

Our ref: CN/5197

Your Ref: 24/02656/S73

19 May 2025

FAO: Sarah Kasparian
Planning Department
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
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Dear Sarah

Land East of Garden Walk and North of Newmarket Road, Royston

Section 73 Application (Town & Country Planning Act 1990) in relation to the Phase 1 Reserved Matters planning permission (17/02627/1), as amended by 18/02302/NMA approved 29.10.18, 21/00996/NMA approved 16.12.21, and 21/02194/S73 approved 03.12.21.

I write further to your email dated 13 February, enclosing responses from Place Services Landscape Consultant and Hertfordshire Ecology. Further to the concerns raised, the design team has prepared the following additional information, which is attached herewith:

- Updated Landscape Visual Impact Assessment (April 2025), prepared by ACD
- Updated sections plans – see Document Schedule
- Updated Landscape Plans – see Document Schedule
- Open Space and Infrastructure Soft Landscape Specification (May 2025 Rev.A), prepared by ACD
- Open Space and Infrastructure Soft Landscape Management and Maintenance Plan (May 2025 rev.F), prepared by ACD
- Updated CGIs

The sections plans (66200295-SWE-ZZ-XX-D-C-4161 to 4163) have been updated to remove the previous blue line shown. This line indicated the previous proposed ground levels, which have been reduced during discussions with Officers before the current Section 73 application was submitted. This detail was therefore considered irrelevant and confusing, but was previously shown to demonstrate how the proposed levels had been reduced as a result of discussions with Officers.

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BACKGROUND

The redevelopment of this site was first established through the allocation of the site for residential development within the now adopted Local Plan (Policy RY10). The details of this allocation make no reference to the provision or use of the Community Open Space. In line with the draft allocation (as it was at the time), an outline planning application (App Ref: 14/02485/1) was submitted and subsequently approved in December 2015. This included the identification of an area of Community Open Space to be located on land within the south east corner of the site, on land above the 80m contour.

Current relevant planning permissions

The Community Open Space (COS) was first approved in detail under the Phase 1 RM application (17/02627/1), which was approved on 30.05.18. The approved COS was shown as follows:

- LIN21280 10
- LIN21280 12C Sheets 8, 9, 10, 11, 12 and 13 (some overlapping)

Three amendments were sought to this planning permission:

- Non-material amendment (18/02302/NMA) to swap some house types, which was approved on 29.10.18
- Non-material amendment (21/00996/NMA) was submitted in March 2021 seeking changes to the access to the COS and inter-face with Phase 3.
- Section 73 application (21/02194/S73) to secure minor changes to the highway design, approved 03.12.21. This permission resulted in no changes to the COS. As a new parallel planning permission it should have listed all the approved plans within the decision, but it only makes reference to those which it sought to alter.

Non-material amendment (21/00996/NMA), which sought to change the COS was approved at the same time as the Phase 3 RM application (19/02866/RM). The changes to the COS came about as a result of the detailed design of Phase 3, which immediately abuts the COS. The changes can be summarised as follows:

- Further details regarding the gradient of the Community Open Space along its boundary with Phase 3 of this development
- The introduction of a lower-level step free pathway through the Community Open Space running in a north south direction
- The introduction of additional points of access onto the Community Open Space in the form of two sets of steps and a step free ramp.
- There was no change to the extent of the COS.

The NMA was approved in December 2021 and the relevant plans are:

- LIN21280 10A



- LIN21280 19
- LIN21280 21
- LIN21280 13G Sheets 8 – 13 (some overlapping)
- 6100681-MLM-ZZ-XX-DR-C-0300-P02 Access to POS
- 6100681-MLM-ZZ-XX-DR-C-0120-P07 Levels Strategy

Intended purpose of the COS

The NPPF requirements of para 69 (as it was at the time) sought to achieve safe and accessible developments containing clear and legible pedestrian routes and high-quality open space. In assessing how the scheme meets these requirements, the Committee Report for the outline application considered that the combination of the circular pedestrian route around the perimeter of the site, coupled with the public open space provided was in accordance with these objectives.

It was also recognised during the consideration of the outline proposals that the existing tree belt along the southern and eastern sides of the COS was an important feature that the COS designation would help to maintain. In determining the outline application, the Committee Report notes (at paragraph 4.3.43) that *'the provision of the community open space, restoration of the chalk grassland and the preservation of the mature belt of trees along the Newmarket Road boundary are all... very positive outcomes which would result from this planning application'*.

