

Commons Act 2006 Section 16

Application by the Therfield Regulation

Deregistration and exchange of land at Therfield, Royston, Hertfordshire

Application reference: COM/3170236

Date of Inquiry: 30 January 2018

PROOF OF EVIDENCE OF SARAH BROCKLESS

1. My name is Sarah Brockless. I have a degree in Zoology (Ecology) from the University of Aberdeen. I have worked in ecological research, land management and conservation since receiving my degree in 1992.
2. I have been involved in a wide range of land management work, including ecological research and survey work, arable and livestock farming, woodland management, shooting, game-keeping, historic landscape, archaeology, access, education and recreational activities. Various projects have included key UK conservation sites such as Epping Forest, which has a similar array of complex management requirements as Therfield Heath, but on a much larger scale.
3. I have worked for a range of organisations during my professional career, including universities, charitable trusts and organisations, as well as government bodies. I now work as an Ecologist and Farm Conservation Adviser for a small commercial company, Oakbank Game & Conservation Ltd.

My past involvement with Therfield Heath

4. I initially became acquainted with Therfield Heath in January 2002 when I moved to a house on Grey's Farm, bordering the Heath to the south. I experienced the heath at this time as a member of the public, walking my dogs. Purely for my own interest, I started doing regular bird surveys, primarily of the Skylark and Meadow Pipits on the heath, because I had just finished some ecological research on Skylark habitat use and breeding success on arable land and wanted to investigate any difference in their behaviour on grassland. I also enjoyed identifying chalk grassland species I had previously never seen.
5. Additionally, I worked voluntarily on the Grey Partridge Recovery Project, which involved landscape scale management across several farms surrounding the villages of Therfield & Kelshall. Consequently, I became well acquainted with all aspects of the land surrounding Therfield Heath.
6. At this time, I started to work professionally with the local landowners, as a Technical Adviser for the Rural Development Service, part of the newly created DEFRA. I was

one of several advisers involved in putting together and managing agri-environment schemes in the area. This included a scheme at Reed in 2006, which involved a significant area of chalk grassland recreation with seed taken from Therfield Heath. I refer to the importance of increasing extent of chalk grassland within the landscape surrounding Therfield Heath in my draft management plan.

7. Up until 2010, my involvement with Therfield Heath continued to be as an interested ecologist and member of the public only. Thereafter until 2014, I was asked by Natural England, in my role as a Lead Land Management Adviser, to help the Natural England SSSI Project Officer at the time, negotiate new agri-environment scheme agreements on Therfield Heath because the previous Wildlife Enhancement Scheme set up by English Nature was due to expire. During this period, I worked professionally with all parties involved in the heath; Golf Club, Conservators, John Jenkins Racing Stables and Robert Law from the adjacent Thrift Farm, in his role as grazier. I visited the site on a regular basis and as a result developed an in-depth knowledge of all aspects of the management.
8. I left Natural England in May 2014 and my professional involvement with Therfield Heath ended. I still occasionally walked the Heath when visiting the area, just as an interested member of the public once again.
9. The Conservators of Therfield Heath approached me in September 2017 to draft up a management plan taking the site forward into the future. This has been submitted in the bundle.
10. In drafting this management plan, I visited Therfield Heath on several occasions during October and November, to re-acquaint myself with the detail of the site, assess progress since my last professional involvement in 2014, and to consider ideas for the future. During visits, I spoke to many different people, who were either involved in the management of the Heath, had expert knowledge of a specific feature of the Heath, or who were simply walking on the Heath.
11. The range of information and knowledge I have gathered, along with formal consultations and previous knowledge has enabled me to draft up the plan. However, as is often the case with ecology, the time of year is not an ideal time to look at chalk grassland in detail. Therefore, the plan will remain in draft form until I can complete some final details next spring /summer with survey work.

De-registration and exchange of land at Therfield Heath

12. The Conservators of Therfield Heath have acquainted me with their plans to release land east of Briary Lane, with a Beech woodland belt south of Therfield Heath, to be purchased as exchange land. They have also shared their vision for the future of Therfield Heath. My consideration of both sites is detailed below.

Release Land

13. I visited the Release Land for the first time in October 2017, not having realised previously that it was part of Therfield Heath. This land is the only part of the common land area separated for the main area of the heath, and although it is common land, in

contrast to the majority of the heath, it is designated neither as a Site of Special Scientific Interest (SSSI), nor a Local Nature Reserve (LNR).

14. Therfield Heath was designated as a SSSI in 1953 (Appendix 2 of management plan). At this time, a detailed assessment would have been made of the entire heath and any habitat of intrinsic ecological value would have been included within the designated area. Therefore, the assumption is that the land east of Briary Lane had already been managed differently from much of the heath, and that it has been of limited intrinsic ecological value for at least sixty-four years. Previous management plans dating back to the 1980's have not included the Briary Lane site in any of the management.
15. There are no historic records on the Release Land (Appendix 7 of draft management plan). The presence of a chalk pit denoted on maps since at least 1877 suggests that at least a proportion of the land was used for industrial purposes. The map also shows the late enclosure rectangular field system in place prior to the further development of Royston. The enclosure includes the land along both sides of Briary Lane.
16. Phased house building in the 1930's, then again during the 1970's through to the 1990's means that the historic landscape has changed almost beyond all recognition on all sides of the Release Land, with no view of the site within the wider landscape. Even views onto Therfield Heath are obscured with a row of mainly, poor quality, Sycamore. When on the site, visually, it looks as though it has been neglected for decades, with mature Sycamore establishment, significant fly tipping throughout the site, as well a tent, an illegal car and evidence of illicit behaviour.
17. My visit to the release land was not a good experience due to being first threatened and then physically attacked with fly tipped tarmac rubble, by a youth living rough on the site. Prior to being attacked, I made a visual assessment of the site. The site had been assessed previously by both ecological and arboriculture consultants. I have read these reports (at pages 46 - 90 of the Applicants Bundle) and do not disagree with their assessment. The land has limited ecological value.
18. With reference to the trees, mainly Sycamore, that have established and spread in the absence of continued chalk pit management, it is clear that their age and structure is uniform and poor, and the direct result of an absence of long-term management. The fact that some have previously been coppiced suggests that the trees were previously cut down, possibly in an attempt to keep the site open, but the stumps re-grew in the absence of treatment. The poor structure and absence of any age variation results in poor biodiversity.
19. Similarly the grassland, although it has clearly has been cut in the past (due to the absence of trees and scrub), it has none of the indicators of chalk grassland so characteristic of much of the rest of the heath. The species composition suggests some level of 'improvement' and nutrient enrichment during its recent history. This may in part be because the site was used for the annual Royston bonfire for many years.
20. Whether or not the proposed housing development takes place, the woodland area could be significantly improved for biodiversity, with the felling of the current Sycamore and re-planting with a selection of native shrubs (E.g. Hawthorn, Spindle, Dog Rose, Wild Privet, Blackthorn and Hazel) and some small trees (E.g. Birch, Field maple and Crab apple). This would significantly increase the biodiversity value of the site and add to

the mosaic of valuable habitats associated with scarce and rare invertebrate species adjacent to Therfield Heath.

21. In addition, the shrubs and small trees would allow light levels to remain consistent for adjacent housing, which will otherwise lose increasing amounts of light as the Sycamore grow larger. The shrubs will not present a safety hazard, as some of the existing trees clearly do, and aesthetically it would look and be more appealing to local residents.
22. The grassland has limited biodiversity value, either in its current uncut form, or cut for a recreational area, in part due to the lack of species diversity within the sward, but also due to its proximity to housing. For example, the main resident bird species on the open heathland are Skylark and Meadow Pipit. These species are very unlikely to utilise this Release Land due to their proximity to housing, woodland and people.
23. Should the housing development go ahead, whilst some of the open access and grassland will be lost, there will be biodiversity value in the gardens and landscaping created with the housing. For example, gardens are now one of the few habitats Song Thrush are associated with, along with many butterfly and bee species. Appropriate planting of flowering shrubs and plants, the erection of nest boxes and an absence of cats would all enhance the wildlife value of the site, well beyond its current level.
24. In the absence of housing, there are three options for future grassland management on the Release Land. There would, however, be a cost attached to this work and resources are limited. The location of the site away from the main part of the heath will tend to make its management more expensive than it would otherwise be.

