

Extracts from the Friends of Chorleywood Common Report submitted to members of the Chorleywood Parish Council in October 2015

## EXECUTIVE SUMMARY

The position of the Friends is that for many reasons Locations 13 and 15 are not suitable locations for a playground, principally on the grounds of safety, access and impact; and also that it is inappropriate and not in the long-term interests of Chorleywood to have a Play Area on the Common for reasons of ecology and legality.

This stance is in line with the Chorleywood Parish Survey in 2014 which revealed that 935 respondents (96% of those voting) and across all age groups were in favour of “protecting the Common for future generations”. It also reflects the survey we conducted in 2014 in which the majority of our members who voted opposed the siting of a play area on the Common.

Both sites on the Common suffer from serious safety issues associated with the access routes to them e.g. lack of pavements, rough/uneven ground, very limited parking and proximity to traffic on nearby roads. Other sites do not have these issues to the same extent and they remain the same as when the Parish Council rejected the Common as a potential site for a playground in 2013.

The Common is already a wonderful **natural** play and recreation space. Many families and unaccompanied children already use it regularly for enjoyable and creative play. It does not need permanent infrastructure for this to continue for generations. Such development would herald the potential for further degradation of its uniqueness, and be contrary to the terms and conditions under which the CPC took on ownership of the Common.

## CONCLUSION

The Friends conclude that Locations 13 and 15 are not suitable for a Play Area, and that no such Play Area should be sited on the Common because:

- **the designated possible sites are unsuitable on the grounds of safety, access and parking; and**
- **any Play Area on the Common would degrade forever the character, ecological value and enjoyment of the Common as an undeveloped, open space.**

We recommend that the CPC:

1. **reject any Play Area sites on the Common;**
2. **consider other more suitable locations; and**
3. **adhere to their obligations to preserve the Common in accordance with the terms and conditions of their ownership.**

## 1 THE MATTERS OF PRINCIPLE FOR THE FRIENDS' POSITION ARE:

### A PROTECTION AGAINST DEVELOPMENT

The unique and unspoilt nature of the Common makes an emphatic contribution to the special character of Chorleywood.

(i) The single most compelling reason for not locating a formal play area on the Common is the protection of the Common against development. The Common makes an emphatic contribution to the special character of Chorleywood in many ways, reference to which is evident from the following:

The Common is described by the CPC on its website in the following terms: -

“At the centre of Chorleywood lies its beautiful Common, 80 hectares (approx. 200 acres) of grassland, and woodland, declared a County Heritage Site and has Local Nature Reserve status on account of its conservation value and high ecological importance. This is one of the most important wildlife sites in Hertfordshire, combining acid heathland, neutral grassland and chalk meadow all on one site, together with a series of ponds supporting rare plants and amphibians and secondary woodland which has grown up since commoners’ cattle ceased grazing after World War I. Some 70 plant species, 50 birds and almost 300 fungi have been recorded on the Common in addition to squirrels, rabbits, foxes, hedgehogs, voles, woodmice and Muntjac deer.

The Common also provides a centre for recreation and leisure activity, both formal and informal. As a Registered Common owned by a Local Council, the public has right of access on foot for “air and exercise”. Subject only to reasonable bye-laws, residents and visitors alike enjoy recreations such as walking, jogging, kite flying and ball games.”

This description sums up so eloquently the contribution that the Common makes to the life of Chorleywood. To protect its existence as such a valuable, unspoilt, uncluttered open space in our very midst should be the first duty of our Councillors.

(ii) The “thin end of the wedge” syndrome. There is already much pressure for development of one sort or another on the Common.

As one of their design principles for successful play spaces, Play England propose that play spaces should allow for change and evolution. This means that pressure to introduce additional equipment or facilities, or equipment for older age groups, or adults, would be much harder to resist once the initial precedent had been set. Future Health & Safety laws or regulations could also necessitate further development.

### B ENVIRONMENTAL AND ECOLOGICAL

The Common is a County Heritage Site, a Local Nature Reserve and the centre-piece of its own designated Conservation Area. The reason for its being a Conservation Area is to protect it and its surroundings from inappropriate development and to preserve its character and appearance.

(i) The Common is a County Heritage Site on account of its conservation value and high ecological importance. Indeed our Common is of such merit in its own right that on account of its conservation value and high ecological importance it was listed at the United Nations Conference on Environment and Development held in 1992 in Rio de Janeiro – “the Rio conference on climate change”. The Common is adjacent to the Chilterns Area of Outstanding Natural Beauty and is regarded by the Chilterns Conservation Board as being an exemplar of good management practice. No one is denying the importance or relevance of this. The designation applies to the whole of the Common and is not restricted to just those areas where a particular species of flora or fauna might or might not exist at the moment. Location 13 is a glade surrounded by secondary woodland and comprises trees that the uncommon Purple Hairstreak butterfly is just as likely to favour as the trees above Larks Meadow.

