

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts



## **DECISION NOTICE**

**Correspondence Address:**

Mrs Parry  
Barker Parry Town Planning Limited  
33 Bancroft  
Hitchin  
Hertfordshire  
SG5 1LA

**Applicant:**

Conservators of Therfield Heath and  
Greens

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### **PARTICULARS OF DEVELOPMENT**

**Application:** 14/02341/1

**Proposal:** Outline application (all matters except layout reserved) for residential development, comprising of eight dwellings.

**Location:** **Land Off, Sun Hill, Royston**

**Approved Plan Nos:** Location plan; HEA/14/02B;

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### **PARTICULARS OF DECISION**

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by you in your application received with sufficient particulars on 11/09/2014 subject to the following condition(s):

- 1 Before the development hereby permitted is commenced (including site clearance), approval of the details of the scale and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

- 3     **A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions and:**
1.     **The programme and methodology of site investigation and recording**
  2.     **The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
  3.     **The programme for post investigation assessment**
  4.     **Provision to be made for analysis of the site investigation and recording**
  5.     **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  6.     **Provision to be made for archive deposition of the analysis and records of the site investigation**
  7.     **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

**Reason: To safeguard the archaeological record.**

- 4     **Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements, where applicable:**

a) hours of construction operations including times of deliveries and removal of waste which should be restricted to between: Monday to Friday 08:00-18:00hrs; Saturdays 09:00-13:00 hours and no work at any time on Sundays and Bank Holidays.

b) measures to minimise dust, machinery and traffic noise impacts during construction;

c) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

d) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;

- e) screening and hoarding details, to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste.

Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

- 5      **(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

**If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

**No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

**This site shall not be occupied, or brought into use, until:**

**All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

**A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the**

### Local Planning Authority.

Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

- 6 Before the first occupation or use of the development waste collection arrangements shall be provided and agreed by the LPA and permanently maintained.

Reason; So that the manoeuvring of large vehicles can be accommodated within the site.

- 7 Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.

Reason: To provide adequate hydrant provision in the interest of safeguarding life and property.

- 8 Prior to any works commencing on this site in connection with this permission or any subsequent approval, full details of the ecological mitigation measures set out in the May 2015 (ELMAW) report shall be submitted to and approved by the Local Planning Authority. These approved measures shall be implemented in full prior to the occupation of any dwellings on the site.

Reason: To safeguard and enhance the biodiversity of the site.

### HIGHWAY INFORMATIVE:

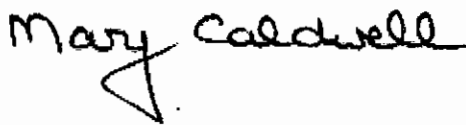
Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact [hertsdirect@hertscc.gov.uk](mailto:hertsdirect@hertscc.gov.uk) or for information use our website [www.hertsdirect.org](http://www.hertsdirect.org) or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason:

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



Signed:

Development Management  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth  
Herts  
SG6 3JF

Development & Conservation Manager

Date: 29 May 2015

**NOTES**

- 1 **Failure to satisfy conditions may invalidate this permission and/or result in enforcement action. Particular attention should be paid to the requirements of any condition in bold.**
- 2 Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission.
- 3 The fee is £97 per request or £28 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse. No fee is required for applications resulting from a condition removing "permitted development rights".  
  
The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website: ([http://www.north-herts.gov.uk/index/planning/planning\\_control\\_and\\_conservation/applying\\_for\\_planning\\_permission/application\\_forms\\_2.htm](http://www.north-herts.gov.uk/index/planning/planning_control_and_conservation/applying_for_planning_permission/application_forms_2.htm)).
- 4 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then



you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

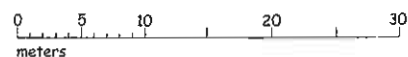
**5 Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 6 The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are, therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

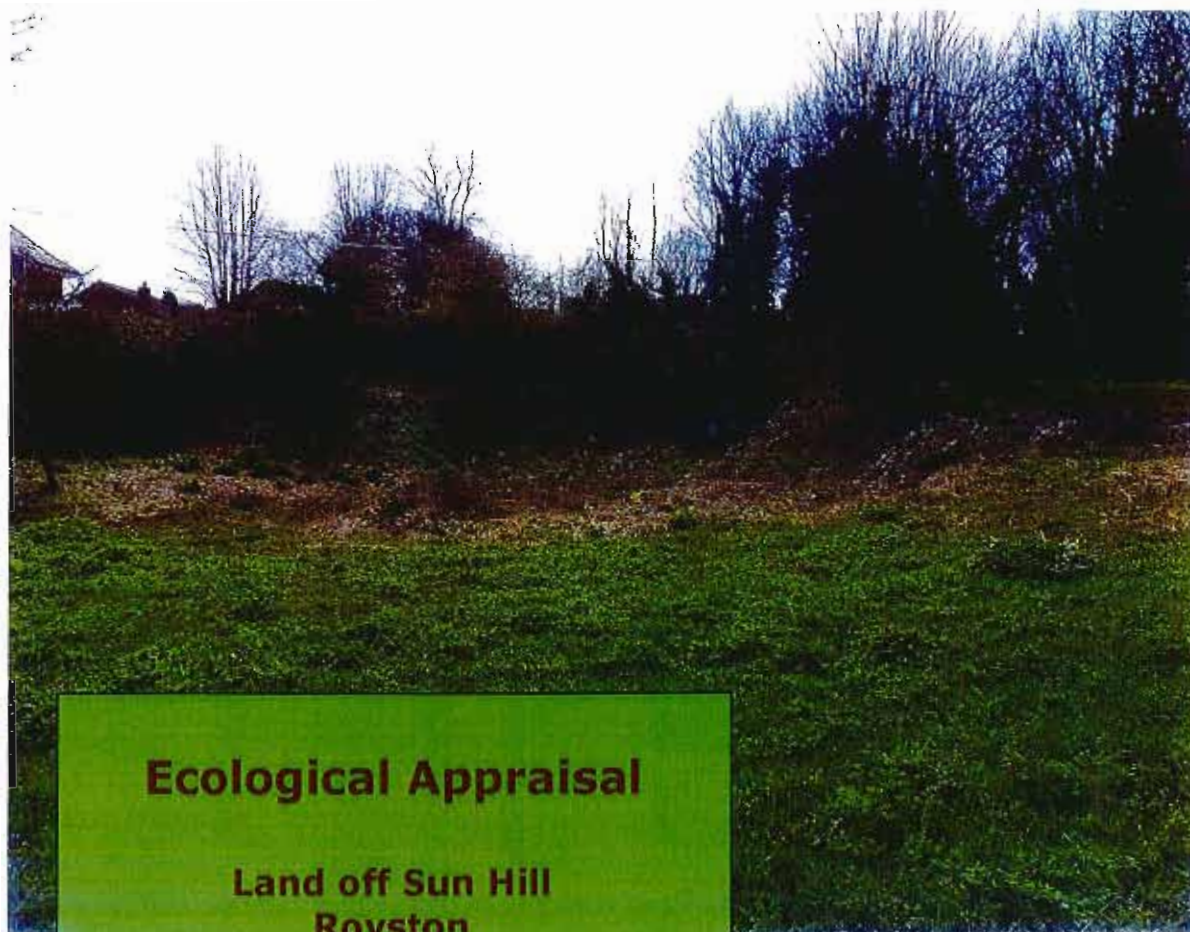
**THIS PLANNING PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYE-LAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.**



Scale 1:200 @ A1  
Date Jan 14  
Drwg No HEA/14/02B

45





## **Ecological Appraisal**

**Land off Sun Hill  
Royston  
Hertfordshire**

**May 2015**

For and on behalf of:  
The Conservators of  
Therfield Heath and  
Greens



**EIMAW Consulting**  
*Consultant Ecologists &  
Wildlife Biologists*



## Author

Keith Seaman BSc. Pg.Dip. CBiol MSB. MCIEEM

Chartered Biologist & Principal Consultant

## Date of Survey

7<sup>th</sup> April 2015

## Date of Completion

7<sup>th</sup> May 2015

## Declaration of compliance

*This report has been produced following the guidelines published by  
The Chartered Institute of Ecology and Environmental Management 2015  
and in compliance with all their relevant codes of professional practice*

## Quality Assurance

|             |              |
|-------------|--------------|
| Author      | Keith Seaman |
| Checked by  | Emma Seaman  |
| Approved by | Emma Seaman  |

Report produced by:



**ELMAW Consulting**  
Consultant Ecologists  
& Wildlife Biologists

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Website: [www.elmaw.co.uk](http://www.elmaw.co.uk)

## Special Note

*Whilst every effort has been taken to ensure this report accurately identifies potential ecological constraints to development or the likely presence or absence of species and the spatial and temporal use of the site by such species, it must only be viewed as a snap shot in time and should therefore not be viewed as definitive.*

*Because of external influencing factors such as weather, season, access etc. affecting survey results, no liability can be assumed for omissions or changes that may or may not occur after the production of this report. The author of this report must be consulted as to the current applicability of the results if there are any seasonal delays in the use of this report.*

*This report can only be used for the purposes for which it was instructed and agreed at the time of commission.*

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## Executive Summary

The purpose of this report is to detail the results of a Preliminary Ecological Appraisal (PEA) and subsequent reptile presence/likely absence survey of a small parcel of recreational land immediately west of Sun Hill, in Royston, Hertfordshire. It is proposed to develop the application site for residential housing and these surveys have been used to assess the overall potential ecological value of the application site and to identify any protected or important habitats and species which may be adversely affected by the development of the site.

The method used for the PEA employs the technique of mapping the site's habitats at Phase One Habitat level, and extending this to include an assessment for the likely presence of protected species and species and habitats of principal importance.

The PEA identified the application site as a former recreation parcel of land comprising species-poor, semi-natural grassland with colonisation by ruderal vegetation. A very small area of broad-leaved woodland (in the east of the site), dominated by non-native young sycamore (*Acer pseudoplatanus*) trees, was also found extant. This woodland was categorised as secondary woodland that had developed on a former chalk pit. It was found to be species-poor, lacking any diversity of species.