Option 1

Cut the grass regularly and maintain as a recreational area, if there is sufficient demand, but with active involvement from the surrounding community to reduce the fly tipping and the presence of youths using the site for anti-social activities.

Option 2

Cut on an occasional basis to prevent further Sycamore encroachment, but otherwise leave as rough vegetation, in contrast to the short, open swards of chalk grassland across the main heath. However, this management will limit access by people and some wildlife. For example, Song Thrush, typically associated with gardens, use adjacent grassland to forage, where available. However, accessibility to the base of dense, long vegetation is not always possible. Therefore a series of open, regularly cut pathways to provide a variety of sward structures would improve its accessibility for the Song Thrush and thus the sites overall biodiversity value. These paths would also provide access to people wishing to walk through the site. As with option (1), there should be active involvement from the surrounding community to reduce the fly tipping and the presence of youths using the site for anti-social activities.

Option 3

Given the underlying chalk, it is potentially possible to clear the woodland and top soil off the whole of the Release Land, to then re-create chalk grassland. There would be no

adjacent existing chalk grassland to aid colonisation, so seed and green hay from species-rich areas on the main heath would need to be used. The project would involve significant work and cost, not least in minimising access onto the site for some years whilst the sward develops on the bare chalk.

25. Based upon experience, the chalk pit, once opened up and trees removed, with its contours, may well end up becoming a stunt bike area for youngsters. There is nothing wrong in this, but it will make the establishment of chalk grassland almost impossible. If limited access were achieved and a sward develops, then maintenance would either be by sheep grazing or an annual cut and collect, as with the rest of the chalk grassland areas. I would suggest that sheep grazing might be difficult, given the urban surroundings.
26. Whilst this project is possible, there will be challenges to maintaining access initially. Furthermore, when you view Therfield Heath as a whole site, there are significant and numerous areas, that should be prioritised for recreation and restoration of chalk grassland, prior to this area, because of their greater potential, adjacent habitat and location.

Exchange Land

27. The Exchange Land consists of a Beech woodland belt, directly adjacent to the main heath. The belt was planted during the late enclosures of the nineteenth century, and as such is a relatively recent addition to the landscape.
28. Due to its location at the top of a chalk escarpment, it is very visible within the wider landscape. The Therfield Road and the A505 dual carriageway below means that this escarpment is seen by numerous drivers passing the heath daily, as well as visitors specifically to the heath and woodland.
29. Although not common land, most of the exchange site is already designated as a Site of Special Scientific Interest (SSSI) and a local Nature Reserve (LNR). It is connected directly with Therfield Heath and to Fox Covert, the Herts & Middlesex Wildlife Trust Reserve, along with other managed planted woodland, namely Jubilee Wood. There are no historic records present (Appendix 7 of draft management plan).
30. The habitat, whilst in need of management, has at least some variety of structure and composition that offers some intrinsic biodiversity value. For example, the Beech trees range from young saplings through to mature standards/pollards approaching veteran status. The mature Beech are starting to exhibit signs of aging, such as hollows, dead wood and holes, which provide habitat for a wide range of invertebrates, fungi, lichens, bryophytes, birds, reptiles, amphibians and mammals.
31. There is a significant amount of Sycamore, with occasional Ash and Cherry, alongside the mature Beech, which collectively close the canopy along much of the belt. Where light does penetrate, along the southern edge and in canopy gaps, there is a good mixed shrub understorey present, consisting mainly of species such as wild Privet, Hawthorn, Blackthorn, Hazel, Dog rose and Field Maple with occasional Elder, Honeysuckle, Holly, Elm and Yew. There is a reasonable amount of dead wood present, and some ground flora, where light penetrates. Much of the width of the belt is taken up with a

well-used permissive access footpath, limiting the ground flora's ability to grow over much of the woodland floor.

32. As with the Release Land, there has been a general absence of significant management in recent years, having changed little since my first visit in 2002. There is, however, significant potential for increased biodiversity with regular management, although with a high public presence, it is unlikely to be a priority for the current landowner.
33. With the selective felling of the Sycamore (required on a SSSI), this will open up the canopy in some locations. If young Beech are thinned leaving the best for future standards or pollards, this will also restore more of a balance between the canopy, understorey and ground flora, moving towards a mixed structure, good for biodiversity. If the shrub species are coppiced on a rotational basis, this will further enhance the structural diversity. With increased light levels, the ground flora should improve in composition and frequency. There are issues with rabbit and deer browsing, and as such monitoring, with exclosures (4x4metre fenced areas, to exclude browsing) would need to be implemented to assess the impact on the ground flora, understorey and beech regeneration.
34. There is a block of mainly Sycamore and Ash young woodland, of relatively poor quality and structure, directly adjacent to the road, between the Exchange Land woodland belt and Therfield Heath grassland. This currently affects the light levels in the woodland belt, along with repeated invasion of unwanted species, such as Sycamore. Proposals within the draft management plan suggest active management of this young woodland would significantly improve its structure and composition, and would benefit the adjacent Exchange Land woodland belt, with consistent management enhancing both areas.
35. In addition to the woodland itself, the northern edge (and to a lesser extent the southern edge) of the woodland belt needs to be enhanced by creating a scalloped, open, mixed, shrub edge between the canopy and grassland beyond. It is effectively the transition between both habitats. This will benefit the scarce invertebrate assemblage associated with Therfield Heath, and is a key habitat to create and manage in terms of biodiversity for the whole site, heath and wood included.
36. By actively managing the young woodland between Therfield Heath and the Exchange Land woodland belt, this will also enhance the landscape. With the removal of unwanted Sycamore and thinning of the canopy, the mature Beech will stand out within the wider landscape as appealing 'historic' features. In addition, the creation of a scalloped edge will soften the woodland into the grassland, losing the rigid straight lines and unnatural feel.
37. In summary, the exchange land is ecologically well situated and connected in a mosaic of key habitats relevant to the SSSI status. With active management of both the exchange and adjacent land, significant improvements can be made to the overall biodiversity value.
38. A more complex and possibly controversial approach to the future of the woodland belt would be to gradually restore areas of the woodland to an open chalk grassland and scrub mosaic, as the Beech mature and naturally die off. Beech is only a recent feature of this landscape, with the evolved biodiversity being linked to chalk grassland, not the

Beech presence over the last century and a half. The chalk is near the surface within the woodland belt, as with much of the site, and therefore has potential for chalk grassland recreation in the long-term. This may work well given the best quality chalk grassland on Therfield Heath is on nearby Church Hill and Pen hills. It provides an opportunity for increasing the extent of a rare habitat and the assemblages that are supported by it. However, as with the Release Land, whilst this is possible to achieve, there are areas of the heath that are a much higher priority for management. The Beech woodlands also have an intrinsic biodiversity value in their own right despite their more recent establishment within the landscape.

Permissive Access

39. The permissive access path starts at the edge of Therfield Road going through a gate and up a gentle slope. Thereafter the path continues through the middle of the belt to Fox Covert and beyond onto Church Hill, the most botanically rich area of Therfield Heath. The pathway is simply the woodland floor, uneven in places and with obstacles such as tree roots. The entrance gate could deter all but the most determined from gaining entry, and there are slopes not easy to negotiate for some less physically able walkers.
40. Should this land be purchased, there is a plan to make this path into a formal constructed pathway, with a graded path to ease walking up slopes, an entrance gate that enables all to pass through and even paths without tree root obstacles (easily achieved following the thinning briefly outlined above). With a proper pathway in place, this may keep visitors from wandering within the woodland as much, enabling the ground flora and shrub layer to re-establish.
41. Agreement to continue the formal pathway through Fox Covert to Church Hill would need to be reached. If this pathway were to be created, it would provide the opportunity for many less physically able visitors to walk and view the rare Pasqueflower's, currently not accessible to all, but which definitely should be seen by all. In addition, my draft management plan outlines a continuation of the path down the southern slope of Church Hill to link in with PROW running through the coomb. This plan would also require either a permissive access agreement with the landowner or a land purchase. However, with some effort, it could create a route accessible to a wide range of abilities and provide an alternative route diverting some of the walking off the chalk grassland on Church Hill, reducing the erosion.