(ii) The unimproved grassland of Location 15 may not sound particularly exciting, but unimproved grassland is becoming an increasingly rare habitat. Even on a short visit one comes across the Star of Bethlehem, Crow Garlic, Pignut and the increasingly threatened Harebell. Green woodpeckers feed on the insects there. Records at St Albans Museum suggest that this unimproved grassland, ie uncultivated and in its natural state, may have existed for 2,000 - 3,000 years.

(iii) Undeveloped, open, space is a premium asset in a semi-rural environment so close to Greater London and is under constant pressure to be put to other uses, each with their own merits when considered individually but adding up to a gradual piecemeal erosion of this resource. Open space has a value in itself and this has to be recognised alongside other requirements and other alternatives.

## C ETHICAL

The gift of the Common to the (now) CPC contained an expression of intent, accepted by both parties, that it would remain an undeveloped open space. The gift of the Common by Mr Batty in his conveyance of 9<sup>th</sup> May 1921 to the (now) CPC contained a clear expression of intent, accepted by both parties, that it would remain an undeveloped open space.

(i) The Common was given to the then Chorleywood Urban District Council which agreed to accept the gift for the benefit of the inhabitants of the Parish of Chorleywood and covenanted that it, its successors and assigns (the CPC) **“will not do any act or thing...which may vary or alter the natural features or aspect of the Common** or interfere with free access to every part thereof...”.

These are critical obligations and are at the heart of the benefits that the Common brings to Chorleywood and that give it its special character. They are repeated in the Scheme for Regulation, referred to in section D below.

(ii) The benefits are the open, undeveloped nature of the Common, providing a natural, informal, playground – the disadvantages – to some – are that this gets in the way of building an artificial playground on it.

(iii) The Common is still ‘fit for purpose’ as originally intended and this precludes certain other activities. The rules governing what activities can and what cannot be carried out on the Common are contained in the 1995 bye laws.

(iv) Councillors are effectively trustees in respect of Chorleywood's endowment and consequently all Councillors are obliged to abide by the terms that they have inherited from their predecessors.

## D LEGAL

The Common is a common and not "just an open space". It is protected from development, encroachment and restriction to right of access by law. We know that it has existed for at least 150 years, as there was a conveyance of it in 1868. This legal standing has been hard won over the centuries and requires firm and resolute action by those charged with its custodianship to maintain its position. Our Common derives its current protection from its 1954 Scheme for Regulation approved by the Secretary of State. The following excerpts are pertinent:

### **Clause 3 – Protection and improvement of common**

"The Council shall...preserve the turf, shrubs, trees, plants and grass thereon..."

"...the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the common or interfere with free access to any part thereof..."

### **Clause 4 – Against encroachment**

"The Council shall maintain the common free from all encroachments..."

### **Clause 5 – Public Right of Access and Recreation**

"...the inhabitants of the District and neighbourhood shall have a right of free access to every part of the Common and a privilege of playing games and of enjoying other species of recreation thereon..."

## **2 THE MATTERS OF PRACTICALITY FOR THE FRIENDS' POSITION ARE :**

### A SAFETY

(i) Fencing is not permitted on the Common (see the 1954 Scheme for Regulation). An unfenced play facility in close proximity to a dangerous road and a car park whose users must reverse/turn to exit poses an obvious and unacceptable risk to children.

(ii) Lack of fencing poses the risk of toxocarasis - blindness caused by toxocara canis (dog roundworm) from dog faeces (long term residues even if picked up) or from dogs not under control. These risks are increased by the fact many dogs are driven to the Shepherds Bridge car park and are released there. They then immediately relieve themselves and/or behave in an excited way.

(iii) The safety of both children and adults is also put at serious risk by the already difficult point of entry across Shepherds Bridge. This would be exacerbated by the dangers posed by cars manoeuvring in a small, overcrowded car park close to the play area, which anyone approaching on foot across the bridge has to negotiate.

(iv) The proposed improvements to increase the safety of the structure of the bridge itself are not designed to improve pedestrian safety.

Cllr Trevett reported to Full Council on 14 October 2014 that "... LUL and Highways are satisfied that installation of a smaller kerb will be sufficient to protect the sides of the bridge from being hit by a

lorry or other vehicle. However having monitored the number of pedestrians using the bridge LUL did not think there were sufficient number on the bridge at any one time to be at risk, so they do not propose to make any separate proviso for them.”

We understand that these proposals are to be replaced by warning signs.

(v) the risks from vandalised equipment, broken bottles etc if the area becomes a meeting place after hours.

## B ACCESS

(i) In the KKP report [to TRDC in 2005], it was stated that mobility and access problems, which limit access to open space sites, are the greatest in Chorleywood.

