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Contact: Martin Hicks / Sophie Batchelor
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Date: 30 October 2024

Dear Simon,

Application: Change of use of existing three barns to office and storage space and the erection of supporting substation and concrete base.

Address: Land At Church Wood, Three Houses Lane, Codicote, Hertfordshire,

Application No: [24/01002/FP](#)

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application, since withdrawn.
As requested, my views are as follows:

Comments:

1. I note this application was received on 30 Jul 2024 and recorded as withdrawn on 10 Sept 2024. However, NHDC have requested comments given the potential enforcement action which is now being considered, given that substantial new development has already occurred. However it is not clear as to exactly what is being enforced against.
2. The original application is likely to have been exempt from mandatory Biodiversity Net Gain, although no supporting information in this respect was provided. The site was subject to a Preliminary Ecological Appraisal.
3. The area of land directly affected by the development is situated broadly between two woods, Church Wood and Crouch Green Wood. Whilst these are too small to be included on the current ancient woodland inventory, I consider these to be ancient, semi-natural woods (ASNW) as demonstrated by ecological records and historic map evidence from 1822 (Bryant).
4. The woodland directly either side of the existing track is not ancient, but is now secondary broadleaved woodland and is a priority habitat. Small areas of this may have been directly affected by footprint works required to accommodate additional facilities on-site.

5. Part of at least one of the ASNW appears from photographs to have suffered from at least some dumping of spoil. It is not apparent as to what activity generated this. This will have been damaging to the existing trees – given it will be well within any root protection area (RPA) – as well as ground flora and associated habitats. Such activity would not be acceptable if subject to a planning application or the consequences of an approval.

6. The land affected had no buildings in 2000, but by 2010 there was a clearly upgraded (if not new) access track between cleared trees and disturbed ground on part of the application site. Two large barns had been built by 2016, there is now a third. The development to-date has had a degrading impact on the context of both ASNW, albeit localised and relatively limited in extent. However, associated spoil dumping has damaged ASNW. Furthermore, any development in proximity of ASNW should now leave a buffer zone of at least 15m between it and the woodland to avoid the RPA, following Natural England and Forestry Commission recommendations <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>. Clearly this has not been met in a number of ways, which although only recommendations, would now be a material consideration when determining planning applications for such buildings and associated hardstanding.

7. Barn 1 (Change of Use plan) is between 10-17m from the ASNW boundary of Crouch Green Wood, but recent aerial photos show additional disturbance immediately adjacent to the woodland boundary. This building already benefits from planning permission for conversion to a residential dwelling. The corner of Barn 3 is 10m from Church Wood which also appears to have new hardstanding immediately adjacent to the woodland as visible on AP. The Change of Use Plan also shows a new track 5m from the boundary of Crouch Green Wood, as well as a new track immediately adjacent to Church Wood. It is not known whether these tracks are surfaced, but the entrance track has been. All of the development itself has largely if not entirely been within what used to be grassland.

8. The barns appear to have been given previous planning permission under Permitted Development rights. This was presumably claimed to be for agricultural use in respect of the farming of the adjacent land; however, there did not seem to be any evidence of any such farming activity, requirement or associated farming business demonstrated which related to the applicant's land - for which the need for the barns would have been justified. Nevertheless, the barn complex now benefits from planning permission and is now present on site.

9. The applicant also owns both ASNW as well as what remains of the original field to the south, although the southern boundary is not the historical boundary of these features with the former Node Park, Codicote.

10. Whilst there are clear concerns regarding the situation on this site as outlined below, the building complex already benefits from planning permission, whilst the proposals are only for a change of use and small substation and concrete platform, despite appearances in photographs. As such, there are no ecological objections to

this application given the ecological interest associated with the site itself, despite the wider impacts now apparent.

11. Whether the LPA can consider the damaging impacts of the development to the adjacent woodlands in respect of any enforcement action, is doubtful, depending on what has been developed without permission – which is not clear. This would include any impacts on ASNW as well as secondary broadleaved woodland, which is also a Priority Habitat. The previous development that has occurred would have been objected to on ecological grounds due to the impacts on the existing woodlands, and potentially grassland areas, being directly and indirectly damaging and not following Government guidance. I note the new tracks are not included within the application site, although these may not have been subject to the current application proposals. It is unlikely that this planning proposal would have required mandatory Biodiversity Net Gain due to its nature (change of use of buildings) and size (substation and base), although this has not been proposed for exemption by the applicant. Previous applications would not have been subject to mandatory BNG.