Therfield Heath Management

42. Whilst the Conservators manage to maintain the chalk grassland overall, the quality and extent is suffering from a lack of consistent funds and an inability to initiate the larger restoration projects. For example, annual scrub clearance is costly. This scrub is cleared from the chalk grassland, but returns due to invasion from the adjacent established woody scrub areas. In addition, a lack of infrastructure means that these areas cannot easily be grazed. Grazing would also reduce the extent of scrub encroachment and restore the chalk grassland sward, this being the ultimate aim.
43. Instead of continually removing the scrub just off the chalk grassland, but not making much progress over time, additional capital funds would enable the clearance of the scrub source, in addition to the scrub encroaching into the chalk grassland. Gates and

manholes to protect batteries from being stolen could be installed for grazing to restore the chalk grassland and keep the scrub out. The result would eventually be a reduction in annual scrub management costs, and an increased extent and quality of chalk grassland.

44. The draft management plan details many reasons as to why Therfield Heath is such a unique and valuable piece of land. The Conservators have to distribute very limited funds (which are not guaranteed into the future) to such a wide range of management across the heath. Whilst I am pleased that the management has generally been maintained over key areas, and a return to the 1980's has never occurred, there is so much work that urgently needs to be done to restore the site to its full potential and create opportunities for the heath to be enjoyed by a wide range of visitors. With so many visitors to the heath, and this set to increase substantially, I also see that with an injection of funds, the balance between maintaining access and protecting the interest features so intrinsic to the heath can be achieved. Neither the facilities, nor the educational aspect of the heath, has kept pace with modern requirements. Given the unique qualities of the heath, this is a great opportunity being missed, again with a lack of funds.
45. My vision outlined in the management plan is realistically achievable, but not without a significant change to the way the heath is funded. Whilst as an ecologist and country person, I am always loathe to see land lost to housing, I acknowledge that, realistically, people need somewhere to live. Many people benefit from the main heath area as a place that provides freedom, recreation, knowledge and keeps them in touch with their history, both with their ancestors in the burial mounds and the chalk grassland that they created. The Release Land is a relatively unremarkable piece of land, which through past development has been totally over-taken by its surroundings. From my point of view its loss would be insignificant compared to the opportunity which it would offer to secure a positive future for a truly remarkable and unique piece of land, that inspires such passion and enthusiasm in so many.

Signed: 

Sarah Brockless

Dated: 29th November 2017

A copy of the draft Conservation Management Plan is included at pages 155 - 290 of the Applicants' bundle.

Commons Act 2006 Section 16

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Deregistration and exchange of land at Therfield, Royston, Hertfordshire

Application reference: COM/3170236

Date of Inquiry: 30 January 2018

SUMMARY OF PROOF OF EVIDENCE OF SARAH BROCKLESS

1. My name is Sarah Brockless and I am an ecologist, currently working for Oakbank Game & Conservation Ltd.
2. I have been acquainted with Therfield Heath since 2002 and have worked on it in various capacities, including as a Lead Land Management Adviser for Natural England from 2010 to 2014. I have prepared a management plan for the future of the Heath at the request of The Conservators.
3. Unlike the majority of the Heath, the Release Land is not designated as a Site of Special Scientific Interest or a Local Nature Reserve and has not been included in any management plans going back to the 1980s. The site has poor biodiversity compared to the rest of the Heath.
4. Housing development on the Release Land would allow management and an increase in biodiversity of the woodland, and the opportunity to provide biodiversity value in the gardens and landscaping. If development does not happen, there are various options for managing the Release Land but all will require significant resources. If resources are limited, other areas of the Heath with greater ecological value should be prioritised for the use of the resources.
5. Most of the Exchange Land is already designated as a Site of Special Scientific Interest and a Local Nature Reserve. It is connected directly with Therfield Heath, Fox Covert, and Jubilee Wood. The habitat has some variety and intrinsic biodiversity value although there has been a lack of significant management in recent years. Regular management would provide significant potential for increased biodiversity of the Exchange Land and of the Heath as a whole.

6. The permissive path currently running through the Exchange Land is challenging to access and negotiate for less physically able people. The Conservators' plan to replace the gate and create a formally constructed path would not only improve access, but would assist in keep visitors from wandering within the woodland as much, enabling the ground flora and shrub layer to re-establish.
7. In addition, if a formal pathway through Fox Covert to Church Hill was created, it would allow less physically able people access to view the rare Pasqueflowers on the Heath.
8. While the Conservators have generally managed to maintain the chalk grassland of the Heath overall, a great deal of work urgently needs to be done to restore it to its full potential and create opportunities for the Heath to be enjoyed by a wide range of visitors. An injection of funds would allow the balance between maintaining access and protecting the interest features so intrinsic to the Heath to be achieved. My vision outlined in the management plan is realistically achievable, but not without a significant change to the way the Heath is funded. In my view the loss of the Release Land would be insignificant compared to the opportunity which it would offer to secure a positive future for the Heath.

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PROOF OF EVIDENCE OF DR CYNTHIA COMBE

1. My name is Dr Cynthia Combe. I am one of the Conservators and Trustees of Therfield Heath and I have been since 2016. This is a role that I undertake voluntarily and for which I receive no remuneration.
2. I have been Warden for the Hertfordshire and Middlesex Wildlife Trust woodland, Fox Covert, which is adjacent to Therfield Heath, since 2015. I see this role as complementary to my role as a Trustee of the Heath and in no way in conflict.
3. My personal interest in the Heath is primarily as an ecological resource and I became a Conservator because I was concerned about the conflict between the status of Therfield Heath as Common Land, which is open to the public, and as a Site of Special Scientific Interest (SSSI). I felt not enough emphasis was placed on the importance of Therfield Heath in terms of its habitat and ecology and that the public has little understanding of Therfield Heath as an SSSI and Nature Reserve. I see a conflict of interests between the public - and their desire to have somewhere to enjoy open space and to walk their dogs - and the wildlife that inhabits the site.
4. After I moved to Therfield in 2008, the Heath immediately became a favourite place for me and my daughter to spend time. We would go there about twice a week, at various times of day, to walk and spot the flora and fauna of the site.
5. It quickly became apparent to me that the site is very heavily used by dog-walkers, particularly in the early mornings, evenings and at weekends. At weekends and some evenings, when several sports clubs are active, the car parks are often at or approaching capacity.
6. I frequently spend some hours on the Heath at weekends and can see the pleasure

which people gain from access to this piece of land, but having spoken to many dog-walkers, very few people are even aware that the site is a Nature Reserve. In my opinion it is important that people are made aware of the ecological importance of the site so that they can act responsibly to help to preserve it. If we do not do this there is a real risk that with the increasing numbers of people using it the conservation interest will be degraded.