The ruderal vegetation found below the woodland and on the edge of the grassland was thought to have some potential to support protected reptiles, slow worm (*Anguis fragilis*) and therefore further survey work for this species was recommended and subsequently carried out. A presence/likely absence survey for slow worm has since been carried out in April/May of 2015. No reptiles of any species were observed or recorded during this survey and therefore,

reptiles are not deemed to be a constraint to the development of the site.

No other important species are thought likely to be materially affected by the development of the site, although the woodland, whilst species-poor and lacking diversity, is regarded as a priority habitat for conservation; *Woodland*. It is acknowledged however that the woodland is proposed to be retained with development restricted to the species-poor grassland and ruderal vegetation of the application site.

Acknowledging the need for the development to result in an increase of biodiversity, this very small site offers limited opportunities to achieve a gain in biodiversity. However, it is proposed to erect a number of both bat roosting and bird nesting boxes on the retained trees within the site; this will increase biodiversity within the small area of woodland as bat roosting potential is currently negligible on site and potential bird nesting habitat is minimal. It is also proposed to protect the retained woodland on site and Therfield Heath SSSI through the use of temporary fencing between the application site and Therfield Heath SSSI and the development footprint and the retained woodland. These mitigation measures will be implemented before the construction of the development.



## 1.0 Introduction

### 1.1 Terms of Reference

- 1.1.1 This report has been produced following the *Guidelines for Preliminary Ecological Appraisal* 2015 (Chartered Institute of Ecology and Environmental Management) and is based on an Extended Phase 1 Habitat Survey methodology. An Extended Phase 1 Habitat Survey consists of a description of the habitats implicated in the study within the site carried out in accordance with the *Handbook for Phase 1 Habitat Survey* revised re-print 2010 (JNCC). It also includes an assessment of the site's habitats as to their likely importance for protected or notably important species and habitats, as identified under the following legislation; The Conservation of Habitats & Species Regulations 2010, the Wildlife & Countryside Act (as amended) 1981, the Protection of Badgers Act 1992 and the Natural Environment & Rural Communities (NERC) Act 2006.
- 1.1.2 In addition, in accordance with industry standards and approved methodology, a reptile presence and likely absence survey was carried out by employing the artificial refugia technique. Sheets of roofing felt were placed in suitable reptile habitat within the site, at a density of 50 sheets per hectare; a total of 20 sheets were laid. Sheeting was left in-situ for five days to 'bed-in' and allow any reptiles present to find them and to use them for basking and sheltering. Each sheet would then be checked for basking or sheltering reptiles ten times in suitable weather conditions. The methodology for carrying out this type of survey is found in the *Herpetofauna Workers' Manual* 1998 JNCC.
- 1.1.3 This report's author is Keith Seaman who holds a first degree in Environmental Studies: Agri-Ecosystem Management, a post graduate Diploma in Ecology and a Certificate of Higher Education in Ecology and Conservation. His professional qualifications include membership of the Society of Biology as a Chartered Biologist and

full membership of The Chartered Institute of Ecology and Environmental Management (CIEEM). Keith Seaman also holds Natural England Scientific and Education surveyor's licenses for all species of bat, great crested newt (*Triturus cristatus*), otter (*Lutra lutra*) and dormouse (*Muscardinus avellanarius*).

- 1.1.4 ELMAW Consulting has been commissioned by Barker Parry Town Planning Ltd of Hitchin in Hertfordshire on behalf of the Conservators of Therfield Heath and Greens, to carry out the Ecological Appraisal which included the reptile presence/likely absence survey of a parcel of land off Sun Hill, in Royston, Hertfordshire. Two drawings have been provided by the Conservators of Therfield Heath and Greens and Barker Parry which have been utilized in the preparation of this report – *Residential Development – Land off Sun Hill, Royston and Proposed Residential Development on land at Therfield Heath, Royston – Jan 14 (Ref: HEA/14/02B)*.
- 1.1.5 Following the Preliminary Ecological Appraisal of the site, due to the presence of potentially suitable habitat for slow worms (a protected species), a recommendation was made for a presence/likely absence survey for this species.

## **1.2 Site Description**

- 1.2.1 The application site is a small area of grassland, ruderal vegetation and broad-leaved woodland which lies adjacent to Therfield Heath SSSI and Local Nature Reserve (LNR) along its western boundary. Surrounding the site's northern, eastern and southern boundaries are the residential properties and gardens of The Dell, Echo Hill and Sun Hill in the town of Royston.



Plate 1: Aerial photo showing indicative development site boundary  
GoogleearthPro licence no. JCPM1QZUX6HR1KA

### **1.3 Proposed Project**

- 1.3.1 It is proposed to develop a parcel of land off Sun Hill, in Roytson. Planning permission is being sought for the construction of eight new residential dwellings with associated gardens and access; five adjacent to Sun Hill and three adjacent to the unmade road known as Briary Lane. The site covers approximately 0.63ha.

### **1.4 Purpose of Report**

- 1.4.1 As part of the planning application process, it has been deemed appropriate to appraise the site's ecology with particular reference to notably important and protected species and habitats and potential development constraints.
- 1.4.2 As a result of the initial Preliminary Ecological Appraisal, a recommendation was made to carry out a presence/likely absence survey for slow worm and this has since been completed, during April and May of 2015. This report therefore also contains the

results of both these surveys and discusses the potential issue of impacts upon protected species.



## 2.0 Planning Policy and Legislation

### 2.1 Planning Policy

#### National Planning Policy Framework

2.1.1 The National Planning Policy Framework (NPPF) superseded Planning Policy Statement 9 (PPS9) in March 2012. The NPPF states that the planning system should 'contribute to and enhance' the natural and local environment by;

- 'Recognising the wider benefits of ecosystem services and
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

2.1.2 Other key principles of the NPPF which relate to biodiversity are;

- The conservation of international and national statutorily designated sites
- Protection of ancient woodland and veteran trees
- The creation, protection, enhancement and management of networks of biodiversity and green infrastructure
- The preservation, restoration and recreation of priority habitats and ecological networks and
- The recovery of priority species populations

#### UK Biodiversity Action Plan

2.1.3 The UK Biodiversity Action Plan (UK BAP) 1995 produced a list of national priority species and habitats with all listed species/habitats having specific Action Plans defining the measures required to ensure their conservation.

Relevant National Priority Habitats:

*Lowland mixed deciduous woodland*

## **2.2 Local Biodiversity Action Plan Priorities**

Relevant Local Priority Habitats (with Action Plans):

*Woodland*

## **2.3 Local Plan Policies**

- 2.3.1 The North Hertfordshire District Local Plan No. 2 with alterations (September 2007) is the current local level policy guidance covering the site. The following policy from the document is relevant to this study;

Policy 14 – Nature Conservation

*'For Local Nature Reserves, Sites of Special Scientific Interest, Nature Reserves of the Hertfordshire and Middlesex Wildlife Trust and sites of local Wildlife Significance, the Council will preserve their wildlife importance by not normally granting planning permission for development proposals in these sites, or which may harm their value and will seek their continued management for nature conservation.*

*For sites of Wildlife Value, the Council will not normally grant planning permission for development proposals which do not take account of and encourage the potential nature conservation value of the site.*

*Elsewhere or when a development proposal is acceptable, the Council will expect development proposals to take account of and, where possible, to show improvements to the nature conservation value of the site and its surroundings. In addition, the Council may require the preparation and implementation of a management*

*scheme to maintain or enhance the site's nature conservation value'.*

## **2.4 Legislation**

### The Conservation of Habitats and Species Regulations

- 2.4.1 The Conservation of Habitats and Species Regulations 2010 (formerly the Conservation [Natural Habitats &c] Regulations 1994 as amended) implement the EC Habitats Directive in the UK. These regulations mainly deal with the protection of sites that are important for nature conservation in a European context (eg Special Areas of Protection [SACs] and Special Protection Areas [SPAs]). The legislation also gives protection to certain species of flora and fauna.
- 2.4.2 The Conservation of Habitats and Species Regulations 2010 make it an offence to deliberately capture, kill or disturb wild animals under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

### Wildlife & Countryside Act (WCA)

- 2.4.3 The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive).

The Countryside and Rights of Way Act 2000

- 2.4.4 This Act strengthens the protection given to Sites of Special Scientific Interest (SSSIs) and certain species under the Wildlife & Countryside Act, making it an offence to *'damage or destroy or obstruct access to any place which animals listed under Schedule 5 of the Wildlife & Countryside Act use for shelter or protection; or destroy such an animal whilst it is occupying a structure or place that it is using for shelter or protection'*.

Protection of Badgers Act (PBA)

- 2.4.5 The Protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger or to intentionally or recklessly interfere with a badger sett. Sett interference includes disturbing badgers whilst they are occupying a sett or obstructing access to it.

Natural Environment & Rural Communities Act (NERC)

- 2.4.6 The NERC Act of 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.



### **3.0 Methodology & Technical Approach**

#### **3.1 Desk Study**

- 3.1.1 To provide contextual background to this study, a biological data search to locate all records of protected and notably important species and habitats within a 2km radius around the site has been made. In addition, statutorily and non-statutorily designated sites within a 2km radius around the site have been requested.
- 3.1.2 A data search has been made of the Hertfordshire Environmental Records Centre (HERC) - [www.hercinfo.org.uk](http://www.hercinfo.org.uk). The data search was carried out on the 17<sup>th</sup> March 2015.

#### **3.2 Site Survey**

- 3.2.1 The application site's habitats have been mapped according to Phase One Habitat Survey methodology and assessed for their suitability to support important and protected species and habitats by Keith Seaman on the 7<sup>th</sup> April 2015.
- 3.2.2 It should be noted that all habitats such as boundary hedgerows, even though they may not technically be found within the site boundary, have been included as their presence may materially affect the site's ecological condition and potential value.
- 3.2.3 The survey was completed in good weather conditions. At the time of the survey it was clear and cold with a temperature of 14°C and no wind (BS1).
- 3.2.4 The area surveyed was shown on the drawings provided and is shown at Plate 1 above.