12. Whether an alternative, less damaging proposal for the site could [have] overcome the ecological concerns is another matter – but also now largely irrelevant. The barns benefit from planning permission. Clearly the woodlands should be buffered and not subject to spoil disposal. The open grassland may also have some ecological interest given there are other important, long established grasslands at Crouch Green locally. Whether the owner would be willing or able to pursue such management – is also another matter. In any event these benefits may also be considered insufficient to overcome other local environmental concerns, such as access.

13. The Preliminary Ecological Appraisal (PEA) proposes a Construction and Ecological Management Plan (CEMP) to inform the development. The concerns raised resulting from ‘proposed’ development and need for a CEMP are noted, and in this respect are supported. However, given that development has already occurred with damaging impacts, a CEMP now would seem irrelevant.

14. As a report, the PEA is accurate and reliable. The field survey and results are acceptable and valid given they reflect the application site only. However, the implications of the existing and recently completed development impacts have not been included, so in this respect, the PEA does not enable any form of judgement of the local impact of the development. This had already taken place by the time of the survey (6th June 2024). In this respect, the PEA states that *Evaluation and assessment have not been undertaken as it falls outside the objectives and purpose of this appraisal*. Consequently, the conclusion that there is no ecological interest associated with the developed site itself - is correct. Whilst the lack of reference to the provision of woodland buffers or associated damage is not a failing of the report if that was not required – or even relevant - it does not provide any consideration of the impact of the development works which have already taken place.

15. Photos (Nos. 11 and 12) within the PEA clearly demonstrate how close the concrete footprint / access track is to the adjacent woodland and trees, well within any RPAs. It is not clear when this was constructed or under what previous PD permission – the details and justification of which are remarkably thin. The creation of adjacent

bare ground as shown on the PEA Habitat Map would also have removed any existing semi-natural habitat from these small areas, although further degrading the edge of woodland ecology. Whether these trees are within the ASNW is doubtful if the plans are reliable. However, the impacts remain damaging to a Priority Habitat (lowland mixed deciduous woodland).

16. An Ecological Impact assessment (EcIA) is stated as the means to assess the impact. Whilst this is true in terms of ideal process, in practice many PEAs do at least reflect any obvious impacts, if only to inform what further surveys are required. This again is rather irrelevant here, given the development (and damage) has already occurred. Consequently, no further surveys are proposed in the PEA. However, the site would benefit from some wider information on the spoil dumping extent and location, ASNW boundaries, and an understanding of any other local impacts to the adjacent woodland and grassland habitats.

17. The provision of bird and bat boxes are supported, although these would not overcome the impacts of previous development to date. They would not represent any form of compensation or enhancement for the existing development – but that said, they don't have to. However, whether the development undertaken thus far has increased the originally proposed concrete footprint of any access road and barn complex, generating further adjacent damage as visible on aerial and other photos – is another matter.

18. If the development is to be retained, as a minimum the spoil deposition on the woodland should be removed as a measure of restoration. Consideration should be given to the removal of features where they impact on the adjacent woodland, to reduce the consequences of the development. Woodland management adjacent to the development may help to reduce its impact on the remainder of the woodlands by creating a more robust boundary to the habitat. However, none of these will remove the overall impact of the development on the local area, none of which contributes positively to the ecology of the location. Consequently, enhancements to the remainder of the ecological resources owned by the applicant should be considered if the development is to remain. These could involve seeking wider woodland and grassland management.

19. In summary, the proposed development has already occurred, augmenting previously permitted development on site. The net result of this has caused damaging impacts on the adjacent woodlands, for which no suitable ASNW buffer would appear to have been provided. The concrete base for at least parts of the site is well within the RPAs for trees within Priority Habitat woodland, as well as modifying the woodland edge habitat itself. However, the barns (and access?) benefit from planning permission and have been built. BNG has not been considered but is likely to be exempt from the current proposals. It would be exempt anyway if there is now to be a retrospective application. Whilst the overall impacts could have been reduced if not avoided, and appropriate ecological enhancements secured, these may be insufficient to outweigh other concerns regarding the proposals. This may include remedial action to remove the closest structures that impact on the previous ecological position - but this will depend upon what has been previously permitted. Emphasis could be placed

upon substantial ecological enhancements to offset the negative impact of the development locally, notwithstanding other planning considerations.

I trust these comments are of assistance,

Regards,

Martin Hicks
Senior Ecology Advisor, Hertfordshire LEADS

Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.