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Our ref: 477005
Your ref: 24/01013/OP



Shaun Greaves
North Hertfordshire District Council

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BY EMAIL ONLY

Dear Shaun

Planning consultation: Hybrid application for residential development of up to 325 dwellings comprising and associated infrastructure with all matters reserved apart from primary means of access and emergency and pedestrian/cycle access

Location: Burloes Hall Drive Land Surrounding Burloes Cottages Newmarket Road Royston Hertfordshire

Thank you for your consultation on the above dated 21 May 2024, which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Therfield Heath Site of Special Scientific Interest/Local Nature Reserve (SSSI/LNR). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further consideration of Green space/landscape design with regard to the Therfield Heath SSSI/LNR Mitigation strategy
- Evidence of securing a financial contribution to onsite mitigation/management on Therfield Heath SSSI/LNR

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Recreational Disturbance to Therfield Heath SSSI/LNR

Therfield Heath is a Local Nature Reserve (LNR). It is nationally designated as a Site of Special Scientific Interest (SSSI), regarded to be of national importance for its Chalk Grassland Habitats and presence of Chalkhill Blue butterfly *Lysandra coridon*. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the significant increases in visitor numbers, linked to nearby residential development. Natural England and the Conservators of Therfield Heath and Greens have highlighted that current number of visitors appears to be exceeding the carrying capacity of the SSSI /LNR. Further pressure associated with new residential development could cause additional damage to already impacted SSSI features, such as Chalk grassland, which is experiencing detrimental soil nutrient balance impact arising from dog littering.

North Hertfordshire Council has used the findings and recommendations of the Footprint Ecology Study to prepare a Therfield Heath SSSI Mitigation Strategy in consultation with Natural England and has approved this as a material consideration for the purposes of determining planning applications in Royston and the surrounding area. The Strategy sets out measures that will be used to manage the additional recreational impact of new housing development, including Local Plan allocations, on Therfield Heath SSSI. It identifies a 1.9km inner Zone of Influence (ZoI) and 5.8km wider ZoI around the SSSI based upon the findings of the Footprint Ecology visitor survey. The Strategy sets out mitigation principles that new housing development is expected to apply to limit additional pressure on the SSSI, differentiating between housing development with the inner and outer ZoIs, and also larger housing developments beyond the ZoI where evidence clearly indicates that development could adversely impact the SSSI. The Strategy will enable the Council to require that relevant new housing development within (and potentially beyond the ZoI) provides appropriate mitigation and / or proportionate financial contributions towards delivery of SSSI access management measures, to protect and enhance the resilience of the SSSI and ensure that development is sustainable. We would expect mitigation measures and/or or financial contributions, to be proportionate to those already provided for similar new residential development. The measures should be designed in consultation with the Conservators of Therfield Heath and Greens, Natural England and the LPA and their delivery secured through an appropriate planning mechanism.

Onsite Greenspace

This site falls within the inner 1.9km Zone of Influence and, as per the Therfield Heath SSSI Mitigation Strategy, a recommended 8ha of open space per 1000 population is to be provided. Natural England notes that this is referenced within the updated planning statement (paragraph 7.11) and that based on the number of dwellings, the development would therefore require 6.24ha of open space. The proposed hectareage falls below this at approximately 3ha, with the justification that anything higher would render the site unviable.

Whilst this is noted, Natural England does not agree that the conclusions drawn by the applicant that the current green space design and provision is adequate to rule out recreational effects on Therfield Heath SSSI/LNR. Substantive green space does not appear to have been provided with the largest whole section of recreational ground falling under 0.5ha. The inclusion of permissive footpaths, unless secured through a condition in perpetuity (taken here to mean 80 years), whilst desirable, cannot be counted within the suggested mitigation package. In addition, provided documents give little detail on quality green space design. We would draw your attention to Natural England's [Green Infrastructure Framework](#) to inform plans. Preferably open space would meet Natural England's [Green Infrastructure Standards](#) to ensure that greenspace provision is of a minimum size and quality. Ideally, this should also include:

- Circular walk into wider countryside etc. of at least 2.7km
- Provision for dogs along SANG guidelines, e.g. off lead areas, dog waste bins
- Signage and interpretation on PROW/paths

- On-site maintenance and management of greenspace secured in perpetuity

Should this not be possible onsite Natural England recommends further consultation with North Herts District Council to explore alternative methods to securing appropriate greenspace to alleviate recreational pressure on Therfield heath SSSI/LNR.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on consultations@naturalengland.org.uk.

Natural England advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate mechanism. In the meantime, we will be pleased to discuss the applicant's draft assessment and mitigation proposals through Natural England's [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Betsy Brown
Sustainable Development Higher Officer – West Anglia Team

Annex A – Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf-2012.pdf) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.landscapeinstitute.org.uk/resources/guidelines-for-landscape-and-visual-impact-assessment-glvia3/) for further guidance.

Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/29/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf-2012.pdf) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. We refer you to [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf-2012.pdf) for more information. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf-2012.pdf) (standing advice) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they

form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](#) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](#) for a list of priority habitats and species in England.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](#) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](#) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](#). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](#) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](#) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](#) and [GI Mapping Analysis \(naturalengland.org.uk\)](#) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to

the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](#).