

The Conservators of Therfield Heath and Greens

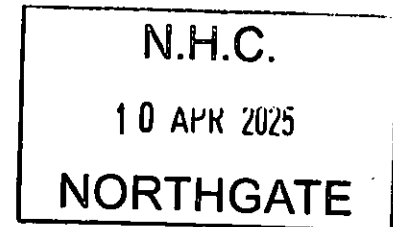
The Therfield Regulation Trust
c/o Royston Golf Club, Baldock Rd, Royston, SG8 5BG
Registered Charity No. 277881
Chair: Clive Hall



**THERFIELD
HEATH
& GREENS**

Posted on Portal and full letter with photos sent to

FAO: Mr Alex Howard
Planning Control
North Herts Council
PO Box 10613
NG6 6DW



Monday, 7 April 2025

Planning Application : 25/00388/FPH.
Address : 18 Stake Piece Road Royston Hertfordshire SG8 9DN

Dear Sirs,

I am the clerk to the Conservators of Therfield Heath and the Clerk to the Trustees of the Therfield Regulation Trust.

The Trust is the legal owner of Therfield Heath; the Conservators are the statutory managers. Collectively we are an interested party as we are a neighbouring landowner to 18 Stake Piece Road. Therfield Heath lies to the rear of the property.

Therfield Heath is registered Common Land and the majority of the site is also a Site of Special Scientific Interest (SSSI) as well as a Local Nature Reserve (LNR). Therfield Heath is a significant strategic green infrastructure asset and a biodiverse rich landscape referred to by name in the North Hertfordshire Local plan 2011-2031.

Our concerns relating to this application

Whilst we do not object to the concept of an extension to 18 Stake Piece Road, we are requesting that NHC impose planning conditions to ensure the damage already done to the SSSI and LNR by the owners of 18 Stake Piece Road are remedied and not allowed to re-occur. Specifically:

Pre-Commencement Planning Conditions:

- 1. The Applicant must remove from the Heath / SSSI / LNR the waste material they (or their contractors) have tipped;**

- 2. The Applicant must propose and complete a plan of mitigations to remediate the damage they have already done to the site in agreement with the Conservators and Natural England**

Planning Condition:

- 3. No materials, debris, pollutants, vehicles or machinery associated with this development site shall be stored or used within, leached into, or access the development through, the Wildlife Site (Ref 03/001 Therfield Heath).**

N.B. The planning condition (number 3 above) is the same as NHC handed down in application 09/00847/1 which was another application with likely impact on the LNR.

We refer you to Policy SP12 which states that designated biodiversity sites will be protected, enhanced and managed in accordance with their status (see also paragraph 4.162 of the Local Plan¹).

We also refer to the council's duty in section 28G of the Wildlife and Countryside Act 1981 under which they are a 28G body and have a legal duty to further the conservation of the SSSI. NHC can perform their duty by making the conditions above.

Given NHC policies and duties in law we believe our requests for these conditions are proportionate giving NHC effective measures to protect the SSSI.

Having understood our request the remainder of this letter describes what has been going on and why we seek the conditions we are recommending.

Damage to Therfield Heath, SSSI and Local Nature Reserve

The property located at 18 Stake Piece Road abuts the SSSI area of Therfield Heath, and the applicant (or those working under his/her control) has, ahead of this application and without any consultation or approval from the Conservators or Natural England:

Inflicted damage to the SSSI. They have:

- Destroyed and/or damaged and/or removed both trees and hedgerows
- Compacted and damaged the flora of the SSSI by driving a dump truck over the common on footpath Therfield 10
- Buried protected flora under spoil, debris, rubble and other construction waste from the property

¹ 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)

The public have:

- Reported to NHC the fly tipping of spoil, debris, rubble and other construction waste from the property onto the SSSI land. The NHC incident reference is (SR/20597 Fly-Tipping)

Engaged in actions which appear to us, on their face, could breach the law or regulations:

- Driving on Common Land (this is prohibited under s193 of the Law of Property Act 1925; s34 Road Traffic Act 1988; and Bylaws)
- Undertaking tree work on a SSSI without the requisite permissions or licences²

The actions of the owners of 18 Stake Piece Road took place in January and February 2025. The Conservators engaged with the owners and contractors in person and by letter. The Conservators asked them to remedy the damage and dumping giving an initial 7-day deadline. The owners have ignored the deadline.

Evidence from Conservator visits 18 February (and subsequently):

Trees

A man working for 18 Stake Piece Road claimed to be a professional tree surgeon and advised us that the tree cutting had '*done us a favour*'. To be clear we did not give consent for any party to enter onto our land and fell trees in breach of SSSI requirements.

We also note from the planning application form that the question and reply on trees and hedges is somewhat disingenuous.

To the question "*are there any trees or hedges on the property or adjoining properties which are within falling distance of the proposed development?*" the applicant or his agent has said no. The response does not reflect that the trees and hedges growing there were damaged, cut down or destroyed on or around 9 February 2025 (See photo 1).

To the question "*will any trees or hedges need to be removed or pruned in order to carry out your proposal?*" The applicant or his agent has said no. The response does not reflect that the trees and hedges growing there were damaged, cut down or destroyed on or around 9 February 2025 (See photo 1).

We are concerned about the remaining trees and their root system(s) and of course the applicant must show that his development can be undertaken without impacting in any way the remaining trees or any the replacement trees required to be planted to remedy the damage already done.

Driving

On 18 February 2025 Conservators also witnessed (see photos 2 and 3) a dumper truck being driven on the common and public right of way footpath Therfield 10. The driver refused to stop driving on the common and SSSI land when asked to do so. The driver claimed that NHC had given them permission.

Dumping

² https://assets.publishing.service.gov.uk/media/5d554f8a40f0b670654d8c81/ON027_-_SSSI_Consent.pdf

A second visit was made that same day (in the afternoon 18 February) and Conservators identified where dumping had occurred (see photos 4 and 5).

The Conservators were able to speak to a person who claimed to be the owner/occupier and to advise him of our concerns about the damage to date. This is how we know that the owner/occupier was aware of what was going on. The owner was given a 7-day deadline to remediate their impact on the SSSI, they ignored the deadline.

If I can assist you further please do not hesitate to get in touch.

Please keep us informed of the passage of this planning application. If it goes before the Planning Committee please let us know as we will want to make representations directly to them.

Your sincerely,

A black rectangular box redacting the signature of Carol Fossick.

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

N.H.C.

10 APR 2025

NORTHGATE

Photo 1



The gap in the tree line and damage to the hedge is clear to see. The gap made in the trees and hedgerow was used for digger and dumper truck access to the property. We have additional photographs if required.

N.H.C.

10 APR 2025

NORTHGATE

Photo 2 and Photo 3



This is the dumper truck being driving on the Common / SSSI. The compaction and damage to the flora by repeated driving of the dumper truck over the SSSI is clear to see. We have additional photographs if required.

N.H.C.

10 APR 2025

NORTHGATE

Photos 4 & 5



Piles of spoil and construction waste dumped on the SSSI and Common. We have additional photographs if required.