(ii) There is no pavement access to Location 13 from Chorleywood Bottom and the pavement from Station Approach ends about 100 metres away at the brow of the hill. Reports have been received from a person who has been hit twice by passing cars on this stretch of Station Approach. The safest access would be an approach to the site from the Memorial Hall car park either up two flights of steps and through Betjeman Gardens or up Colleyland. Both of these routes are steep and require the crossing of Common Road, in the latter case close to a dangerous bend. From the Memorial car park, access would be via the horse track. An alternative route from Chorleywood Bottom via the cattle creep is by no means convenient. Neither of these routes is suitable for those having to push a buggy or use a wheelchair.

(iii) The limited access via Shepherds Bridge into the small and well-used car park there poses a real danger to both adults and children and was one of the reasons for the rejection of Location 13 by the CPC in 2013.

(iv) Being on the edges of the settlement of Chorleywood West, neither Location 13 nor Location 15 is near to its centre.

## C PARKING

Whilst some people will walk to the Common, it is realistic to expect that many would drive and therefore car parking is essential. Lack of adequate car parking is an issue at both Location 13 and 15, it has been cited in regard to the use of the Swillett and was an issue raised by the Friends of Grove Wood.

(i) The small car park at Shepherds Bridge is now just adequate for the number of present users. With new users of a playground at Location 13 who do not wish to walk, the car park would become more congested and add to the hazards, and consequently the safety, of more children who will be in it, along with the dog walkers.

(ii) The lack of adequate parking provision at Shepherds Bridge was another of the reasons for Location 13 being rejected by the CPC in 2013.

(iii) The Memorial Hall car park is now just adequate for the number of existing users and would likewise become more congested with additional users.

## D FACILITIES

The facilities nearest to Location 13 comprise the public house “The Old Shepherd”, the public house “The Rose and Crown” and the station toilets. None of these can be considered as suitable for users of a playground at Location 13. Facilities at the pubs are for users of the pubs and the route to the station toilets is tortuous and subject to passing through the ticket barrier, which technically requires a payment.

## 3 THE TRDC SURVEY IN 2012

The sole justification that has been put forward by those who advocate building a playground on the Common is based on a single TRDC survey in 2012 which asked the question “Where do you feel the play space would be best located” and gave as alternatives “Chorleywood House Estate, the Common and Other”. Whilst this is a straightforward, unqualified, question, it raises the expectation that each choice has equal standing in relation to the answers.

TRDC quoted a response rate of 25% to the survey, being 1103 responses from 4400 households, but as many responses were from children under 10 years old and some responses quoted identical comments, more than one response from each household may be inferred. Consequently the response rate in relation to the number of households is far less than 25%.

This aspect of the survey was also commented upon in the CPC meeting of 1st October 2013 and recorded in the minutes as follows:

“Members had been influenced by the statistical data reported in the TRDC survey. The TRDC report stated that over 1000 people had voted in favour. However concern had been raised by some parishioners as to the credibility of the statistical evidence in the Three Rivers reports which had lead [sic] to an independent audit of the figures, revealing that 398 adults had voted for the play area on Chorleywood Common (not specifically Shepherds Bridge) this was out of an electorate of 9125.”

In our view these criticisms undermine the validity of placing such weight on this single factor in the debate over the siting of a prospective new play area on the Common and that disregard the constraints that have subsequently emerged.

61% of respondents voted for the Common and 39% voted for other places. However, none of the constraints later identified by the CPC were mentioned as factors to be considered when determining “best” and no specific location was given. If they had been disclosed, the results would almost certainly have been different. The practical considerations are dealt with elsewhere in this report.

This aspect of the survey was commented upon at the CPC meeting held on 1st October 2013 and recorded in the minutes of that meeting as follows:

“Criticism was also made of the questionnaire as not sufficient information had been given out regarding the restrictions on the Common specifically the lack of fencing around the play area.”

#### **4 FENCING**

Whilst we endorse the concept of unfenced play areas in suitable locations, the impact of an unfenced play area on the Common at either location has been referred to above. It is highly relevant to point out here that nowhere in the whole Tree Rivers District is there an unfenced play area comparable to that proposed for either Location 13 or 15. The two unfenced play areas within the District referred to by TRDC in their reports are both subsidiary to large, comprehensive, fenced play areas close by and in each case the unfenced equipment is far away from any roads. Parents at these locations can choose to use a fenced play area (and thereby feel able to relax and chat as opposed to having to be constantly vigilant to ensure young children do not disappear from sight in dangerous proximity to traffic). Such a choice would not be available to Chorleywood parents - or might inevitably lead to pressure for it to be installed, despite the fact that our Scheme for Regulation does not allow it - thereby proposing further degradation of the Common.