and Floodplain	Residential	The green space here forms the back garden of the dwelling and not appropriate to allocate as Open Land. Site also affected by watercourse and floodplains, meaning scope for development may be restricted. 1.6 ha	Designate Open Land
	Woodland at Hilltop Road	Berkhamsted	Woodland	Open Land	None		Woodland	Area of woodland screening residential area from MDS at Ashlyns School. Not protected by TPO or other designation so recommend protection as Open Land as important buffer of woodland between different character areas. Not considered to be of sufficient size	No change
Be/o2	Land adjoining Bridle Way	Berkhamsted	Green link	Open Land	None	TPO; Green Belt	Significant trees	Provides a link from the town with the countryside, a clear definition/landscaped buffer between urban and Green Belt	No change
	Woodland at The Spinney	Berkhamsted	Woodland	Open Land	None	TPO	Woodland	Inclusion of the woodland into the town is logical and contributes a buffer between the urban area and the Green Belt. The trees are protected and form part of the setting of the road. Not considered to be of sufficient size	No change
	Castle Gate Way to the rear of Gaveston Road	Berkhamsted	Woodland	Open Land	None	TPO; Green Belt	Significant trees	The small part of woodland is an addition to the main part to the west. All the trees are protected by a TPO and the current GB boundary is logical.	No change