

The Conservators of Therfield Heath and Greens

The Therfield Regulation Trust
c/o Royston Golf Club, Baldock Rd, Royston, SG8 5BG
Registered Charity No. 277881
Chair: Clive Hall



THERFIELD
HEATH
& GREENS

Monday, 13 April 2026

By Email only to

anne.mcdonald@north-herts.gov.uk

planning.control@north-herts.gov.uk

Dear Anne MacDonald

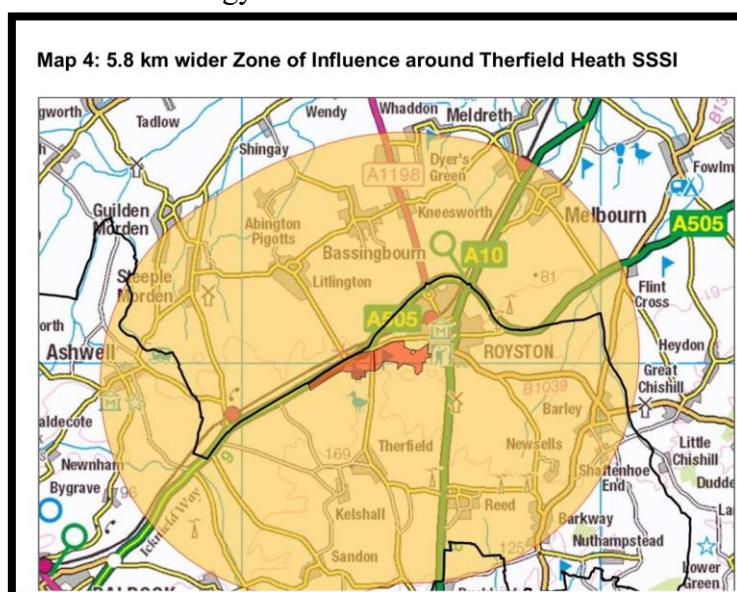
25/02547/FP : Residential development of 36 dwellings (Land to the South And East Of Senuna Park Station Road Ashwell).

S106 and the Therfield Heath SSSI Mitigation Strategy

We wrote to Mr Nigel Smith on Tuesday, 24 February 2026 as the Conservators of Therfield Heath and Greens (hereinafter 'we') were concerned that the Conservators, and indeed, Natural England, had not been consulted about this planning matter even though it seems to fall within the 5.8 km Outer Zone of Influence of the Therfield Heath SSSI mitigation strategy (which is itself a material planning consideration). We did not see the letter on the portal but I made sure to refer to the correct planning reference as above.

Clearly it is disappointing that we have not had a reply to our letter and NHC have still not extended us the opportunity of a consultation. However, that is perhaps a matter that Mr Smith, NHC planning department, Natural England and we can discuss another time. We note this is going to the planning committee on Thursday 16 April 2026. **Please ensure that this letter is circulated to all committee members before the planning committee meeting** and placed on the public portal.

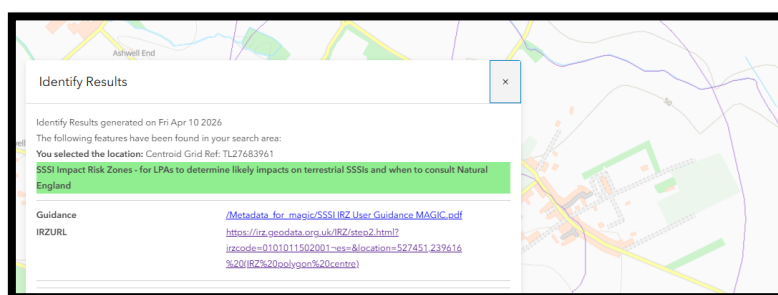
The development is of a size and proximity to Therfield Heath SSSI to trigger the Therfield Heath SSSI Mitigation Strategy from the NHC Local Plan 2022 (being within the 5.8km outer zone of influence). See extract from the strategy below.



Specifically the proposed development site (starting in the south east corner) is :

- Just under 4 km from Thrift Farm/Kings Ride the western edge of our SSSI; and
- Just under 5.6 km from our Therfield Road car park.