7. My aim, as a Conservator, is to inform and engage with the public to encourage them to view the site differently. I am in the process of setting up a group of practical volunteers to work on the maintenance of the site and to start the process of community engagement. For example, it is important that the Heath is grazed by sheep, but we have had many instances of conflict between dog-walkers and the grazier because people don't understand the need to graze the Heath and see temporary fencing as an infringement of their rights to walk anywhere on the site.
8. In my opinion the sale of the land at Briary Lane would be very much in the interest of the public at large, now and in the long term. I hope that some of the money raised can be used for the purposes of education and outreach. The site would very much benefit from having a full-time warden who could monitor activities and circumstances on the Heath, carry out ongoing minor maintenance and engage with the public. A warden could provide information to the public, run guided walks and assist with access for those who are not currently able to access some or all of the Heath.
9. I would also like to see improved information and interpretation boards on the site in strategic places.
10. Well maintained dog bins are important to encourage people to pick up dog faeces and dispose of it properly; there is obviously a cost to providing and maintaining those. There is also a cost involved in emptying the rubbish bins. At the busiest times in the summer it is very difficult to keep on top of the litter generated by the public.
11. The resources of the Conservators are stretched and we cannot do all that we would like to do, and are obliged to do to maintain the SSSI status, to manage all of the interesting and important features and aspects of the Heath and all that it offers.

12. I am not aware of the parcel of land at Briary Lane having been used as part of the Heath and as far as I am aware, most people would not recognise it as being part of the Heath because it is separated from it by Briary Lane and is different in character. The proposed exchange land, however, is adjacent to the Heath and can easily be enjoyed and appreciated with it.

Signed

Dated.....

21/11/17

PROOF OF EVIDENCE OF DR CYNTHIA COMBE - 21.11.2017

Commons Act 2006 Section 16

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PROOF OF EVIDENCE OF STEPHEN GOURD

1. My name is Stephen Gourd, I am the Chairman of Royston Hockey Club.
2. The Club was founded in 1958 and between 1958 and 1990 both practised and played matches on grass pitches at Therfield Heath as Royston Hockey Club. At that time the club was very active and had over 10 teams participating every weekend, all year round. The vast majority of the members live in the Royston area.
3. In 1960 members of the Hockey Club levelled an area of land at the Heath to create a Hockey pitch. This pitch has always been known in Royston Sporting circles as 'The Hockey Top Pitch'. Indeed, in the 1980's it was the premium grass hockey pitch in the East Region and hosted England matches. Royston Hockey spent a lot of effort maintaining, reseeding and adding new top soil for the duration of its life.
4. In early 1990's the rules of Hockey were changed, and it was necessary to have an all-weather surface to play adult competitive league Hockey matches on, so in 1994 we moved our home base to Bassingbourn Barracks which is 3 miles from Royston. We still returned to the Heath Sports Club for teas and socialising and continued to play social and summer mixed hockey well into the 2000's.
5. In 2012, however, we lost the use of the facilities at Bassingbourn Barracks due to the shutdown of the barracks for residential use with the arrival of the Libyan Army for training. As we needed to find a new home and there are no all-weather pitches in

Royston or the surrounding area, we had to play two seasons at St Edmunds College (25 minutes from Royston) until they could not cater for us due to increased Saturday use of the pitch for school activities. We then played at St Neots for two seasons (45 minutes away), the most locally available pitch we could find. This proved too long a journey for home matches and had a big detriment on member numbers. We are now in our second season in Cambridge (30 minutes away) at St Catherine's College. This pitch is good quality but is on the edge of the city limits, exposed to the elements, with no facilities or flood lights. The increase in travel time all around, over the last 5 years, has led to a significant reduction in membership of the Club. In 2012 RHC had 5 men's teams and 4 ladies' teams. We now find ourselves with 2 ladies' teams and 3 men's teams.

6. We have also seen a dramatic impact in our social side, as teams rarely stay to watch other teams play, due to the distance travelled to play, the lack of a club house at our current pitch and the need to return to Royston to provide teas after the game. With a pitch next to the club house, this would encourage people to stay and watch other teams and increase the social side.
7. Our training takes place on a half size all-weather pitch at Bassingbourn Village College (10 minutes away) which is not ideal when trying to replicate in game scenarios that require a full-size pitch. It is also very expensive to hire.
8. We have maintained our junior levels at 150 children every Sunday at Meridian School. We are on England Hockey's junior development watch list, as we have bucked the trend with our ever-increasing participation compared to local, much bigger sides that have closed their junior sections completely (Stevenage, Cambridge South). The issue we have is that Meridian School operates a 3G carpet (long 'football' grass) which is not permitted for hockey except junior participation. The junior section is not self-sustainable and without the senior section, it would ultimately close if the senior members do not get a local pitch.
9. As detailed above, increasing pitch costs and falling membership is threatening the very future of our club. We expect that if RHC does not have the benefit of a new pitch at the Heath, the club will fold within 3 years. As we celebrate our 60th year next year – it is a cloud that is hanging over those celebrations.

10. We have indications from many ex-players that once the pitch is available, they will return in great numbers. This is based on a better quality of pitch that we are proposing to lay versus the one we currently have use of at Cambridge, the club house being next to the pitch, the increased facilities on offer (toilets/changing/food/drink etc) the expected increase in stature of the club as more players return and most importantly the increase in the social element.
11. It is worth noting that we have been informed that despite the reopening of Bassingbourn Barracks next year, they will not be investing in the current all-weather pitch, which is covered in moss and ripped in places, so unusable.
12. If there was a pitch at the Heath we would expect to make good use of it and to pay a reasonable rent. We currently have to pay £50 per hour at St Catherine's College, £75 at Meridian and Bassingbourn College (senior training), the latter two being unsustainable for our club.
13. If we had full use, we would want 2.5 hours Tuesday, Wednesday and maybe Thursday evenings, and 5 hours on Saturday and 4 on Sunday, depending on the cost.
14. We have tried many avenues to raise funding for a new all-weather pitch of our own:

14.1 **England Hockey**

14.1.1 With over 250 clubs in England and with only £2.5m sports funding, we have been unable to secure any funding as this money is going into the national development centre at Lee Valley. Hockey still receives and generates significantly less revenue than football, rugby and tennis despite the high level of participation across the UK (350 clubs). We have held numerous meetings with them but have been told that funding is very unlikely despite our current situation.

14.2 **Sport England**

14.2.1 Sport England have implied that once the pitch is actually built, they may invest in 'additional items' such as floodlights or equipment but this would only be potentially available once an investment in building the facility is realised. They only do large capital investments for new pitches on a rare

occasion. We did apply for a round of funding but were advised that our requirement was significantly less than other applicants (of which there were 1,000's). Despite our situation we didn't make it past the first round. Only 10 of the 000's got funding in the end.

14.3 **Local business sponsorship**

14.3.1 Unfortunately, the largest business in the town – Johnson Matthey – only has a fund of circa £10kpa and this is spread around all community projects – including schools.

14.4 **Section 106**

14.4.1 We have enquired several times from the local council for the availability of section 106 money (put aside from the building of new houses). We continue to press but have been unable to find anyone willing to help or discuss.


14.5 **Reacher Trust**

We understand that there is potentially some money available through this stream (max £50k) but have not applied yet as the money must be spent within 12 months or is rescinded. £50k would be insufficient to fully fund the project, the cost of which would be £555,200.

15. Obviously the £50k from the Reacher Trust is not enough to fund the full project and with the other funding streams above unable to significantly help. We are reliant on the Conservators to provide a facility at the Heath which is suitable for our purposes. Without it there is no realistic chance of having a pitch not only local to Royston but also the spiritual home of our club. If this does not happen then many local adults and children will lose a sport that we have, as a small town, excelled at in recent times. If the Conservators are able to provide the pitch then we may be able to raise some funding to contribute or to provide additional equipment such as floodlighting, but we cannot fund the pitch.

16. As can be seen from the information on pitches from Hockey England the type of pitch which is proposed will also be suitable for other sports so it will be available for use by other clubs as well, providing a valuable facility for the town.

17. We also applied for planning application in July 2014 which was accepted in August 2014.

Signed 

Stephen Gourd

Dated.....22/11/17.....

A copy of the pitch specification for adult league hockey is included at page³⁵ of the Applicant's bundle.

A copy of an estimate for the provision of a pitch is included at page³⁴ of the Applicant's bundle.

A copy of the planning permission for the pitch is included at page³⁴ of the Applicant's bundle.