It is therefore clear that the Community Open Space was intended to have a dual role as part of the development proposals, by introducing a local habitat (in the form of chalk grassland) and also providing informal open space, which was a reflection of the current informal dog walking track that occurred around the edge of the site.

In considering the Phase 1 RM application (17/02627/1), which included the delivery of the Community Open Space, the Committee Report notes that Phase 1 will deliver the majority of open space serving the wider scheme, including the footpaths around the site and the community open space. The Committee Report noted the key landscape features of the site including the tree belts along the southern and eastern boundaries, and the proposed community open space comprising chalk grass land.

In considering the Phase 3 RM application (19/02866/RM), it is noted within the Committee Report that the *'the main purpose of the community open space in the location proposed... was to provide a use above the 80m contour line that is not residential development... Subsidiary benefits of the community open space were identified as relating to biodiversity and natural conservation, as well as allowing some informal recreation activity'* (para. 4.3.11). It also notes that surfaced paths should be discouraged to prevent adverse effects on biodiversity interest.



Having reviewed the various documents that consider the extent, purpose, nature and management of the Community Open Space, it is clear that the COS was always intended to have a multi-purpose function, which is not unusual for such a space. It is considered that the proposals put forward as part of this application continue to deliver on these objectives and do not prejudice the purpose and function of this space as intended.

FURTHER ASSESSMENT OF THE PROPOSALS

Landscape impacts

A Landscape and Visual Appraisal (LVA) was completed as part of the original outline planning application prepared by the Landscape Partnership. The conclusions of this were that development should not intrude above the 80m contour. The Case Officer accepted this, and considered that there was no sustainable objection to be raised on landscape grounds. This conclusion was reached in the context of NHDC not being able to demonstrate a 5YHLS, and the presumption in favour of sustainable development being applied.

Moving forward, the comments of Place Services (dated 3 Feb 2025) are noted, and in order to provide comparable evidence, an updated LVA has been prepared by ACD. This has considered updated views from all the relevant viewpoints assessed as part of the 2014 LVA. Of the twelve views assessed, seven views are considered to have a minor visual impact on the basis of the incomplete ground works and the current exposed chalk. It is considered that once the reprofiling is completed and the chalk grass has established, the residual visual impact would not remain for any of the views assessed. It also notes the mature vegetation along the eastern and southern boundaries, which provides a vegetated backdrop to the landform, which softens and reduces the visual impact. This backdrop continues to form the skyline to views from the north and west, therefore in longer views particularly,, the change in levels is imperceptible. Views from Newmarket Road to the south will change in that the increased levels will be visible via glimpsed views through the mature vegetation, but it is considered that this will be viewed as a natural landform feature once complete and grassed. When viewing the site from Old North Road the change in levels will be unperceivable once the grassland has established. It is considered that the levels changes would not have more than a localised impact, and therefore not significant.

Ecological impacts

The original Ecological Appraisal (May 2014) undertaken by The Landscape Partnership to support the outline planning application noted that the site comprised one large arable field, with woodland; scrub and hedgerow and rank grass/tall referral vegetation located around the site edges. It comments that the intense management of the farmland and regular use by dogs and people meant the site was unsuitable for many species. It recognised that the woody boundaries provide habitat for birds and possibly bats and that the grass edging was suitable for lizards. It comments that the site did not appear to have chalk grassland remnants. In terms of the impact of the scheme on the existing protected species, the Appraisal considered that the 'development area' was of low ecological value. It noted the



possible presence of lizards on the grassy margins and disturbance of bats and nesting birds if any boundary trees were to be removed. In terms of mitigation, it noted that the 'country park' (now known as the Community Open Space) could provide opportunities for habitat creation. It also noted that past exposure of chalk in the area of the A505 cutting led to colonisation by calcareous plants, and it suggested that the 'county park' area could present opportunities to establish chalk grassland on the site.

This clearly indicated that chalk grassland was not an existing habitat, but something envisaged to be created as part of the development of the site.

In terms of how the new grassland will be created and maintained, updated Soft Landscape Specification and Management Plans has been prepared by ACD. These are enclosed as part of this submission. It is considered that these updated documents address the concerns raised within the consultation responses.

Amenity Value

It has been established through the above commentary that the intended purpose of the COS is both to deliver biodiversity and public amenity benefits.