The SSSI site, and our car parking, will be a draw to potential new residents. Mitigation measures, we say, are required given the proximity as shown on the agreed/published strategy map. As mentioned before, we looked at the council's public planning portal and note that NHC do not appear to have consulted Natural England. Using MAGIC maps, and selecting the correct location, suggests to us that consultation with Natural England appears necessary for a development of this sort.



Given that it is our view that the Therfield Heath SSSI Mitigation Strategy is engaged, our letter to you today Monday 13 April 2026 is designed to ensure proportionate measures, in support of the Therfield Heath SSSI Mitigation Strategy, are put in place.

This is to ensure that all parties:

- you as the local planning authority;
- us as the Statutory body who manage SSSI; and
- Natural England who oversee the SSSI

all meet our respective obligations under s28(g) of the Wildlife and Countryside Act 1981 (ie “to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest”¹).

When the Therfield Heath SSSI Mitigation Strategy is engaged we are all aware of the advice within it ; and of the need for robust mitigation measures to be in place.

We all know that where the evidence, and required (and agreed) mitigation measures, are not in place then appeal cases show that Planning Inspectors do refer back to the ‘**precautionary principal**’ and have - on many occasions- refused permission because of the risk of an unmitigated harm to a SSSI site.

Given what we say above about the Therfield Heath SSSI Mitigation Strategy being engaged by this matter it is important that NHC has secured ‘**agreed**’ mitigation measures before considering granting planning permission. This is because planning conditions cannot retrospectively secure mitigation or evidence fundamental to the principal of development².

¹ s28(g) of the Wildlife and Countryside Act 1981

² It has been suggested that further assessment of potential impacts on the SSSI, could be secured by condition. However, the Guidelines for Preliminary Ecological Appraisal (CIEEM, Jan 2018) make clear that, in line with Government guidance, ecological surveys should normally be completed and any necessary measures to protect biodiversity identified before permission is granted. Moreover, **conditions can only be imposed in relation to Reserved Matters and cannot**

We draw to your attention that “*Developer Contributions*” supplemental planning document states at 8.3.3 (page 61) that contributions towards provision or projects within the SSSI [are]

to be delivered in agreement with Natural England and / or the Conservators of Therfield Heath.

Given the “and/or” it would read to us as if you need at the very least **our agreement** (you may wish to seek our agreement and that of Natural England if you prefer). As we have not been consulted or contacted about this matter there is – quite clearly - nothing on the table to which we can agree. Natural England do not appear to have been asked for their view either.

So this may be something of a quandary for the NHC planning committee meeting on Thursday 16 April 2026 : what agreement will be present at the meeting to deal with mitigation? As I say, the Conservators are happy to meet with NHC planning staff – as they were in February - when I wrote to NHC.

As we all recognise Therfield Heath SSSI is a very important greenspace both locally and nationally. These much-needed contributions, via s106, are directed by our volunteers and staff to sustain this important SSSI reserve. It is worth reflecting on the importance given to the local SSSI sites within the current North Herts Local plan. I think paragraph 4.162 is the most pertinent point :

*“Whilst there are no biodiversity sites designated at the European level in the District, for example Ramsar sites, Special Areas of Conservation or Special Protection Areas, there are a number of nationally designated sites. **Strict protection and control will be applied to all national designations in accordance with the conservation of Species and Habitats Regulations (2010).** These designations include six Sites of Special Scientific Interest (SSSIs) as shown on the Policies Map and eight designated Local Nature Reserves (LNRs).” (my emphasis)*

When it comes to strict protections under the Conservation of Habitats and Species Regulations 2017 the Conservators are, of course, a competent authority within the meaning of regulation 7.

Therfield Heath SSSI Mitigation Strategy Benchmarks

Under the strategy the developer is expected to fund measures to mitigate the impact on the SSSI of housebuilding. The benchmark (see page 44 of the strategy) focussed on the Ivy Farm 3 development (Feb 2019) which is within the 1.9km inner zone of influence.