#### **3.3 Reptile Survey**

- 3.3.1 In accordance with industry standards and approved methodology, the reptile survey was carried out by employing the artificial refugia

technique. Sheets of roofing felt were placed in suitable reptile habitat within the site, at a density of 50 sheets per hectare. Sheeting was left in-situ for three days to 'bed-in' and allow any reptiles present to find them and to use them for basking and sheltering. Each sheet would then be checked for basking or sheltering reptiles seven times in suitable weather conditions. The methodology for carrying out this type of survey is found in the *Herpetofauna Workers' Manual* 1998 JNCC.

### **3.4 Limitations**

- 3.4.1 The Preliminary Ecological Appraisal was carried out at a sub-optimal time of year, when the full botanical value of the site can only be subjectively assessed. This limitation is not thought however to materially affect the conclusions reached in this report.
- 3.4.2 Full access to the survey site was gained and appropriate desk studies for the biological records for the area were carried out.

## 4.0 Baseline Ecological Conditions

### 4.1 Designated Sites

There are no internationally important sites within the 2km radius data search area. There is however a single statutorily designated site within the 2km radius data search area as detailed below:

| Name of Site    | Designation | Reason(s) for designation   | Distance from site                |
|-----------------|-------------|---|-----------------------------------|
| Therfield Heath | SSSI & LNR  | <p>Church Hill on Therfield Heath is renowned for its large colony of rare pasque flowers which bloom in early spring. Grassland herbs include bastard toadflax, lesser meadow rue and spotted cat's-ear. Other typical chalk grassland flowers include horseshoe vetch, squinancywort and the nationally rare field fleawort, together with wild candytuft and five species of orchid.</p> <p>During winter you can see fieldfares and redwings, while meadow pipits and skylarks are present all year round.</p> <p>In summer several species of butterfly can be seen including the brown argus and the largest colony of chalkhill blues in Hertfordshire</p> | Adjacent to western site boundary |

4.1.4 There are two Hertfordshire and Middlesex Wildlife Trust Nature Reserves within the data search area;

- Fox Covert (Ref: 07/009), which is located approximately 2km to the west of the site and
- Royston Chalk Pit (Ref: 04/001), which is located approximately 1km to the east of the site

4.1.5 There are also a number of non-statutorily designated County Wildlife Sites (CWS) within the data search area. These are listed below;

| Name of Site                             | Designation | Reason(s) for designation  | Distance from site |
|--|-------------|--|--------------------|
| Therfield, South of Tumulus              | CWS         | Experimental chalk grassland plot supporting indicators of unimproved grassland including Agrimony ( <i>Agrimonia eupatoria</i> ), Kidney Vetch ( <i>Anthyllis vulneraria</i> ), Common Knapweed ( <i>Centaurea nigra</i> ), Lady's Bedstraw ( <i>Galium verum</i> ), Bird's-foot Trefoil ( <i>Lotus corniculatus</i> ), Wild Marjoram ( <i>Origanum vulgare</i> ), Cowslip ( <i>Primula veris</i> ) and Salad Burnet ( <i>Sanguisorba minor</i> ). Wildlife Site criteria: Grassland indicators.  | 1.5km to west      |
| Roytson Chalk Pit                        | CWS         | Chalk pit with a former lime kiln dominated by mature stand of deciduous scrub, mainly Beech ( <i>Fagus sylvatica</i> ), Sycamore ( <i>Acer pseudoplatanus</i> ), Ash ( <i>Fraxinus excelsior</i> ) and hybrid Elm ( <i>Ulmus glabra x minor</i> ). A chalky woodland flora is present, including Wood False-brome ( <i>Brachypodium sylvaticum</i> ), Yellow Archangel ( <i>Lamium galeobdolon</i> ) and Sanicle ( <i>Sanicula europaea</i> ). Yew ( <i>Taxus baccata</i> ) is well established in places. Remnant chalk grassland flora survives on an overgrown plateau at the top of the pit face. The site is important for protected species. Wildlife Site criteria: Species. | 1km to east        |
| Icknield Way, A505 North of Gallows Hill | CWS         | Rough calcareous grassland and scrub established on disturbed ground along the road verge. Low hedge on north-west side of road. Site with Purple Milk-vetch ( <i>Astragalus danicus</i> ) and   | 2km to west        |



|                          |     |  |                      |
|--------------------------|-----|--|----------------------|
|                          |     | other chalk species. Wildlife Site criteria: Grassland indicators.   |                      |
| Fordhams Wood            | CWS | Old lynchets with secondary woodland of Sycamore, Beech and Ash with a shrub layer predominantly of Hawthorn ( <i>Crataegus monogyna</i> ) and Elder ( <i>Sambucus nigra</i> ). Wildlife Site criteria: Woodland.  | 2km to south-west    |
| Therfield Green Lane     | CWS | Green lane supporting calcareous grassland and substantial hedges for part of its length. Species present include Greater Knapweed ( <i>Centaurea scabiosa</i> ), Common Knapweed and Devil's-bit Scabious ( <i>Succisa pratensis</i> ). Wildlife Site criteria: Grassland indicators.   | 0.75km to south-east |
| Green Lane S. of Roytson | CWS | Green Lane and adjoining field margins supporting calcareous grassland with a rich diversity of species including Common Knapweed, Greater Knapweed, Agrimony, Dwarf (or Stemless) Thistle ( <i>Cirsium acaule</i> ), Field Scabious ( <i>Knautia arvensis</i> ), Common Rest-harrow ( <i>Ononis repens</i> ) and Knapweed Broomrape ( <i>Orobanche elatior</i> ). Wildlife Site criteria: Grassland indicators. | 0.25km to south      |

## 4.2 Habitats

- 4.2.1 The application site supports just three semi-natural habitats; secondary broad-leaved woodland, ruderal and species-poor, semi-improved neutral/calcareous grassland.
- 4.2.2 The broad-leaved woodland is located growing on the banks of the dell within the eastern edge of the application site. Dominated by ivy (*Hedera helix*)-clad young sycamore trees, the woodland appears to support very little woody diversity. The ground flora of

the woodland is dominated by cow parsley (*Anthriscus sylvestris*), ivy and bramble (*Rubus fruticosus* agg.) in the open areas, with some herb Robert (*Geranium robertianum*) and ground-ivy (*Glechoma hederacea*), frequently encountered. Bare ground is found in many areas of the woodland.



Plates 2 & 3: Views of the sycamore dominated secondary broad-leaved woodland on the eastern boundary of the application site

- 4.2.3 Making up the majority of the application site is an area of a mix of nettle (*Urtica dioica*) and cow parsley ruderal vegetation growing in amongst grassland. The grassland appeared to be dominated by cocksfoot (*Dactylis glomerata*), rye grass (*Lolium perenne*), false oat grass (*Arrhenatherum elatius*), with couch (*Agropyron repens*), wall barley (*Hordeum murinum*), dandelion (*Taraxacum* agg.) and silverweed (*Argentina anserine*). Until recently, this grassland was regularly mown as amenity grassland and as a childrens' playing field.



Plates 4 & 5: Views of the grassland and ruderal vegetation of the application site

### 4.3 Species and Species Groups

#### Plants

- 4.3.1 The biological data search revealed records of eight species of important plant in the locality of the application site, although none of these important species appear to be recorded from within the site itself. The majority of these records were from the Fordhams Wood and Fox Covert areas, approximately 2km to the west of the site.
- 4.3.2 The ruderal and scrub vegetation found growing in amongst the grassland and below parts of the broad-leaved woodland included low growing bramble, comfrey (*Symphytum officinale*), cow parsley, common cleavers (*Galium aparine*), nettle, hedge garlic (*Alliaria petiolate*), spear thistle (*Cirsium vulgare*), ground-ivy and broad-leaved dock (*Rumex obtusifolius*).
- 4.3.3 Finally, the area of broad-leaved woodland along the majority of the eastern edge of the site comprised; elder (*Sambucus nigra*), multi-stemmed young sycamore (some with ivy cover), with ground cover comprised of dog violet (*Viola riviniana*), lords and ladies (*Arum maculatum*), lesser celandine (*Ranunculus ficaria*) and ivy.

#### Invertebrates

- 4.3.4 Several records of important invertebrates have been received from the data search area. None of the records were from the site itself however.
- 4.3.5 Four species of butterfly have been recorded within the data search area. Of these, only one species is likely to be found in the habitats on site – the small heath (*Coenonympha pamphilus*) is found in a wide variety of habitats in the UK, preferring open habitats including grassland, heaths and disused railway embankments. Its primary larval plants include bents, fescues and meadow grasses.



493 records of this species were reported, dated between 1995 and 2013 from Baldock Road Royston, Therfield Heath SSSI, Fox Covert NR, Therfield Heath Golf Course, Church Hill and Greys Farm.

4.3.6 Finally, 46 important species of moth are recorded locally, of which 16 may be found in the types of habitat found on the site – buff ermine (*Spilosoma luteum*), August thorn (*Ennomos quercinaria*), grey dagger (*Acronicta psi*), dusky brocade (*Apamea remissa*), small square-spot (*Diarsia rubi*), feathered gothic (*Tholera decimalis*), hedge rustic (*Tholera cespitis*), rosy minor (*Mesoligia literosa*), mottled rustic (*Caradrina Morpheus*), centre-barred sallow (*Atethmia centrargo*), deep-brown dart (*Aporophyla lutulenta*), large nutmeg (*Apamea anceps*), green-brindled crescent (*Allophyas oxyacanthae*), beaded chestnut (*Agrochola lychnidis*), brown-spot pinion (*Agrochola litura*) and pretty chalk carpet (*Melanthia procellata*).

4.3.7 The application site supports areas of woodland and grassland which do comprise to a lesser and greater degree suitable habitats for the moths listed above. Therefore, whilst the probability is likely to be low, it cannot be precluded that these species may be extant within the application site. It should be noted that none of the above listed moths are specifically recorded from the application site.