Commons Act 2006 Section 16

Application by the Therfield Regulation

Deregistration and exchange of land at Therfield, Royston, Hertfordshire

Application reference: COM/3170236

Date of Inquiry: 30 January 2018

WITNESS STATEMENT OF JOHN KING

1. My name is John King. I am the Chair of the Conservators of Therfield Heaths and Greens. I am a third-generation farmer. My family purchased our farm in Therfield in 1895 and has had a long association with the Heath as an essential part of our local environment.
2. My late father served the Conservators for over 25 years and I became a Conservator over 15 years ago when he retired from the role in 2002.
3. My father became a Conservator as he believed firmly that the preservation of the Heath was of fundamental importance in our community, a belief that I have always shared. That was the motivating factor for me standing for election all those years ago. My father and I shared the view that the Heath is such a valuable asset to our community that it requires careful management from people who truly care about its preservation.
4. The Heath is a site of not only local, but national importance which was registered as a Special Site of Scientific Interest (SSSI) in the 1950s. It is a place that offers so much in recreational value for families in the wider community as well as profound ecological value.
5. Long after my father had finished his service as a Conservator he would often enquire about the decisions that the Conservators were taking on various matters, showing curiosity and passion for the cause. This was very important to me in my formative

years as a Conservator and shows just how much the Heath meant to him even after he had retired.

6. Being a farmer by trade, I am acutely aware of the delicate balance of ecological land management and the time and financial demands involved. I have tried in my role to bring to bear this wider experience, for the betterment of the Heath and for the consequential benefit of the local communities.
7. The ongoing management of the Heath is a considerable challenge, a balancing act of conservation and recreational management, for which the Trustees of Therfield Heath receive no funding from Royston, North Herts or Herts County Councils. The Conservators rely on the income we can generate from the assets that we hold to manage the Heath. There is, I think, a perception among many of the local people that it is Council land and that it is maintained at the public expense.
8. The Release Land, though part of the Heath, is separated from it and it is my impression that most people are unaware that it is part of the Heath. It is not visible from the Heath and the Heath is not visible from the Release Land. The Release Land is surrounded by housing and there is a high demand for housing in and around Royston. The Conservators identified that we had an opportunity to raise a significant sum of money which would finance the maintenance and enhancement of the Heath for many years to come and to contribute to local housing needs by developing the Release Land for housing. The Release Land has not been a priority for management because we have to prioritise our spending and the Release Land is of poor ecological value and little used compared to the main part of the Heath. The low level of use is illustrated by the fact that in 2012 the Council, which had been managing it, decided that it was too little used to warrant the expenditure on mowing and terminated its arrangement with the Conservators.
9. When the Conservators first consulted Natural England about developing the Briary Lane site the then Scientific Officer for the Heath, Charlie Williams, said he "thought it would be a good idea in any application if we offered to put some of the development proceeds aside to create a bursary to provide income for a full time botanist/warden

such as Vincent.” This is still one of the main purposes of this idea. We need a full time warden more than anything else on the Heath.

10. The Replacement Land is in my view of much greater value to the community as a whole and to the Heath. It is immediately adjacent and is part of the SSSI. We will be able, following the exchange, if it is allowed, to manage the wood and the adjacent grassland together to the benefit of both. We will also be able to enhance the access for the public. There is currently a permissive path to Fox Covert, but the permission could be withdrawn at any time. Once the land is common land access will be by right and we will be in a position to enhance the access and path to make it easier to use. At the moment it is only really accessible by people who are fairly agile. One of the things that we want to do is to enhance access to the Heath for the elderly and disabled and this would be an opportunity. It is close to the road where there is informal parking available and it allows access without harming sensitive grassland and provides views down over the Heath.
11. The Heath has always been a centre for sports, even before enclosure and the Conservators would like to be able to ensure that the sporting facilities on the Heath keep pace with changing needs and demands.
12. The Heath is used and loved by teams and individuals of all ages for rugby, running, tennis, football, archery and kite flying, to name but a few. The funding for all of the sporting facilities for Royston is predominately derived from a combination of the clubs themselves and the Trustees’ income from its three tenants. This means that funds are extremely limited, and often we are unable to support initiatives that we would like to invest in for the community of Royston and the surrounding area such as improvements to sporting facilities, addition of changing rooms, creation of an all-weather Astro pitch, returning cricket and hockey to the Heath as well as placing a warden on the Heath full time to act as a custodian for day to day activities and assist in educating and informing the local community on how and why the Heath is managed.
13. In addition to the management of recreational use of the Heath, the ongoing conservation effort is an expensive but essential endeavour and the added complexities

of the Heath being classified as an SSSI make this even more challenging. One of the Conservators' biggest challenges is facilitating all of the sporting requirements of Royston outside of the area of SSSI.

14. Grassland management, excluding the work done by the Golf Club, the grazier and the gallops, costs the Trustees on average £25,000 per annum alone. This, coupled with other essential ongoing costs such as legal expenses and insurance, litter picking, management of dog waste bins and general maintenance take up more than the remainder of the Trustees' current income, which means that the Trust is often running in arrears.
15. We have had some great successes as Trustees, which highlight the need for careful management of the land and continued effort. We have worked with Natural England to reinstate grazing on the Heath and this has enabled the land to recover from the considerable damage caused by the four year gap in grazing owing to the foot and mouth outbreak in 2001.
16. The impacts if we stop maintenance are far reaching. As we found with the foot and mouth outbreak, it only takes a short period of time for the land to decline. The eco-system is delicate and must be considered holistically rather than piecemeal. Subtle changes can seriously affect the balance of this special site, damaging the unique and rare organisms that can be found on the north facing chalk land - the chalkhill blue butterflies (the Heath is home to the largest colony in East Anglia) and the pasqueflower (we have the largest individual colony in the UK).
17. Careful management and the grazing work has reaped rewards. A recent grass count survey showed that up to 16 different varieties of grasses are now present on the Heath per square meter, showing great biodiversity and the land going from strength to strength.
18. The grazing is carried out by Robert Law who grazes under an HLS agreement for the purpose of ecological management. I cannot recall any of the stint holders grazing any part of the Heath in exercise of their rights for commercial reasons. It is challenging to

keep sheep on the Heath because of the number of people and dogs and it is not a commercially viable exercise for various reasons including the need to erect temporary fencing. If the low soil fertility is to be maintained we need the sheep to be taken off the land at night, as they traditionally were. This is not attractive to farmers employing modern methods where labour is costly. I am not a livestock farmer but I cannot see the Release Land being grazed in practice by anyone. Its location being close to housing and to roads would mean it would have to be securely fenced and the fly tipping which has taken place there would mean that there is a high risk of hazards to livestock being present. I would be concerned about dogs getting into the field because of the proximity of housing. Also fencing this part of land would stop access to it.

19. In summary, I and the other Conservators are committed to continuing the management of the Heath for the benefit of the whole community, accommodating all of their diverse requirements, but we face very real financial challenges in doing so. The exchange and the development of the Release Land would provide us with a lump sum to finance enhanced facilities which we could then lease to provide a flow of income in the future to fund maintenance. The Heath is a very special place and plays a central part in the civic and social life of Royston and Therfield. If it is to continue to do so it needs to be actively managed and experience shows that when it is not, because resources do not allow, both its ecological value and its recreational value can quickly decline.