In summary the benchmark establishes that a development in the inner 1.9km zone should provide:

- On-site high quality SANG at or above 8 ha per 1000 population
- £1000 (indexed) per dwelling for “management measures” to mitigate the impact on the SSSI of housebuilding
- A capital contribution towards facilities on or near the Heath, (the benchmark was £100k for the development)

Presently there is no benchmark for the outer 5.8km zone. However, the strategy considers the impacts within this outer zone as being 4/7 of those in the inner zone (the inner zone producing an average of 14 visits as per § 2.2.9 and the outer zone only 8 as per § 2.2.11).

The strategy also recognises that given the nature of the outer zone being more rural it would not expect to drive any SANG requirement. In this zone the only contributions are likely to be financial.

Using the 4/7 proportion the benchmark figure in Feb 2019 would be **£570 per dwelling (to which you must add the required indexation)**. Accordingly, as at Q1 2025 the indexation increased the benchmark to about £1190 per dwelling for the inner zone and £680 per dwelling for the outer zone.

Each s106 agreement should recalculate the indexed figure based on the date of the agreement. Within NHC the team handling these sums know this calculation. The above therefore is an example of how indexation would work from 2019 to 2025. Clearly the calculation will be redone to the correct date were NHC to seek to agree mitigation measures with us.

S106 from this development

The Conservators' view is that it is appropriate to request a payment per dwelling at a value that is proportionate to 4/7 of the inner zone strategy benchmark (and **indexation**).

No capital or SANG provision is being sought from this development based on it being rural and in the outer zone. An indicative figure after indexation to Q1 2025 is, as we say, £680 per dwelling. Clearly this sum will be revised to Q2 2026, or later depending on the date of agreement.

The strategy also asks that funding be directed at specific projects. This can be tricky to achieve when there is a delay between initiatives on the SSSI and payments coming on stream, so the Conservators would like to suggest a project (with a fall back should that project for whatever reason not go ahead or should the money not be on stream at the right moment to fund it).

Target Initiative and Fall back

Recently the Conservators have begun a feasibility study that will lead to a Signage and Website project focussing on increasing visits to our Greens in Therfield. One of the barriers to the general public using the Greens in Therfield (rather than Therfield Heath SSSI) is a lack of understanding of where they are, and what facilities and experiences they offer to visitors.

This project is intended to plan, monitor and drive visitor interest in the Greens as an alternative to Therfield Heath SSSI. In some cases we expect this project to spin off other funding requirements for car park spaces etc. The focus of this spend will be on Signage and accessible website information so we can build on existing routes set up and waymarked by Therfield Parish Council.

We believe this initiative will meet the requirements of NE and NHC in delivering the SSSI Mitigation Strategy and make a useful contribution to shifting some footfall away from the SSSI.

In the event that a fall back becomes necessary we would suggest the funds are logged against "Management Measures" which (as described in the strategy) will fund warden and other activities. To assist our cash flow, we would like you to stipulate that the funds come on stream when development commences.

In summary our recommendation is that funds are paid to the Conservators/Therfield Regulation Trust as follows :

*The developer commits to pay £680 (**plus indexation**) per dwelling in this development, for the “Signage and Web initiative (Greens)” via a s106. Payment to be made in full when development commences.*

If the development is delayed, or this initiative does not proceed, or too much time passes such that payment can no longer be linked to the initiative, then the same amount of S106 will go into the unallocated “Management Measures” fund to be assigned to another initiative via the NHC / NE process and / or to continue to fund the Warden roles as described in the strategy document.

The Conservators hope this meets with your expectation.

However, should it not, or should you think there are other factors to consider, we suggest a brief meeting involving yourself, ourselves and Natural England to understand what issues or other factors may be in play. The strategy promotes a collaborative and continuous review / improvement style approach and so such a meeting would be appropriate if one is needed.

We strongly suggest that **we all must meet** if any sum, other than the one we set out herein (being the benchmark + indexation), is to be presented as being appropriate, suitable, or up for agreement.

This SSSI and the wider Heath has a defined historic, cultural and natural importance to everyone in the neighbourhood.

These funds are vital for its survival.

Your sincerely,



Carol Fossick
Clerk to the Conservators of Therfield Heath
Clerk to the Trustees of the Therfield Regulation Trust

Cc Betsy Brown Natural England
Cc Sarah Clarkson Natural England
Cc Sarah Munro Natural England