The current proposals put forward will introduce a further step free access route from the base of the stepped access points, which is considered beneficial from an amenity perspective, without detracting from the biodiversity objectives. The gradient of this additional path is proposed at a maximum gradient of 1:15 for a length not exceeding 10m, with intermittent flat landings between the ramp sections which are 2m in length. This is in accordance with Section 1.7 (External Ramps Forming Part of an Approach Route) of Part M Building Regulations requirements. The COS perimeter walk previously proposed (and replicating the existing informal relationship) will also be retained.

In addition, the distribution of earth over the COS area will create more plateaued areas, providing varying gradients which are more natural in form, rather than a consistent slope, which reflects the original slope formation. Detailed modelling plans and sections have been provided to demonstrate this arrangement. It is clear from the section plans, that the overall proposed ground levels (indicated in orange) remain very similar to the existing levels (indicated by the dotted green line) (see Dwgs 66200295-SWE-ZZ-XX-D-C-4141 to 4143). Visually therefore, the change proposed will not be discernible to the eye once complete.

Overall, it is considered that the proposed changes represent an improvement in terms of accessibility compared to the existing approved design.



RESPONSE TO SPECIFIC CONSULTEE COMMENTS

The above discussion seeks to summarise the additional assessment undertaken in response to the recent comments from yourself, Place Services, and Hertfordshire Ecology. The following table seeks to respond directly to the points raised, with reference to the above assessment work:

Consultee Comment	Design Response
Case Officer comments	
Impact on badgers	A walkover survey was carried out in September 2022 in advance of works commenced on Phase 3 in February 2023. It is understood that during the recent site visit, Herts Ecology has confirmed that none of the setts identified are active, therefore there is no detrimental impact on badgers as a result of the ground works.
Significant impact on the purpose of the COS as chalk grassland	It is noted above that the site was previously used as an agricultural field, with no chalk grassland present pre-development. The proposals intended to create a chalk grassland as part of the biodiversity benefits of the proposals. This will still be achieved, therefore there is no detrimental impact as a result of the ground works.
Landscape harm – no evidence to counter the claim from Place Services	An updated Visual Impact Addendum (VIA) has been prepared by ACD. This concludes that there will be no residual visual impact as part of the proposals once the ground remodelling is complete and the chalk grassland has established.
Increased levels detract from natural landform	The Visual Impact Addendum (VIA) concludes that the increased height levels within the COS will be set against a vegetated background created by the tree lined boundaries to the south and east, and that these will remain as the sky line. The VIA notes that glimpsed views of the increased mounded levels from Newmarket Road will be gained through the mature vegetation, however these will sit within the context of the local landscape and appear as natural landform feature.



NHDC Greenspace Team – concerns regarding quality of chalk grassland – LEMP required	Details of implementation and maintenance of the chalk grassland and biodiversity and amenity benefit is set out within the Open Space and Infrastructure Soft Landscape Specification (May 2025), and Open Space and Infrastructure Soft Landscape Management, prepared by ACD, and enclosed with this letter.
Current topsoil includes lumps of clay, which are not suitable	Any lumps of clay within the topsoil are required to be removed as part of the Specification Report, prior to any seeding works.
Access to COS – mown paths should be around the perimeter only	The Landscape Plans produced by ACD and updated through this submission show the extent of the mown paths, which are limited to the perimeter of the COS. See Dwgs: LIN21280 19E and LIN21280 25 Sheets 1 to 4.
Retaining wall needs managing from a safety perspective	A 1.2m high black bow top railing is proposed to running along the top of the retaining wall to provide a suitable safety barrier. This is detailed on the Landscape Plans LIN21280 19F and LIN21280 25 Sheets 1, and shown on the updated CGI images.
Revisit the S106 to reflect current COS transfer position	As previously advised, it was agreed with the previous Case Officer that it was considered sensible to delay the transfer of the COS until the completion of Phase 3 due to this being adjacent to a construction site and agreed works under the NMA needing to be completed. It is noted at Clause 14.2.3 of the S106 that responsibility for restoring the space as chalk grassland falls to the Council, which is now being undertaken by Vistry. Vistry would be happy to agree a revised programme for the transfer of the COS by exchange of letter.