I believe that the facts stated in this witness statement are true

Signed:

John King

Dated: 24-11-2017

Commons Act 2006 Section 16

Application by the Therfield Regulation

Deregistration and exchange of land at Therfield, Royston, Hertfordshire

Application reference: COM/3170236

Date of Inquiry: 30 January 2018

PROOF OF EVIDENCE OF DAVID SMITH

1. INTRODUCTION

- 1.1 My name is David Smith. I am the Clerk to the Conservators of Therfield Heath and Greens and The Therfield Regulation Trust. I have been in my post since April 2012 and I have a good knowledge of Therfield Heath and of its management.
- 1.2 I have lived in Reed since 2000 and have known the Heath since then.
- 1.3 I was previously Clerk to Therfield Parish Council and therefore became more aware of the Heath and the complex nature of its management. Now I walk my lurcher on the Heath.
- 1.4 As Clerk, my role is to provide support to the Conservators and to deal with members of the public. I manage relations with the tenants, Natural England and other bodies, eg North Hertfordshire District Council and Hertfordshire County Council. I prepare the draft accounts, pay suppliers and manage the websites.
- 1.5 I am employed for seven hours per week but I actually spend about twenty hours a week, plus meetings on the work.
- 1.6 My post is the only salaried post connected with the Regulation Trust and the Conservators. None of the Conservators receive any remuneration for the work that they do for the Regulation and Trust and they all bear personal liability as Trustees in relation to the governance of the Trust and management of the Heath. The powers and obligations of the Conservators are set out in the various governing documents which are referred to in the Applicant's Statement of Case.

2. THE APPLICATION

- 2.1 This idea of developing the Release Land to generate money for the management of the Heath was first discussed in 2005 (**pages 150 -152 of Applicant's bundle**). It was selected because the Conservators have limited means at their disposal for raising capital and obtaining income and some of the current sources of income are precarious. In addition there is a high demand for housing in Royston, so a significant sum could be realised for the Trust whilst contributing to the housing supply.
- 2.2 The Release Land was selected because, although it is part of the registered common, it is separated from it and does not relate well to the main area. We have been advised that it has low ecological and landscape value compared to the remainder of the Heath, but potentially could contribute much to the future of the Heath if its development value could be realised.
- 2.3 In March 2013 planning consultants Barker Parry were instructed to prepare a planning application. This was discussed with the Council in pre-application consultations and during the course of the discussions the application was varied to allow the woodland to the rear of the site to be retained as part of the gardens of the houses. This was thought to be the best way to ensure that the woodland is retained and maintained. Landscaping is a reserved matter on the permission, so exactly how the trees will be dealt with remains to be determined, but the intention is that it will be wooded area maintained for its ecological and landscape contribution.
- 2.4 Planning permission ("The Planning Permission") (**page 39 - 44 of the Applicant's bundle**) was granted by North Hertfordshire District Council for the benefit of the Release Land on 29th May 2015 (Reference Number 14/0234/1). This gave permission for four detached houses and two pairs of semi-detached houses as shown on the plan at **page 45 of the Applicant's bundle**. Before the Planning Permission can be implemented the Application Area will need to be deregistered as common land so the Application which is the subject of this inquiry was made.
- 2.5 If the Release Land is deregistered, the intention is to sell the Release Land for development, which is expected to realise about £1.4 million (valuation at **pages 335 - 337 of the Applicant's bundle**). The money will be applied towards the management of Therfield Heath and the maintenance and improvement and provision of the

facilities on the Heath, as described in the statement of case and accompanying documents. The surplus will be invested to generate income which will then be applied to the maintenance of the Heath.

- 2.6 The Charity Commission and the Open Space Society were contacted to ask for their view on a proposal to deregister the Release Land and purchase the Replacement Land. Their responses – **pages 153 - 154 of the Applicant's bundle** - gave comfort to the Conservator's decision to press ahead for outline planning permission and deregistration.

3. THE HEATH

- 3.1 An area of heath adjacent to the A505 is leased as a training ground for racehorses and this makes a substantial contribution to the income of the Conservators/Trustees, but its suitability for racehorse training is declining because the SSSI management means that the grass cannot be cut during the summer which allows hazards to the horses to be hidden. There is, as a result, some question as to whether this lease will continue in the long term. This rental is a significant part of the income of the Trust.
- 3.2 Some of the sporting facility leases have low rents because the clubs are amateur local clubs which cannot afford high rents. The Conservators consider that it is consistent with the aims of the Conservators to enable them to continue to use the Heath. It is also a consideration that if rents were set too high these tenants may simply not be able to afford them and the income stream would cease completely or be significantly reduced.
- 3.3 The facilities on the Heath have not kept pace with modern requirements. There are no public toilets on the Heath and changing facilities are inadequate for the level of demand and present day safeguarding requirements. The Conservators are aware that if facilities are not maintained for the sports clubs their use is likely to reduce, which will not only be contrary to the purposes of the Conservators but will lead to a reduced income for the Trust.
- 3.4 The Heath is common land and so open to the public. As well as being used for the formal sports described above, it is used by many people for informal recreation such as walking, dog walking and training, running, kite flying and picnicking. There are

some organised activities which take place from time to time such as the Kite Festival which is organised by the local Rotary Club (**page 109 of the Applicant's bundle**) and is an important part of their fundraising programme. In addition, a fun fair and circus visit and a fun run, a harvest trail and a 10 kilometre run take place.

- 3.5 Numerous charity events take place on the Heath, sometimes without warning to the Conservators. This makes management difficult because, for example there is often a need to collect litter afterwards. We are however neither able nor willing to try to prevent it because the Heath is common land and it is clear that it plays an important role in the social and civic life of the town.
- 3.6 There are more than a thousand members of the various sports clubs and many hundreds use the Heath at weekends, which means that there is considerable pressure on the car parks which suffer damage, particularly in wet weather. I took some photographs on Sunday 19th November, which are at **pages 100-111 of the Applicant's bundle**. There was no special event taking place and they illustrate the typical level of use of the Heath at the weekend. On the same day I also saw numerous dog walkers, golfers and others on the Heath.
- 3.7 There is pressure on the Heath land itself from the numbers of people who use it and there is a real tension for the Conservators between facilitating the recreational use and maintaining the ecological value of the Heath. To maintain the value of the Heath both for recreation and ecology requires constant management and the Conservators work in cooperation with Natural England to try to achieve these goals.

4. THE RELEASE LAND

- 4.1 In my experience the Release Land is not used for recreation by the public at large in the same way as the main part of the Heath and it is not managed as part of the SSSI. I have seen flytipped material on the Release Land, but I have not seen any evidence that children regularly play on it. The grass has become over grown and there are no signs of wear except to a line between Sun Hill and the Heath which shows that people walk across it to access the main part of the Heath.
- 4.2 At the time of the submission of the Planning Application an ecology report and a tree report (**pages 46 – 90 of the Applicant's bundle**) were prepared and the site was

found not to have high ecological value. A number of trees had previously been identified as self seeded sycamores by our arboriculturalist and as they become dangerous they are removed. Little other management of the Release Land is undertaken, however because there are other areas of the Heath which are much more intensely used and have a higher ecological value (being a SSSI) where the Conservators' consider that their limited resources are better spent.

- 4.3 In 1995 North Hertfordshire District Council (NHDC) made an agreement with the Conservators to use the Release Land for 5 a side football and paid a small rent for doing so. In 2012 NHDC decided that the football no longer operated and had not done for a number of years. They terminated the agreement and immediately removed the goal posts and stopped mowing the area. **The correspondence is at page 102 of the Applicant's bundle.**

5. THE EXCHANGE LAND AND POTENTIAL ALTERNATIVES

- 5.1 The Conservators have limited options for raising significant funds and the development of the Release Land was determined to be the best option to raise the significant sum that is needed to secure the future of the Heath. Income from rents is not substantial and there are various factors which make the future of some of the tenancies uncertain. These include the reducing suitability of the land as gallops.
- 5.2 There were limited options to acquire land for exchange. The northern side of the Heath is edged by roads including the A505 which is a busy road. Land on the western edge would be a long way from the Release Land and from the main centre of population and the eastern edge is surrounded by built development. On the southern edge it is bounded by profitable farmland which the owners were not willing to sell and particularly not at a price which acceptable to the Conservators, who have a duty to preserve funds from the sale of the Release Land for the management of the Heath as far as reasonably possible.
- 5.3 The only willing seller of land was Edward Darling of Greys who was the former owner of the Replacement Land. Before the sale was finalised the Replacement Land, together with other land, was bought by Quickpure Limited, a company owned by Robert Law who was a Conservator. When the Planning Permission was granted he resigned as a Conservator.