4.3.8 Overall however, the small extent of the application site, the lack of floral diversity and standing and/or lying deadwood, suggests that the invertebrate diversity on site is likely to be low.

#### Amphibians

4.3.9 There are two species of amphibian which are protected and listed as Species of Principal Importance; common toads (*Bufo bufo*) and great crested newts (*Triturus cristatus*). Both species utilise open water such as ponds and drains and suitable terrestrial land



surrounding such water features. Great crested newts are European protected as well as a priority species for conservation. Whilst the woodland within the application site could potentially provide terrestrial habitat for both species, neither are recorded locally and there is no open water on site, indicating that neither species is likely present at this time.

#### Reptiles

- 4.3.10 European and fully protected species of reptile are not found geographically on or near the application site.
- 4.3.11 However, a number of common species of reptiles are afforded partial protection from harm through their inclusion in The Wildlife & Countryside Act 1981; these species include, grass snake, adder (*Vipera berus*), common lizard (*Zootoca vivipara*) and slow-worm. Both slow-worm and grass snake are the subject of UK BAPs. However, only common lizard is recorded locally (in 1993), with a single record from Therfield Heath SSSI, although common lizards are known to frequent the Heath throughout.
- 4.3.12 The application site does contain suitable habitat for slow worm despite there being no records of this species within 2km of the site. However, the survey to establish the presence or likely absence of slow worms on site returned a negative result; none were found extant at this time.

#### Birds

- 4.3.13 29 species of bird which are either specially protected or species of principal importance have been recorded within the 2km radius data search area. However, of these species, the only two with the potential to nest on site are the song thrush (*Turdus philomelos*) and dunnock (*Prunella modularis*).

Bats

- 4.3.14 The data search has revealed a number of records of bat species from within the 2km radius data search area. These include; nine records of brown long-eared bat (*Plecotus auritus*), dated between 1985 and 2013 from Royston Chalk Pit (which is approximately 1km to the east of the site), and Greys Farm, Therfield (which is approximately 1.5km to the south-west of the site) and seven records of common pipistrelle (*Pipistrellus pipistrellus*) dated between 1987 and 2006 from Royston Chalk Pit. In addition, there are nine records of Natterer's bat (*Myotis nattereri*) dated between 1998 and 2008 from Royston Chalk Pit and nine records of Daubenton's bat (*Myotis daubentonii*) dated between 1994 and 2007, also from Royston Chalk Pit.
- 4.3.15 There are no buildings on site and none of the site's trees are of an age or supporting deadwood, cavities or rot holes suitable to support roosting bats. Whilst ivy can be used by roosting bats, this type of roosting habitat would normally comprise of mature, dense ivy; the ivy on site is relatively young and sparse. Its value as a roosting habitat for bats is negligible. Because of the limited extent of the site's woodland edge with the grassland, it is not thought likely that the site would be important to foraging bats either.

Badgers

- 4.3.16 The data search returned 12 records of badger (*Meles meles*) in the locality and this species is likely to be very common in the area. However, there were no indicative signs within the application site to suggest that badgers are either denning on site or using the site to feed or cross to other areas within their territory. There are no badger setts within or adjacent to the application site.

Other Mammals

- 4.3.17 The application site, although supporting a small area of woodland is unlikely to support either hedgehog (*Erinaceus europaeus*) or dormice (*Muscardinus avellanarius*). There are no records of dormouse locally and only four records of hedgehog, all dated 1985, from the grid square containing Fox Covert and Church Hill, approximately 2km to the south-west of the site. It is therefore suggested that, in the absence of any indicative evidence to suggest the opposite, neither species is thought likely to be extant within the site at this stage.
- 4.3.18 There are also three records of harvest mouse (*Micromys minutus*) all dated 1985 from the Therfield Heath area and three records of brown hare (*Lepus europaeus*) all dated 1985 with no locations given. However, there is no suitable habitat for either of these species neither on or surrounding the site and therefore neither species is thought likely present on site.
- 4.3.19 No other important or protected species or groups of mammals are thought material to this appraisal at this time.

## **5.0 Ecological Constraints and Opportunities**

- 5.1.1 The development of the site will involve the complete loss of the species-poor, semi-improved grassland and ruderal vegetation; only the broad-leaved woodland is to be retained. The proposed new dwellings are not predicted to directly impact upon any important sites or species as the site is not designated as a site of importance for nature conservation, and protected species of reptiles have been found to be likely absent from the application site.
- 5.1.2 The only priority habitat for conservation on site is the poor quality, secondary broad-leaved woodland; and this small area will not be directly affected by the proposed residential development since it is being retained.
- 5.1.3 Therfield Heath SSSI is adjacent to the site's western boundary. However, whilst it is acknowledged that the edge of the SSSI is very close to the application site, an unmade road and residential properties separate the two sites, precluding any connectivity of habitat.
- 5.1.4 The topographical aspect of the part of the Heath which lies in close proximity to the application site slopes west to east, downhill towards the application site. Therefore, drainage from the application site into the Heath is thought highly unlikely and this is unlikely to be a development constraint. Consequently, there are no direct development impacts predicted on the Heath. Indirectly, the construction of the houses may create some noise and dust, but with such a small development with no demolition of existing buildings, these impacts are thought to be minor, resulting in a negligible impact on the Heath.
- 5.1.5 The National Planning Policy Framework requires local planning authorities, when determining planning applications, to require the preservation, restoration and recreation of priority habitats and



ecological networks and the recovery of priority species populations. The application site supports at least one priority habitat (woodland), however the woodland is very small, limited in its diversity and classified as secondary rather than ancient woodland. This BAP habitat is however being retained.

- 5.1.6 The potential to enhance the site is very small since it will essentially comprise eight houses and their gardens and this is therefore deemed to be impractical. Bat boxes will however be erected on a number of the site's woodland trees which will increase the potential biodiversity value of the application site.

## 6.0 Conclusions

- 6.1.1 The small application site was found to support a small number of typical habitats usually associated with an edge of town urban fringe environment and a site which, until recently, was being used as a recreational ground. This Ecological Appraisal has concluded that at least one priority habitat (woodland) is found within the site but this poor quality parcel of broad-leaved woodland will be unaffected directly by the proposals. The application site also lies in close proximity to Therfield Heath SSSI. However, no direct impacts of the development on the SSSI are predicted and any indirect effects such as noise and construction dust are thought to be negligible.
- 6.1.2 Whilst the development is contained within areas of species-poor grassland and ruderal vegetation, there is a potential to disturb or damage the woodland BAP habitat during the demolition and construction of the new dwellings. It is therefore recommended that the woodland area of the site be protected with Herras type fencing to ensure that vehicles and materials are not allowed to damage the woodland edge or any of its ground flora.
- 6.1.3 The application site was found to be a small former recreational area of land, albeit adjacent to Therfield Heath SSSI. The site is not designated as a site of importance for nature conservation and no important or protected species are recorded from within the site. The site supports species-poor habitats which are not reflected within the SSSI, are relatively common and other than the woodland are not regarded as priority habitats for conservation. The application site is unlikely to support important or protected species and important or protected species found in Therfield Heath SSSI are not likely to be found within the habitats of the application site.

- 6.1.4 In all likelihood, the development of the application site will have no material effect on important or protected sites, habitats or species, and with care the priority habitat woodland and Therfield Heath SSSI can be protected during the development of the site.

## 7.0 References

Chartered Institute of Ecology and Environmental Management  
(2015) *Guidelines for Preliminary Ecological Appraisal*.

Chartered Institute of Ecology and Environmental Management  
2015. *Guidelines for Ecological Impact Assessment*.

Froglife. 1999. *Reptile Survey: an introduction to planning, conducting and interpretation surveys for snake and lizard conservation*. Froglife Advice Sheet. Halesworth.

Joint Nature Conservation Committee 1998. *Herpetofauna Workers' Manual*.

The Joint Nature Conservation Committee. 2010. *Handbook for Phase 1 Habitat Survey* revised re-print.



## **8.0 Appendix 1 – Protected and Notably Important Species Legislation and Protection**

### **8.1 Reptiles**

- 8.1.1 The Wildlife and Countryside Act 1981 (as amended) provides protection for all UK native reptile species under Schedule 5 (Section 9). Common lizard, slow worm, grass snake and adder receive partial protection – namely the intentional killing and injuring and trade in these species is prohibited. The CRow Act 2000 strengthened the existing provisions of the Wildlife & Countryside Act 1981 for the enforcement of wildlife legislation, including a new offence of 'recklessly' killing or injuring the above species.
- 8.1.2 These four species of reptile are also UK Biodiversity Action Plan Species and Species of Principal Importance under Section 41 of the NERC Act 2006. The protection of these species is implemented through Local Planning Policy.

## 9.0 Appendix 2 – Habitat Map

**Key (Indicative)**

Site Boundary

Species-poor semi-improved  
grassland

Ruderal

Broad-leaved woodland

Gravel hardstanding

Bramble Scrub

Drawing:  
Habitat MapProject:  
Land off Sun Hill  
Royston  
Herts

Date: May 2015


 ELMAW Consulting  
 Greys Farm  
 Therfield Road  
 Royston SG8 9NW

### 10.0 Appendix 3 – Reptile Survey Results

|                                 |                   |
|---------------------------------|-------------------|
| <b>Site name</b>                | Sun Hill, Royston |
| <b>Grid Reference</b>           | TL 353 402        |
| <b>Surveyor(s)</b>              | Keith Seaman      |
| <b>Number of refugia set</b>    | 20                |
| <b>Date refugia laid</b>        | 23/04/15          |
| <b>Sheets per hectare</b>       |                   |
| <b>Presence/absence survey?</b> | Yes               |
| <b>Population index?</b>        | No                |

|               | <b>Date</b> | <b>Weather</b>  | <b>Temp</b> | <b>Results</b> |
|---------------|-------------|-----------------|-------------|----------------|
| <b>Lift 1</b> | 26/04/15    | Cloudy with sun | 12°C        | No reptiles    |
| <b>Lift 1</b> | 28/04/15    | Sunny & calm    | 11°C        | No reptiles    |
| <b>Lift 2</b> | 29/04/15    | Sunny & damp    | 10°C        | No reptiles    |
| <b>Lift 3</b> | 01/05/15    | Cloudy with sun | 11°C        | No reptiles    |
| <b>Lift 4</b> | 04/05/15    | Sunny and still | 13°C        | No reptiles    |
| <b>Lift 5</b> | 05/05/15    | Sunny & breezy  | 15°C        | No reptiles    |
| <b>Lift 7</b> | 07/05/15    | Still and sunny | 14°C        | No reptiles    |



TC/1-38-3436



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## REPORT

on tree amenity value and condition -

land at

Briary Lane and Sun Hill,

Royston,

Herts., SG8 9AY



Registered Consultant of the Arboricultural Association  
John Cromar, Dip. Arb. (RFS), F.Arbor A.