Place Services Comments	
The elevated position of the COS makes it visually sensitive. Views are afforded from 2km away at Old North Road	Updated views from Old North Road have been assessed and included as View N within the VIA. Whilst the site is currently identifiable due to the exposed chalk, once seeded, it will not be discernible from the surrounding landscape and the boundary trees will continue to form the backdrop and skyline, which has not been altered by the proposed remodelling. In addition, a view from the NE along the A10 (View M) also indicates that the site will not be identifiable once the grassland has established.
Changes to the COS will be widely observed and unnatural compared to the surrounding skyline	The conclusions of the VIA do not support this. The overall height of the area has not increased and the skyline view will continue to be the existing trees in most views. The exception to this is the views from the closest row of houses within the site, however the variations to the base of the COS, which alters this outlook, have already been approved as part of the previous NMA (see red line on the section plans).
Raising of levels by up to 4m in some places appears unnatural compared to the woodland belt backdrop	Again, in most views the woodland backdrop will remain as such. Several views at closer range have been assessed as part of the VIA, and this concludes at all viewpoints that the change will be barely perceptible and might not be obvious to the observer once works have been completed.
The 2014 LVA specifies that development should not encroach above the 80m contour as it would have a negative impact on the wider landscape	The remodelling works do not constitute built development that would be unnatural in the landscape, which the LVA was seeking to avoid.
The remodelling of the landscape far exceeds a 'local impact'	It has been demonstrated by the VIA that this statement is not supported. In all wider updated views of the site, once the grassland has been established, it is clear that the changes will not be perceivable.
Eastern corner of the site is considered ecologically sensitive, the works could have additional ecological impacts	Please see statement below from Herts Ecology, which consider that the works will not result in any harm to ecological interests.



Hertfordshire Ecology comments	
The works are considered a minor change to the levels, with no ecological reasons why this would be unacceptable	Noted
The proposals will still serve to create chalk grassland	The Management and Maintenance Plans indicate how this will be achieved
Queries the loss of existing chalk grassland raised by NHDC Greenspaces Team. [If it was not existing grassland prior to the development, then there is no objection to the current works in terms of biodiversity degradation.]	It has been noted in the commentary above that information submitted as part of the original outline and Phase 1 RMs confirms that the site was previously under agricultural cultivation, therefore, not previously chalk grassland. These works have therefore not resulted in any loss of current habitat, but will create it, as per the terms of the planning permission.
If there is existing valued vegetation then the existing topsoil to be scraped and redistributed post remodelling to save any existing swards	There was no existing valued grassland or other vegetation pre-development of the site. This is confirmed within the Specification and Management Plan documents prepared by ACD.
The Ecologist acknowledges that disturbance of chalk soils can give rise to important assemblages	The current works will therefore not be harmful to the ultimate goal of creating chalk grassland as per the terms of the planning permission
If valuable grassland habitat is to be lost, then a management plan is required to outline measures to conserve and restore the grassland affected	It has been established that there is no loss of existing valuable grassland, however, nevertheless, a Management Plan has been provided to ensure the correct establishment and maintenance of the chalk grassland
Public access will impact negatively on the ecological benefits of the COS, but notes the topography and perimeter routes, which will limit disturbance	The space was always intended to have a dual purpose ecological and amenity benefit. Public access will be encouraged to be restricted to the mown perimeter paths, which was naturally the route of previous public access in this space.
Concern regarding the health and safety of the retaining wall area – needs attention	This is acknowledged and a railing is now proposed, which is detailed on the Landscape Plans.

CONCLUSION

It is clear from review of the previous planning decisions that the COS was always intended to have a dual purpose objective of biodiversity and amenity benefits, which can work together.



The regrading works will change the immediate landscape, however it has been concluded that this will not result in a harmful visual impact on the landscape.

The ecological impacts of the scheme have been fully considered, including updated assessment of nearby badger setts. It is concluded that none of the setts are active, which is agreed by the County Ecologist.

The chalk grassland to be introduced by the proposals will be established following the regrading works, and the works have not resulted in any loss of current habitat due to the previous agricultural use of the site.

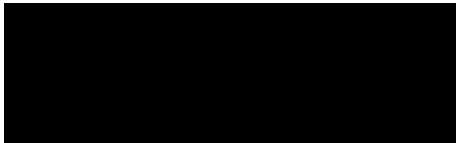
Updated Landscape Specification and Management Plans have been prepared to ensure that the grassland is suitably established and thereafter maintained.

Overall, it is considered that the proposals will not have a detrimental impact on the landscape or ecology and will continue to provide the intended amenity use.

The proposals should also be considered in the context of the alternative, which would be to cart off the excess chalk, resulting in a significant number of vehicle movements. This would be detrimental in terms of residential amenity, air quality and transport movements

I trust the information provided is sufficient for you to approve this application, however, if you require further information, please do not hesitate to contact me.

Yours sincerely,



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Encs