5.4 The price of the land was negotiated at arms length between Mr Law's agents and the Conservators' Agent to ensure that a fair price was agreed.

5.5 The Conservators have been advised and believe that the ability to manage the Replacement Land with the main Heath will be of benefit to both. They are also confident that the public will benefit from enhanced ease of access, because the Conservators are willing to replace the existing difficult stile with an entrance which would make access easier for a wider range of people. If the land is registered as common the right of access will be established, rather than access being provided on a permissive basis, in relation to which the permission could be withdrawn. It will be beneficial to permanently establish a convenient link from the road to Fox Covert for the benefit of a wide range of people.

6. MANAGEMENT OF THE HEATH

6.1 The management of the Heath is a complex, expensive and continuing obligation. It must be managed for ecology as well as for the public who use it for recreation and it must be kept safe as well as suitable for its purpose. Oakbank Game and Conservation Limited has been instructed to prepare a management plan for the Heath to include management of the SSSI (**pages 155 – 290 of the Applicant's bundle**).

6.2 As well as maintenance (scrub clearance) of their own HLS areas, the Conservators also spend money on those areas of the Heath covered by the golf club and the grazier under HLS agreements. Church Hill, considered by ecologists to be the jewel in the crown of Therfield Heath, is the obvious example. This area of the Heath has the largest population nationally of the rare Pasqueflower. The Conservators have been instrumental in reintroducing sheep grazing, which produces the short open sward necessary for the growth the Pasqueflower. The sheep, however, do not eat the brambles and scrub. If this were not removed then very soon Church Hill and the areas called Penn Hill, Lankester Hill, Five Hills and One Hill would become scrub covered hills and the Pasqueflowers and other rare flora and fauna would dwindle. Once any area has been grazed, the sheep faeces need to be removed, unless the sheep are removed overnight. This reduces any enrichment of the soil which can lead to the establishment of coarse grasses, not typical of unimproved chalk grassland. Then the

area needs to be “topped” by mechanical flail to remove the un-grazed scrub. There is a significant cost attached to this work of around £25,000 per year.

- 6.3 It has been necessary to introduce sheep under a Wildlife Enhancement Scheme agreement with English Nature and then an HLS agreement with Natural England because the stint holders have not grazed sheep on the Heath for many years. The grazier is Robert Law. The public are generally not keen on the sheep being on the Heath because they feel that the fences interfere with their ability to roam and they have to keep their dogs on a lead. There have been some problems with damage to the fences.
- 6.4 I have not been aware of any demand from stint holders to graze the Heath during the time that I have been involved with the Conservators.
- 6.5 The Golf Club “cuts and collects” grass on the rough and semi-rough areas within their HLS agreement area. Cutting and collecting is necessary to retain an open, short, diverse sward.

7. THE RESOURCES OF THE CONSERVATORS.

- 7.1 The income and outgoings of the Conservators for the last five years are set out in the accounts which are included in the **Applicant’s bundle at pages 291 - 325**. Over this period work on the Heath has barely kept pace (if it has) with what is required to prevent deterioration. There has been no expenditure on improvement of the facilities or facilitating access. Without the proceeds of the sale the Release Land, it is likely that the money available to spend on the maintenance of the Heath would reduce to below that required to maintain its status, the facilities are likely to continue to decline and none of the improved recreational facilities which are needed will be delivered by the Conservators
- 7.2 A substantial part of the income of the Conservators is derived from the rents from the three main tenants, Royston Golf Club, The Heath Cafe Bar and John Jenkins Racing. This makes them vulnerable to the loss of any of those tenants
- 7.3 The Trust’s only potential income generating asset currently is the Heath and Greens which it manages. Great care has been taken to negotiate rents with the various

tenants which are fair to them and maximise the income of the Trustees as much as practicable in the circumstances.

- 7.4 The Rural Payments Agency pays the Conservators a small amount under an HLS agreement for the maintenance of the land above the rifle range, but no income is received from North Herts District Council (NHDC) or Herts County Council.
- 7.5 The Conservators are currently seeking s106 money from NHDC towards the cost of approximately £50,000 to construct a junior football pitch. They are also seeking a s106 contribution from the planned housing development know as Ivy Farm 3 towards capital improvements to the Heath, but as yet there is no commitment for any money to be paid.
- 7.6 All but one of the current HLS agreements come to an end in two years' time. Given the political uncertainty as to future funding for the countryside, this is an area of real concern. Should the current HLS payments received by the Conservators, Royston Golf Club, John Jenkins Racing and the grazier end, the effects would be catastrophic.
- 7.7 The Conservators consider it prudent to maintain a reserve when responsible for the management and maintenance of such a substantial area of land and property. The capital reserves are not sufficient to allow any substantial capital investment in facilities and certainly not in facilities which will generate an income for the Conservators.
- 7.8 Fund raising activities are not likely to raise enough money to make any real impact on the requirement for money to manage the Heath.

8. THE COST OF MANAGEMENT OF THE HEATH

8.1 The routine maintenance of the Heath is costly

8.1.1 Rubbish Bins collection costs £416 per week.

8.1.2 Prior to 2016 NHDC serviced the dog bins at no cost. That arrangement has now ended and the conservators will bear the full costs of £1,800 from 2018.

8.1.3 Insurance costs £3,000pa.

8.1.4 The Conservators are also responsible for the maintenance of the sports areas. This cost £2,160 in 2017.

8.1.5 Grass cutting of three of the six greens in Therfield cost £5,364 in 2017.

Sample invoices are provided at **pages 338 - 340 of the Applicant's bundle**.

8.2 There have been significant legal costs this year relating to the renewal of key leases, responding to requests for information under EIR regulations and preparation for this inquiry, the outcome of which will have a fundamental effect on the ability of the Conservators to continue to protect and improve the Heath for sports and recreation and to maintain its unique SSSI status.

8.3 The Conservators' current income and capital allows only limited maintenance of the Heath and very little improvement of the recreational facilities.

9. **THE REQUIREMENT FOR ENHANCED SPORTS FACILITIES**

9.1 The sports facilities on the Heath are already stretched and inadequate to fulfil demand from residents and modern requirements. An increased population will lead to increased demand.

9.2 It is the Conservators' intention to invest some of the money raised from the sale of the Release Land in the construction of an all weather sports pitch which will cost more than £500,000 (a quote has been provided at **pages 341 - 348 of the Applicant's bundle**). This will enable the existing sports clubs to use the Heath more and will be especially valuable to the Hockey Club. For the Conservators, it is expected to generate an annual income of more than £30,000 from the Hockey Club and other users.

9.3 The additional income would be used to fund maintenance on the Heath and to employ a Heath warden. It would also be used to ensure that the Heath (particularly the SSSI) can be managed in such a way as to maintain and improve its ecological condition and make sure that it remains as a go-to destination for all the people of the Royston and Therfield area, as set out in the original Award of 1893.