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## **01**

### **Introduction and Instructions**

I am instructed by on behalf of Barker Parry Town Planning Ltd on behalf of clients to make, in the general context of residential development, an assessment of tree amenity value and condition of trees, and produce a tree constraints plan, for trees on land at Briary Lane and Sun Hill Royston, Herts SG8 9AY. Accordingly, I visited the site on 25th March, 2014 in order to carry out an inspection.

## **02**

### **Limitations**

Copyright is retained by the writer. This is a report for the sole use of the client(s) named above. It may be copied and used by the client in connection with the above instruction only. Its reproduction or use in whole or in part by anyone else without the written consent of the writer is expressly forbidden.

#### **02.01**

This is primarily an arboricultural report. Whilst comments relating to matters involving built structures or soil data may appear, any opinion thus expressed should be viewed as qualified, and confirmation from an appropriately qualified professional sought. Such points are usually clearly identified within the body of the report.

#### **02.02**

This is not a full safety survey or subsidence risk assessment survey. These services can be provided but a further fee would be payable. Where matters of tree condition with a safety implication are noted during an inspection they will of course appear in the report.

#### **02.03**

Inherent in tree inspection is assessment of the risk associated with trees close to people and their property. Most human activities involve a degree of risk, such risks being commonly accepted if the associated benefits are perceived to be commensurate. Risks associated with trees tend to increase with the age of the trees concerned, but so do many of the benefits. It will be appreciated, and deemed to be accepted by the client, that the formulation of recommendations for all management of trees will be guided by the cost-benefit analysis (in terms of amenity), of tree work that would remove all risk of tree related damage.

## **03**

### **Notes**

#### **NOTE ON RATING AND COLOUR CODING**

British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' includes a way of classifying trees when assessing their potential value in the context of development. Section 4, table 1 suggests categories 'U', 'C', 'B' and 'A', in ascending merit. 'R' (**RED crown outline on plan**) category trees are dangerous \ low value trees that would require removal for safety or arboricultural reasons. 'C' (**GREY crown outline on plan = uncoloured**) category trees are of no particular merit, but in adequate condition for retention. 'A' category trees (**GREEN crown outline on plan**) are vigorous trees of good form, of particular visual importance: 'B' (**BLUE crown outline on plan**) category are good trees but may be of slightly poorer form. See TREE

DETAILS appended. Category Assessment appears in column 10. This standard also provides a way of determining an area (see TREE DETAILS column 7) – the **RPA** – root protection area – around the trunk of the tree in which protective measures should be used in order to prevent significant damage to trees. There are various ways of achieving this. A simple way is to use exclusion fencing, but other methods have been shown by established use to be very effective. Their applicability or otherwise would form part of a DEVELOPMENT IMPACT ASSESSMENT). Please see plan reference TC/1-38-3436/P1, appended.

### 03.01

Please read with plan (based on drawing supplied). This gives an approximate representation (in plan) of actual crown form, and is intended to indicate the relationship of neighbouring trees to each other, and should be read with the comments on crown shape and tree value in TREE DETAILS appended. The plan gives a quick reference assessment of value as per section 4 (table 1) of BS 5837:2012. The root protection areas (RPAs) of trees are shown as circles concentric to trunk positions on the plan (- and see 05.05 below).

### 03.02

Assessment of value in the TREE DETAILS table appended is unless otherwise stated based on the criteria of *visual value to the general public*.

## 04

### Sources and Documents

Ground level inspection.

Supplied plan refs: 913173

## 05

### Appraisal



### 05.01

#### AMENITY and TREE CONDITION

The E and SE part of the site is heavily covered in sycamore trees. There is a line of sycamore trees (G30, G31) running N-S to the W of the site, bordering the access track. The *en masse* effect is considerable, the trees forming, as viewed from the centre of the site, shelterbelts between the rising land of the main heath to the W and the suburban fringe of Royston to the E and SE. In isolation however, hardly any of the trees are of good form, nor reasonably viable as standalone trees. Most of the trees appear to have been coppiced at an early age and are as a consequence, multi-stemmed (e.g. 2 left). This is due to the close proximity of trees

one to the other, and lack of thinning. In this population of trees there has in my view been little incentive to thin to produce trees of suitable form for retention as individuals other than the aesthetic. The function of the population in the landscape



(such as it is) would be approximately the same whether comprised of many poorly shaped individuals or a few well-formed individuals. The cost implication, sycamore having a low timber value, would have been very considerable in the latter management option.

## 05.02

### PERCEPTION OF TREES

The perception by any future owners of dwellings on the site of the proximity and size of trees is highly subjective. Many future owners would no doubt consider the trees an amenity, however, sycamores are widely viewed as a rather invasive weed species, and heavy seeding makes for a low to medium grade nuisance in gardening terms. Trees would, I imagine, generally lie to E and SE of any dwellings on the site ; the line of sycamores running N-S would lie to the W. This species has a low incidence of windthrow, and is not subject to high levels of significant branch fracture.

## 05.03

Processing by the LPA of any application from future owners for permission to carry out tree work will no doubt be carried out with due regard for good arboricultural practice and according to British Standard 3998:2010 ('Tree work – Recommendations'). In any appeal that might arise against refusal of LPA consent to reduce inappropriately, or fell trees, common arboricultural criteria to those of the LPA would be used by any specialist tree inspectors of the Planning

Inspectorate, and thus the trees would in my view be thus protected against inappropriate work. I consider that any such notional issues are very likely to be dealt with appropriately as no doubt in the past they have been within the Borough, as such tree/building juxtapositions are far from rare.

#### **05.04**

In this case, in any residential development scenario, it would be appropriate to consider a range of approaches to replacement of the non-native sycamores with more suitable native species, either by clear felling or selective retention of the better individuals (although rather few to choose from) and replacement over a period of say five to ten years. Suitable species include the native field maple, yew, box, hornbeam, hawthorn, dogwood and whitebeam. A replanting scheme funded by residential development based on these species alone would introduce welcome native diversity. This would deliver distinct benefits to the local environment via enrichment of the local flora and fauna, and would provide persistent aesthetic improvement over a very long time period.

#### **05.05**

##### **ROOT PROTECTION AREAS**

'RPA' is an acronym used in BS5837:2012 and signifying the *root protection area*. The RPA is a guide to where systemically significant roots are likely to be located. 'SRP' is an acronym for *static root plate*, (after Mattheck, 1991, etc.) a radial dimension derived from trunk diameter based on studies of wind-thrown trees and thus a guide to where structurally significant roots are likely to be located. An assessment as per BS5837:2012 section 4.6.2 has been carried out in connection with all trees to be retained. (This section requires that site conditions, tree mechanics, etc., are taken into account in determining the likely position of roots.) This is of particular relevance in connection with this site where several trees are sited on steep banks. In such situations, trees typically develop short 'prop' type roots on the downhill side, and much more extensive roots on the uphill side, the difference in due to lack of mechanical loading of the soil by the tree on the uphill side, and high mechanical loading on the downhill side.

#### **05.06**

##### **GENERAL DESIGN CONSIDERATIONS IN RELATION TO ROOTS**

No special footings are needed from the arboricultural perspective if a structure is proposed outside all RPAs (root protection areas) of trees to be retained. The use of a piled footing with reduced depth ground beams or indeed fully suspended ground beams could assist in tree retention if structures are proposed within or partially within RPAs. Best practice is of course to avoid the RPAs entirely.

#### **05.07**

##### **SUBSOIL**

The British Geological Survey information for the area indicates that the underlying sub-soil is chalk.



## **05.08**

### **PUBLISHED GUIDANCE IN RELATION TO TREES AND DEVELOPMENT**

In conserving trees on development sites, expected best practice is as in B.S. 5837 : 2012. Section 5.1.1 notes :

**"Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification : attempts to retain too many or unsuitable trees on a site can result in excessive pressure on the trees during demolition or construction work, or post-completion demands for their removal."**

## **05.09**

The above advice should be considered in formulating proposals for development.

## **06**

### **Recommendations**

## **06.01**

### **TREE PROTECTION BY FENCES**

It is highly important to tree health and vitality that construction activities are kept wherever possible - and for the entire duration of construction - outside the zones indicated by the figure in column 6 below. Any fences to protect trees should be respected as TOTAL EXCLUSION zones. Hence, before any site activity, including demolition, such zones should be protected, typically by fence lines set on the perimeter of or further from the trees than these zones.

## **06.02**

### **LANDSCAPING**

Landscaping and appropriate replacement tree planting could play an important role in providing for future local and public amenity.

## **06.03**

Careful general operation and site handling should be planned for as outlined at **06.04** below.

## **06.04**

### **GENERAL TREE PROTECTION METHODS**

- A) No fires shall be made on any part of the site, or within 20m of any tree to be retained.
- B) No spilling or pouring of fuels, oils, solvents, tar shall be made on any part of the site.
- C) No spillage or discharge of wet mortar or concrete shall be made on any part of the site.
- D) No storage of materials shall be made within tree protection areas (typically fenced unless in areas specially otherwise protected).

- E) No breaching or moving of tree protection fences without the approval of an arboriculturist.
- F) Services, if planned to be laid in tree protection areas, shall be laid using trenchless 'no dig' methods or by hand dug trenches to avoid cutting major roots.
- G) Alterations in levels within tree protection fence areas shall be avoided.

#### **06.05**

Final proposals for development should take into consideration all the above points. Appropriate detailed method statements in connection with trees, actions and materials can be prepared as part of a DEVELOPMENT IMPACT ASSESSMENT to address tree retention issues.

#### **07**

##### **General**

If conflicts between any part of a tree and a building arise in the course of planning a development these can often be resolved quickly if a qualified arboriculturist is consulted promptly. Trees that have been the recipients of careful handling during planning and construction add considerably to the appeal and value of the finished development.

---

28th May 2014

Signed:



John C. M. Cromar, Dip.Arb.(RFS) F.Arbor A.

01582 808020 / 07860 453072

## APPENDICES

08

### Tree details

#### TREE ASSESSMENT AND ROOT PROTECTION ZONES

| Tree number | Tree type    | Height range (m) | Multi-stemmed? | Stem diameter<br>(combined if applicable)<br>(mm) | Radius of RPA if circle<br>(mm) | RPA (m <sup>2</sup> ) | Comments  | Life expectancy (years) | Assessed BS5837 value<br>category |
|-------------|--------------|------------------|----------------|---|---------------------------------|-----------------------|---|-------------------------|-----------------------------------|
| 1           | Norway maple | 5-10             | Y              | 474   | 5691                            | 102                   | Weak fork forming at base.  | 20+                     | C1                                |
| 2           | sycamore     | 11-15            | Y              | 714   | 8573                            | 231                   | Neglected coppice, several stems, weak forks forming. Ivy encroaching. Several very poorly made pruning wounds.         | 40+                     | C1                                |
| 3           | sycamore     | 11-15            | Y              | 407   | 4884                            | 75                    | Neglected coppice, originally several stems, weak forks forming. Ivy encroaching. Poorly made pruning wounds. Poor form | 40+                     | C1                                |
| 4           | sycamore     | 11-15            | N              | 510   | 6120                            | 118                   | Weak forks forming. Ivy encroaching.  | 40+                     | C1                                |
| 5           | sycamore     | 11-15            | Y              | 873   | 10477                           | 345                   | Neglected coppice, several stems, weak forks forming. Ivy encroaching.  | 40+                     | C1                                |
| 6           | sycamore     | 11-15            | Y              | 702   | 8426                            | 223                   | Neglected coppice, several stems. Ivy encroaching. Several large pruning wounds.  | 40+                     | C1                                |
| 7           | sycamore     | 11-15            | N              | 350   | 4200                            | 55                    | Ivy. Reasonably good form.  | 40+                     | B1                                |

| Tree number | Tree type | Height range (m) | Multi-stemmed? | Stem diameter<br>(combined if applicable)<br>(mm) | Radius of RPA if circle<br>(mm) | RPA (m <sup>2</sup> ) | Comments  | Life expectancy (years) | Assessed BS5837 value<br>category |
|-------------|-----------|------------------|----------------|---|---------------------------------|-----------------------|---|-------------------------|-----------------------------------|
| 8           | sycamore  | 11-15            | N              | 290   | 3480                            | 38                    | Ivy. Trunk distorted, cavity - poor form.   | <10                     | U                                 |
| 9           | sycamore  | 11-15            | Y              | 494   | 5931                            | 111                   | Neglected coppice, several stems. Ivy encroaching.                                  | 40+                     | C1                                |
| 10          | sycamore  | 11-15            | N              | 320   | 3840                            | 46                    | Ivy. Distorted- poor form.  | 20+                     | C1                                |
| 11          | sycamore  | 11-15            | Y              | 667   | 8004                            | 201                   | Neglected high coppice, several stems. Ivy encroaching. Poorly made pruning wounds. | 40+                     | C1                                |
| 12          | sycamore  | 11-15            | N              | 240   | 2880                            | 26                    | Etiolated- poor form.   | 20+                     | C1                                |
| 13          | sycamore  | 11-15            | Y              | 410   | 4921                            | 76                    | Ivy. One-sided crown.   | 40+                     | C1                                |
| 14          | sycamore  | 11-15            | Y              | 313   | 3753                            | 44                    | Etiolated- poor form. Ivy encroaching.  | 20+                     | C1                                |
| 15          | sycamore  | 11-15            | Y              | 393   | 4715                            | 70                    | Neglected coppice, several stems. Ivy encroaching. Poorly made pruning wounds.      | 40+                     | C1                                |
| 16          | sycamore  | 11-15            | N              | 510   | 6120                            | 118                   | Ivy encroaching.  | 40+                     | C1                                |
| 17          | sycamore  | 11-15            | N              | 170   | 2040                            | 13                    | Dead.   | <10                     | U                                 |
| 18          | sycamore  | 11-15            | Y              | 220   | 2643                            | 22                    | Etiolated- poor form. Ivy encroaching.  | 20+                     | C1                                |
| 19          | sycamore  | 11-15            | N              | 170   | 2040                            | 13                    | Etiolated- poor form. Ivy encroaching.  | 20+                     | C1                                |
| 20          | sycamore  | 11-15            | N              | 510   | 6120                            | 118                   | One of the older trees. Rather low vitality. Some ivy encroachment.                 | 10+                     | C1                                |
| 21          | sycamore  | 11-15            | N              | 320   | 3840                            | 46                    | Ivy. Distorted- poor form.  | 20+                     | C1                                |



| Tree number | Tree type | Height range (m) | Multi-stemmed? | Stem diameter<br>(combined if applicable)<br>(mm) | Radius of RPA if circle<br>(mm) | RPA (m <sup>2</sup> ) | Comments  | Life expectancy (years) | Assessed BS5837 value<br>category |
|-------------|-----------|------------------|----------------|---|---------------------------------|-----------------------|---|-------------------------|-----------------------------------|
| 22          | sycamore  | 11-15            | N              | 400   | 4800                            | 72                    | Ivy-heavy infestation.<br>Distorted- poor form.   | 20+                     | C1                                |
| 23          | sycamore  | 11-15            | N              | 390   | 4680                            | 69                    | Ivy, heavy infestation.<br>Distorted- poor form.  | 20+                     | C1                                |
| 24          | sycamore  | 11-15            | Y              | 311   | 3734                            | 44                    | Ivy. One-sided<br>distorted crown, lean.<br>Stems intertwined.  | 40+                     | C1                                |
| 25          | sycamore  | 11-15            | N              | 350   | 4200                            | 55                    | Ivy-heavy infestation.<br>Poor form, one-sided.   | 20+                     | C1                                |
| G26         | sycamore  | 11-15            | N              | 500   | 6000                            | 113                   | Etiolated- poor form.<br>Ivy- heavy<br>encroachment.  | 20+                     | C1                                |
| 27          | sycamore  | 11-15            | N              | 360   | 4320                            | 59                    | Ivy-heavy infestation.<br>Poor form, one-sided.   | 20+                     | C1                                |
| 28          | sycamore  | 11-15            | Y              | 456   | 5473                            | 94                    | Ivy-heavy infestation.<br>Poor form, one-sided.   | 20+                     | C1                                |
| 29          | sycamore  | 11-15            | N              | 340   | 4080                            | 52                    | Hemmed in.  | 20+                     | C1                                |
| G30         | sycamore  | 16-20            | Y              | 564   | 6767                            | 144                   | Typical tree is<br>neglected coppice,<br>several stems, weak<br>forks forming. Ivy<br>slightly encroaching.<br>Several very poorly<br>made pruning<br>wounds. | 40+                     | C2                                |