- 9.4 The Hockey Club has been an important part of the sporting life of the town for 60 years and it has used and contributed to the Heath for many years. Supporting its return to the Heath is consistent with the objectives of the Trust and there would be a benefit for other users of the Heath from the income generated. The Hockey Club has previously tried to raise money to finance a new pitch, but without success. It will use the pitch for less than 50% of the available time and other clubs will be encouraged to use the pitch for the remainder of the time, adding to the income generating potential of the pitch.
- 9.5 Additional changing room facilities for all sports played on the Heath are required. They need to be able to cope with both sexes changing at the same time and comply with the requirements for safeguarding of children. This will cost in excess of £40,000 plus installation (**estimate is pages 355 - 365 of the Applicant's bundle**). It is anticipated that these will be used by the Rugby Club but, again, they will be available for hire by other clubs as well, which will generate an income to at least pay for their cleaning and maintenance.
- 9.6 Other capital projects which are likely to be needed include the realignment of the entrance of the Heath car park for safety reasons. At the weekend the narrow access can cause the traffic to back up to Baldock Road. The car park surface also needs maintenance. The Therfield Road car park also needs resurfacing and should, ideally, be gated at night.
- 9.7 If we are to re-establish cricket on the Heath, capital expenditure will be needed to restore and extend the square.
- 9.8 Due to the size and complexity of the Heath, we have been advised that to manage the Heath in a manner that is both scientifically and practically responsible, will require at least one full time warden or two part time wardens.
- 9.9 The primary role of the warden will be to be the public face of the Conservators, explaining all aspects of Therfield Heath and Greens, informing the public about how and why the Heath is managed and receiving feedback from members of the public.
- 9.10 It is expected that the warden will undertake the following tasks:

- 9.10.1 host study trips from local schools and other bodies around the Heath.
- 9.10.2 facilitate access for disabled people. The warden will be provided with an electric vehicle capable of taking less mobile people on tours of the Heath. Due to the nature of the Heath disabled access is difficult to provide in any other way.
- 9.10.3 assist with the erection and removal of the sheep fencing when sheep are grazing on the Heath and to explain to the public as to why the sheep are needed.
- 9.10.4 liaise with Natural England about management of the Heath and upcoming projects on the Heath.
- 9.10.5 manage volunteer groups working on the Heath.
- 9.10.6 manage and assist contractors working on the Heath.
- 9.10.7 comply with HSE working conditions.
- 9.10.8 general maintenance such as litter picking. This is more important after big events on the Heath as our litter picking contractors often cannot be on site at weekend as this is cost prohibitive.
- 9.10.9 draw people's attention to and ultimately enforce the byelaws.

10. SUMMARY

- 10.1 This application is very important to the Conservators who are sincerely concerned to secure the future of the Heath both for its ecological and recreational value. They all give their time and take on significant responsibility to be a part of managing this valued asset for the benefit of the people of Royston and Therfield in accordance with the Award and the Trust.
- 10.2 The Conservators' resources and means of raising capital are limited and the management of the Heath is expensive. The Conservators have not been able to identify an alternative way of raising the necessary amount of money.

10.3 The Release Land is not a well used part of the Heath and many members of the public are not aware that it is part of the common land. It has low ecological, recreational and landscape value, but it has significant potential to generate resources to enable the greater part of the Heath to be managed for greater benefit. Development will also make a contribution towards the housing needs in the area.

10.4 The Replacement Land has a prominent location in the landscape and greater ecological diversity than the Release Land and its inclusion as part of the common would provide a real opportunity to enhance both the Replacement Land itself and the provision of access to it and also the adjacent area of the Heath.

On behalf of the Conservators I very much hope that the application will be granted.

Signed *David Smith*

David Smith

Dated *30/11/17*

Commons Act 2006 Section 16

Application by the Therfield Regulation

Deregistration and exchange of land at Therfield, Royston, Hertfordshire

Application reference: COM/3170236

Date of Inquiry: 30 January 2018

SUMMARY OF PROOF OF EVIDENCE OF DAVID SMITH

1. My name is David Smith. I have been the Clerk to the Conservators of Therfield Heath and Greens and the Therfield Regulation Trust since April 2012. My role is to provide support to the Conservators, deal with members of the public and manage relations with the tenants, Natural England and other bodies such as the District and County Councils.
2. The Conservators have limited means at their disposal for raising capital and obtaining income. The idea of developing the Release Land to generate money for the management of the Heath was first discussed in 2005. The Release Land was selected because we understand that it has low ecological value compared to the remainder of the Heath and it is physically separated from it.
3. Planning permission was granted in 2015 for 8 houses on the Release Land, retaining the woodland at the rear of the site. The site is currently worth about £1.4 million, with the planning permission and this money would be used to acquire the Replacement Land and for the future management of Therfield Heath, including the maintenance, improvement and provision of facilities on it.
4. The Release Land does not show evidence of regular recreational use and it has been found to have low ecological value. The rest of the Heath has a higher ecological and recreational value, as does the Replacement Land and the Conservators' view is that the Release Land is not a priority area to which to direct management and financial resources
5. Options for providing exchange land were limited, but a contract for the purchase of the Replacement Land (conditional on the Application being granted) is near to exchange at the time of writing. If the exchange is allowed, the Conservators will ensure that access to the Replacement Land, and the rest of the Heath from it, will be

improved and secured. Management of the Replacement Land will improve its ecological value. The location of the Replacement Land means it is prominent in the landscape. Its location and character means it can make a greater ecological and recreational contribution for the public benefit than the Release Land.

6. The Heath requires constant and extensive management to preserve its ecological value and use by the public. The costs of this are high, and the current resources of the Conservators do not allow improvement of the facilities and barely allow the management required to prevent ecological deterioration. Future income is uncertain without the development of the Exchange Land.
7. If the Release Land is sold, some of the money would be used to provide an all weather sports pitch, employ a Heath warden and manage the Heath to maintain and improve its ecological value. Additional changing room facilities would be provided and improvements would be made to the car parks.
8. The Conservators are sincerely concerned to secure the future of the Heath both for its ecological and recreational value. By allowing the exchange there would be no net loss in common area and the public as a whole would benefit more from the Replacement Land than they do from the Release Land. The benefits flowing from the development of the Release Land for housing and the additional ability to invest in the Heath would be significant and would help to secure the quality of the Heath for the future.



ROYSTON RUGBY UNION FOOTBALL CLUB

The Heath Sports Centre | Baldock Road | Royston | Herts | SG8 5BG

www.roystonrugbyclub.co.uk

Commons Act 2006 Section 16

Application by the Therfield Regulation

Deregistration and exchange of land at Therfield, Royston, Hertfordshire

Application reference: COM/3170236

Date of Inquiry: 30 January 2018

1. Royston Rugby Club is community club ran by volunteers currently providing sport for 72 senior adult male rugby players, 32 senior adult ladies rugby players, 20 senior adult touch rugby players, 250 + mini rugby players (boys and girls aged 5-12) and 110 + juniors (boys and girls aged 13-17)
2. Royston Rugby club are based on Therfield Heath and have been for 56 years. It is one of Hertfordshire's most established clubs
3. Royston Rugby Club currently have issues with changing facilities as it only has 2 changing rooms and 4 toilets in its current block for use by all members listed above. This leads to huge safe guarding issues as mixed sex and mixed age groups cannot change or shower together. Because the toilets are accessed through the changing rooms, toilet visits by children must be accompanied by a Disclosure and Barring Service checked adult, which puts more strain on our volunteers. If a purpose built toilet facility was built for public use the safeguarding required in changing areas would reduce significantly and it could free up space in the changing facility to allow us to squeeze a further room in. This would allow us to host more home matches which would help to retain the vitality of the club.
4. Rugby is played by 12 different mini and junior age groups and an adult ladies team on Sundays. The fact that we have only two changing rooms makes it impossible to host multiple home fixtures, so all ages below u12 only get 4 home fixtures a year as we cannot fit people into the changing rooms as well as having insufficient pitch space
5. The club has one container for storage where we store all the kit and equipment for training and this is full. As a result we have not got enough equipment for all our minis squads to use currently because we cannot store any more equipment with our current facility
6. The Rugby Club has a strong affinity for the Heath and has no desire to leave at any point going forward, we have invested a lot of time, effort and money in our excellent pitches and have recently self funded a floodlight project which has recently been completed, giving us excellent training facilities for both children and adults to use in the evenings



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7. Royston Rugby would welcome investment from the Conservators of the Heath providing upgraded changing/toilet or storage facilities and it would massively improve the quality of time spent at the Heath by our volunteer network.
8. As Royston Rugby understands it, the sale of the land is not being planned to be used to enhance any facilities exclusively for use by Royston Rugby club

A division of Royston Rugby Union Football Club Ltd | Company No. IP030513 | Charity CASC No. 05011

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