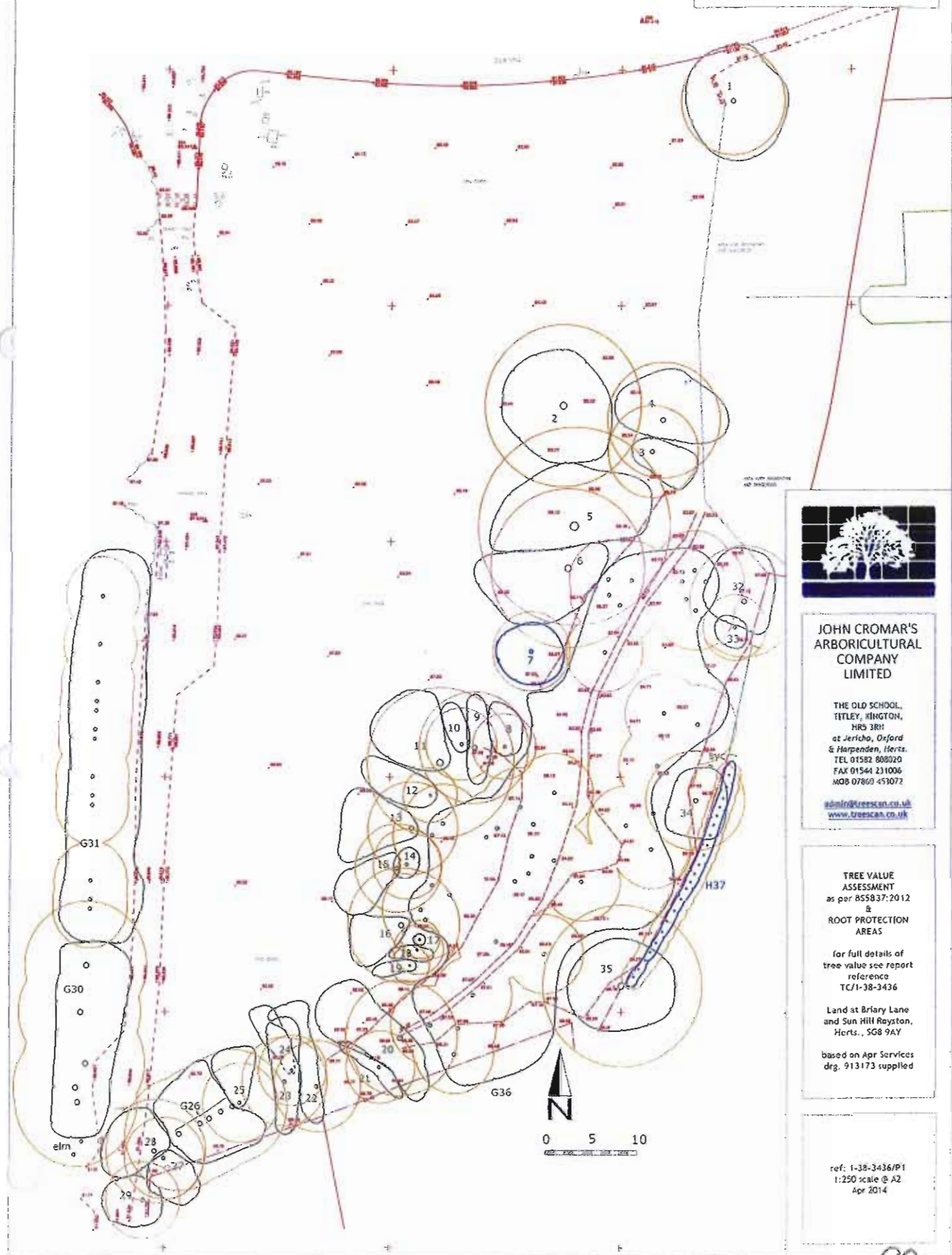
| Tree number | Tree type       | Height range (m) | Multi-stemmed? | Stem diameter<br>(combined if applicable)<br>(mm) | Radius of RPA if circle<br>(mm) | RPA (m <sup>2</sup> ) | Comments   | Life expectancy (years) | Assessed BS5837 value<br>category |
|-------------|-----------------|------------------|----------------|---|---------------------------------|-----------------------|--|-------------------------|-----------------------------------|
| G31         | sycamore        | 11-15            | N              |   |                                 | 55                    | Typical tree is neglected coppice, few stems, weak forks forming. Ivy slightly encroaching. Several very poorly made pruning wounds.   | 40+                     | C2                                |
| 32          | sycamore        | 11-15            | Y              | 350<br>492  | 4200<br>5903                    | 109                   | Poor form. One sided. Ivy encroachment.  | 40+                     | C1                                |
| 33          | sycamore        | 11-15            | N              | 290   | 3480                            | 38                    | Etiolated. Torn wound at 5m above ground level   | 40+                     | C1                                |
| 34          | sycamore        | 11-15            | N              | 440   | 5280                            | 88                    | Poor form. One sided-pruned over garden.   | 40+                     | C1                                |
| 35          | sycamore        | 11-15            | Y              |   |                                 | 231                   | One of the older trees. Rather low vitality. Some ivy encroachment, lessened by adjoining owner.   | 20+                     | C1                                |
| G36         | sycamore        | 11-15            | N              | 714<br>350  | 8571<br>4200                    | 55                    | Typical tree is a neglected coppice, few stems, weak forks forming, etiolated and hemmed in. Ivy encroachment. Some vandalism. Several very poorly made pruning wounds. Some dead wood, some dead trees, mainly small. | 40+                     | C2                                |
| H37         | Leyland cypress | 2                | N              | 110   | 1320                            | 5                     | Some screening value   | 20+                     | B2                                |

**09**  
**Plan**

1-38-3436/P1

# KEY TO PLAN SYMBOLS

GREEN - High Value  
 BLUE - Moderate Value  
 BLACK - Low Value  
 RED - Remove/Very short life expectancy



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### TREE VALUE ASSESSMENT as per BS5837:2012 & ROOT PROTECTION AREAS

for full details of  
 tree value see report  
 reference  
 TC/1-38-3436

Land at Briary Lane  
 and Sun Hill Royston,  
 Herts., SG8 9AY

based on Apr Services  
 drg. 913173 supplied

ref: 1-38-3436/P1  
 1:250 scale @ A2  
 Apr 2014



|          |                   |  |
|----------|-------------------|--|
| ITEM NO: | <u>Location:</u>  | Land Off, Sun Hill, Royston  |
|          | <u>Applicant:</u> | Conservators of Therfield Heath and Greens   |
|          | <u>Proposal:</u>  | Outline application (all matters except layout reserved) for residential development, comprising of eight dwellings. |
|          | <u>Ref. No:</u>   | 14/02341/ 1  |
|          | <u>Officer:</u>   | Richard Tiffin   |

**Date of expiry of statutory period:** 06 November 2014

**Reason for Referral to Committee** Housing development on site exceeding 0.5 ha in area.

**Reason for Delay**

Negotiation / ecological investigation

**1.0 Relevant History**

- 1.1 Pre-application advice gives under ref 13/02410/1PRE. The following extract from that advice summarises the officer position at the time:

*"In my view this site does have development potential subject to a careful and considered approach which both recognises the existing open use of the site, its transitional nature and the need to adequately deal with the established excavated buffer to the east abutting the existing properties in Echo Hill.*

*In my view the proposed layout would not adequately address this general observation. While the layout would acknowledge the problem of the 'dip' by bringing it within the gardens of the new dwellings, the specification of 10 dwellings, some with suburban style detached garages, would not seem to account for the currently open nature of the site and, as importantly, the need to transition from urban form to open countryside.*

*In summary, I consider that the proposed layout needs more thought – perhaps by reducing the number of units – both to better reflect the existing open nature of the site and the need to transition to the heath beyond without creating an overly 'hard' urban edge.*

**2.0 Policies**

**District Plan** (saved policies and SPD)

- 2.1 District Local Plan No 2 with Alterations Policy 8 – Development in Towns
- 2.2 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.3 District Local Plan No 2 with Alterations Policy 29A – Affordable Housing

- 2.4 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.5 Policy 21- Landscape and Open Space Patterns in Towns
- 2.6 **Hertfordshire County Council**  
Waste Local Plan 1999
- 2.7 **National Planning Policy Framework (NPPF)**
  - 4. Promoting sustainable transport
  - 6. Delivering a wide choice of high quality homes
  - 7. Requiring good design
  - 10. Meeting the challenge of climate change, flooding and coastal change
  - 11. Conserving and enhancing the natural environment

### **3.0 Representations**

- 3.1 **Hertfordshire Highways** – No objection in principle subject to recommended conditions - these however can not be imposed on this application as access is a reserved matter.
- 3.2 **Housing and Environmental Health** - No objection subject to contamination condition.
- 3.3 **Hertfordshire County Council (HCC) – Archaeology:** Recommends a condition.
- 3.4 **Natural England** – Has commented as follows:

#### **No objection – with condition(s)**

*This planning application is within 10m of Therfield Heath Site of Special Scientific Interest (SSSI). The proposed development land is separated from the SSSI by the width of the Bridleway known as Briary Lane. Based on the information provided Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.*

*We note that the application land is registered Common Land and will need to be compensated for in the local area (see other advice below).*

#### **Condition**

*"Ensure no encroachment onto Therfield Heath SSSI during construction including temporarily storing fuel or materials or parking work vehicles on the edge of the SSSI (west of Briary Lane bridleway)."*

*This condition is required to ensure that the construction phase of the development, as submitted, will not impact upon the features of special interest for which Therfield Heath SSSI is notified.*

Further, Natural England advises:

***We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:***

- ***local sites (biodiversity and geodiversity)***
- ***local landscape character***
- ***local or national biodiversity priority habitats and species.***

**3.5 Herts Ecology – Has concluded as follows:**

***"I do not consider the LPA is justified in refusing this application on the grounds of ecology. However I do believe it is not unreasonable to expect some demonstrable ecological compensation for the reasons outlined above, if it is to be approved. Currently there is no evidence that this has been provided or considered."***

**3.6 HCC – Planning Obligations:** National changes to planning guidance introduced on 28th Nov 2014 dictate that no contributions should be sought on schemes of 10 units or less and under 1000 sqm floorspace. The County Council has asked for fire hydrants only. This is the subject of a condition.

**3.7 Environment Agency –** No objection subject to the implementation of adequate drainage system.

**3.8 Anglian Water –** No response

**3.9 Royston Town Council –** Objects as follows:

***"Royston Town Council Members raised there concerns over the loss of an open space area within Royston. They objected to this application on the grounds that an Ecology survey of the area has not been undertaken. Although it was used as an informal play space for over thirty years, it was maintained by North Herts District Council. Members agreed to support that it remains as an open space."***

**3.10 Local Residents –** The occupiers / residents at 19, 23,35,37,39 Echo Hill; 1 and 2 The Dell; 46 Briary Lane and 31 Heathfield have objected. The views of the occupier of 31 Heathfield adequately summarise most of the expressed concerns:

***1. The Applicant has failed to consult with local residents on the future use of the land, consultation with the Town Council does not constitute consultation with local residents.***

***2. The land provides a valuable amenity space and when maintained is widely used by local children. The Conservators have a responsibility to provide land for recreation and leisure, by removing this site the Conservators are in breach of their responsibilities. Unlike adjacent parts of Therfield Heath this area is relatively flat and suitable for play. The nearest alternative area for children's play is Priory Memorial Gardens, which young children can only access if accompanied by an adult.***

***3. Although the land is outside the SSSI area of Therfield Heath it still requires an Environmental Impact assessment. The area is populated by butterflies and moths and significant numbers of chalk-hill blue butterflies were present this last summer. There are also likely to be lizards on the site and bats potentially roosting in the trees.***

***4. The proposal to replace the land with an area of woodland to the west of New Road (Therfield Road) cannot be regarded as a suitable or equivalent***

***replacement. This land is not easily accessible by residents local to the Sun Hill site and is not open grassland.***

***5. Although not strictly a planning issue, the Act of Parliament requires the Trustees of the Charity to maintain the land in perpetuity. By disposal of this land the Conservators are in breach of the Act.***

***6. The Conservators have failed to say why they need to dispose of this land and what they intend to do with the funds raised.***

Further concerns raised:

- Loss of privacy for existing residents
- Loss of trees
- Traffic
- Overdevelopment
- Drainage problems

3.11 **County Rights Of Way Officer** - No objection but highlights the need to de-register as common land.

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

4.1.1 The application site is currently rough open land off of the bridleway/track leading up onto the Heath near Wicker Hall. The site is bounded on three sides by residential development - dwellings off of the Dell, Echo Hill and Sun Hill. To the west the site is bounded by the aforementioned track and then the Heath. A marked dip or hollow, populated by many self set trees, lies within the site where it meets properties in Echo Hill.

##### **4.2 Proposal**

4.2.1 The application has been made by the Conservators of Therfield Heath and comprises an outline submission for 8 dwellings with all matters reserved save layout.

##### **4.3 Key Issues**

4.3.1 As this is an outline application with all matters reserved save layout. This being the case the Conservators are seeking a determination as to the principle of residential development on this site. I have broken the consideration of the application down into a number discrete areas in order to promote a structured understanding of the issues, reserved or otherwise. The discussion headings in the report are:

- Broad Principles
- Design, Sustainability and Context
- Biodiversity and Nature Conservation
- Planning Obligations and Wider Infrastructure
- Summary and Conclusions

##### **4.3.2 Broad Principles**

The application site lies within the Town boundary and is subject to the provisions of Saved Policy 21. In the pre-application advice offered previously I summarised the principle of development on this site as follows:

***The application site falls within the identified limits of Royston Town and as such there is a presumption in favour of development subject to detailed***



**issues including design. This said the principle of a housing scheme must, in my view, be considered in the context of the existing use, appearance and character of the site - being an edge of settlement open space. This raises two related points which will be explored in more detail below. In summary these are:**

- **The character of the proposed housing**
- **The future use of the open space (excavations) between the any new development and the existing dwellings in Echo Hill.**

This proposal is unusual in that the applicant is not a developer in the conventional sense. All profits from the development of the site will be used to secure open land on the Heath for the continued benefit of the public. A copy of the applicant's planning statement is appended to this report at Appendix A and this sets out the strictures to which the Conservators are subject in disposing of any of its registered Common Land. The following quote from that statement summarises:

**"As the site is Common Land, permission is needed under the Commons Act of 2006 to sell the land. In order to gain this permission, an area of equal size and of an equal or better amenity value adjacent to the Heath would need to be purchased before permission would be granted. "**

The Conservators go on to conclude:

**"It is the Conservators opinion that, on balance, the benefits to the people of Royston and the users of the Heath outweigh the retention of the small area of land, the subject of this application."**

This expressed view does overlap with the Planning Authority's consideration of this application and I will comment on whether I consider that the two positions can be reconciled in my concluding discussion.

#### **4.3.3 Design, Sustainability and Context.**

The NPPF places significant emphasis and importance on the design of the built environment. Indeed, the Framework emphasises that good design is indivisible from good planning and sustainable development. In this regard paragraph 64 of the Framework sets the following test for new development:

**"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"**

- 4.3.4 As acknowledged in the pre-application advice, this site is currently open space and has, until recently, been used for informal recreation. In my view therefore, any successful scheme has to demonstrate that it capitalises on these attributes to some degree. Moreover, the site is a transitional area between the existing edge of Royston and the open heath to the west. I acknowledge that the receipts from a development on this site would enable the Conservators to acquire/maintain land on the Heath, the value of which would be arguably greater in the currency of public good than this site. I also accept the assertion by the applicant that this site is not part of the Heath in any functional sense. However, this accepted, I remain of the view that the established sense of openness or looseness should be acknowledged. I also believe that the land bordering Echo Hill (excavated) must remain open and its long term use be carefully considered as part of any proposal. In this regard the submitted scheme has been reduced from 10 dwellings to 8 and the hollow to the rear of the site has been incorporated into the gardens of the dwellings. In general terms I consider that a scheme of 8 units could, in principle, be accommodated without detriment to these identified planning objectives.

- 4.3.5 The numerous objections received in relation to this application have, quite reasonably, argued that the loss of this space to housing, in favour of land remote from the site, is not an equitable transaction in amenity terms. The application site has clearly provided for some informal recreation in the past and while it is not maintained for such purposes any longer, its potential value in this regard must be weighed in the balance together with any ecological value (see below) it might offer. The applicant sets out their reasons for considering this application for development as follows:

***"The application site has, in the past, been used as an informal play space and HCC paid rent on the site for this purpose. More recently, HCC decided that the site was not receiving sufficient use and, as a consequence, ceased to pay the rent. At this point the Conservators decided that the money required to maintain this small, disjointed area of land, by grass cutting and maintaining the ever encroaching Sycamore trees, could be better spent supporting existing facilities on the Heath and maintaining those areas of the Heath, which are more botanically important. "***

Sport England has declined to comment on the change of use of the site.

#### **4.3.6 Biodiversity and Nature Conservation**

In terms of its ecological value the Council's ecological advisor has concluded that the value of the site in ecological terms is not sufficient to warrant refusal. However, they have argued that some compensation for its loss should be reasonably extracted. Natural England has raised no objection but has advised the Council to consider the following when determining the application:

- ***local sites (biodiversity and geodiversity)***
- ***local landscape character***
- ***local or national biodiversity priority habitats and species.***

The application before the Council does preserve the 'Dell' and the trees therein albeit these would be within the gardens of the new dwellings. The rationale for this is based on the lack of any identifiable maintenance authority, including the District and County Councils or the Conservators. This inclusion of this landscape feature within the private gardens of these dwellings would seem to me the best way to preserve what is arguably the most important landscape attribute of the site. As landscape is a reserved matter, this aspect could be the subject of a subsequent detailed landscape and management plan, including the conditional retention of the trees. Further, such a plan could include measures which would retain the area as a habitat and be binding on subsequent owners of the dwellings as opposed to the current unfunded situation.

#### **4.3.7 Planning Obligations and Wider Infrastructure**

Following the Governments announcement on the 28th Nov 2014, schemes of 10 units or less should no longer be subject to tariff based SPD.

#### **4.3.8 Summary and Conclusions**

This application offers more housing within the confines of one of the District's principal (sustainable) settlements at a time when the Council can not demonstrate a sufficient supply of housing land and does not enjoy the guidance of an up-to date plan. Paragraph 14 of the NPPF is clear in these circumstances that development should be approved unless harm of a '***significant***' and '***demonstrable***' nature can be proved. This said, the NPPF also places significant emphasis on good design including the invocation that '***permission should be***

*refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. In my view the determination of this application rests on making a judgement between these two potentially competing injunctions - the merits of using land in a sustainable location for much needed housing versus the harm which may be occasioned by reason of a change to the open nature of what is currently non-maintained urban land.*

- 4.3.9 That the land has some value as a local amenity must be acknowledged. However, its worth in ecological terms seems to me low, bearing in mind the responses from both Natural England and Herts Ecology. Case law in this area has moved on since the benchmark *Woolley* case (2009). The 2011 Supreme Court ruling in *Morge* would now seem to set the bar for decision makers at a lower level. This judgement concluded that the position under *Woolley* went too far and that a Local Planning Authority (LPA) was in fact not expected to duplicate the licensing role of Natural England (NE). *Morge* indicates that a LPA should only refuse planning permission where a criminal offence relating to European Protected Species (EPS) is likely to result from the development and where a licence from NE is unlikely to be granted. The available evidence, including a new 2015 survey of the site, and the responses received from both NE and the Council's ecological advisor suggest neither of these outcomes is probable. In all other cases (eg where the LPA was in doubt as to whether NE would grant a licence) EPS should not present a bar to planning permission. It must also be noted in this regard that the Conservators would be using the proceeds of the development to secure land elsewhere on the Heath and while this transaction does not balance the proposed loss in kind, it is nonetheless a positive corollary. The land is not now being maintained for amenity purposes - the County Council withdrawing funding due to lack of use (see 4.3.5). Sport England has declined to comment on its loss to development and the site is bordered on 3 sides by housing. In these circumstances I am not persuaded that the harm of developing this site, with an appropriately specified scheme which retains the tree lined Dell, would amount to the significant or demonstrable harm required by the NPPF to warrant refusal. This conclusion notwithstanding, I would recommend a condition requiring mitigation, including the erection of bat roosting and bird nest boxes in the retained woodland area (the Dell) be imposed.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. Before the development hereby permitted is commenced, approval of the details of the scale and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. **A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions and:**
1. **The programme and methodology of site investigation and recording**
  2. **The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
  3. **The programme for post investigation assessment**
  4. **Provision to be made for analysis of the site investigation and recording**
  5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  6. **Provision to be made for archive deposition of the analysis and records of the site investigation**
  7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

**B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)**

**C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.**

Reason: To safeguard the archaeological record.

4. **Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements, where applicable:**
- a) **hours of construction operations including times of deliveries and removal of waste which should be restricted to between: Monday to Friday 08:00-18:00hrs; Saturdays 09:00-13:00 hours and no work at any time on Sundays and Bank Holidays.**
  - b) **measures to minimise dust, machinery and traffic noise impacts during construction;**
  - c) **site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;**

d) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;

e) screening and hoarding details, to protect neighbouring residents;

f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;

g) wheel washing facilities for construction vehicles leaving the site;

h) storage and removal of building waste.

**Reason:** To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

5. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology.
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (ii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (iii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.



- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

**Reason:** To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

6. Before the first occupation or use of the development waste collection arrangements shall be provided and agreed by the LPA and permanently maintained.

**Reason:** So that the manoeuvring of large vehicles can be accommodated within the site.

7. Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.

**Reason:** To provide adequate hydrant provision in the interest of safeguarding life and property.

8. Prior to any works commencing on this site in connection with this permission or any subsequent approval, full details of the ecological mitigation measures set out in the May 2015 (ELMAW) shall be submitted to and approved by the Local Planning Authority. These approved measures shall be implemented in full prior to the occupation of any dwellings on the site.

**Reason:** To safeguard and enhance the biodiversity of the site.

#### **HIGHWAY INFORMATIVE:**

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact [hertsdirect@hertscc.gov.uk](mailto:hertsdirect@hertscc.gov.uk) or for information use our website [www.hertsdirect.org](http://www.hertsdirect.org) or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

**Reason:** To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.