



Former Hatfield Aerodrome

Town and Country Planning Act 1990, Section 78

Ecology and Biodiversity Statement of Common Ground between the Appellant and Hertfordshire County Council

Proposed application for the establishment of a new quarry on land at the former Hatfield Aerodrome, including new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings

Hertfordshire County Council Planning Application Ref. PL/0232/21

Section 78 Appeal against refusal of planning permission by Hertfordshire County Council.

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1.0 Introduction

1.1 This Statement of Common Ground (SoCG) is submitted in support of an Appeal and has been prepared by SLR. On 12 January 2024 Hertfordshire County Council ('the Council') refused planning permission for the establishment of a new sand and gravel quarry on land at the former Hatfield Aerodrome, Hatfield, Hertfordshire ('the Appeal Site').

1.2 A full planning application (reference PL/0232/21) was submitted by SLR Consulting Ltd ('SLR') on 3 September 2021 (validated 12 October 2021) on behalf of Brett Aggregates Limited (the 'Appellant') for:

"the establishment of a new quarry on land at the former Hatfield Aerodrome, including new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings"

1.3 At its meeting on 31 October 2023 members at the Development Control Committee resolved to refuse planning permission against officer's recommendation for approval. From the Decision Notice eight reasons are put forward for refusing the planning permission, with ecology and biodiversity being the subject of reason for refusal (5):

"The proposal would not sufficiently minimise the impacts of the development or provide for adequate net gain within an appropriate timescale contrary to National Planning Policy Framework paragraph 174d. Further the development would result in significant harm and is not adequately mitigated contrary to paragraph 180 a). The proposal would be likely to result in loss of or damage to habitats or species contrary to policy 9 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007".

1.4 This SoCG has been prepared to record the agreement of the position of the Hertfordshire County Council and the Appellant on these matters.



2.0 Relevant legislation, policy and guidance

2.1 The **Environment Act 2021** has wide ranging provisions including those around:

- Environmental governance;
- Environmental regulation;
- Waste and resource efficiency;
- Air quality and environmental recall;
- Water;
- Nature and biodiversity; and
- Conservation covenants.

2.2 Of particular relevance is Part 6 of the Act which introduces “biodiversity gain in planning” and will apply in England to planning applications under the Town & Countryside Act and the Planning Act. Schedule 14 now requires that biodiversity gain be a condition of planning permission in England. These changes will be enacted through subsequent secondary legislation or regulations. This part of the Act also changes the responsibilities that Government or public bodies have by strengthening the existing NERC Act biodiversity duty. Public authorities are now required to seek to conserve and enhance biodiversity in the exercise of their functions.

2.3 The requirement for 10% net gain did not become mandatory until 12th February 2024 and so the Appeal Site is not subject to this requirement.

2.4 The **Conservation of Habitats and Species Regulations 2017** (as amended) (the Habitats Regulations) consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. Under the Habitats Regulations it is an offence to deliberately capture, kill or disturb¹ wild animals listed under Schedule 2 of the Regulations as well as damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time). European Sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are also protected under the Habitat Regulations, and any proposal that could affect them will require a Habitats Regulations Assessment (HRA).

2.5 Section 40 of the **Natural Environment and Rural Communities (NERC) Act 2006** places a duty on public authorities to have regard to the purpose of conserving biodiversity in the exercise of their functions. Public authorities include government departments, local authorities and statutory undertakers. Section 41 of the Act requires the publication of a list of habitats and species publish which are of principal importance for the purpose of conserving biodiversity. The Section 41 list is used to guide authorities in implementing their duty to have regard to the conservation of biodiversity.

¹ Disturbance, as defined by the Conservation of Habitats and Species Regulations 2017, “includes in particular any disturbance which is likely— (a)to impair their ability— (i)to survive, to breed or reproduce, or to rear or nurture their young; or (ii)in the case of animals of a hibernating or migratory species, to hibernate or migrate; or (b)to affect significantly the local distribution or abundance of the species to which they belong.”



- 2.6 The **Protection of Badgers Act 1992** makes it illegal to kill, injure or take a badger or to intentionally or recklessly interfere with a badger sett. Sett interference includes disturbing badgers whilst they are occupying a sett or obstructing access to it.
- 2.7 The **Wildlife and Countryside Act 1981**, as amended by the Countryside and Rights of Way (CROW) Act 2000 and the NERC Act 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:
- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
 - Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act;
 - Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act;
 - Intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
 - Pick or uproot any wild plant listed under Schedule 8 of the Act; or
 - Plant or cause to grow in the wild any plant species listed under Schedule 9 of the Act.
- 2.8 The **National Planning Policy Framework (NPPF)** was first published on 27 March 2012 and has undergone several updates. The relevant legislation, policy and guidance, at the time of submission, was reviewed and provided in Chapter 4 of the Environmental Statement.
- 2.9 The NPPF has since been updated on 20 December 2023, though no fundamental changes apply. Paragraphs 180, 181 and 186-188:

"180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."



"181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

"186. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

"187. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;*
- b) listed or proposed Ramsar sites; and*
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."*

"188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

- 2.10 **Policy 17** in the **Hertfordshire Minerals Local Plan (MLP)** seeks to protect a range of ecological designations, including sites of European, national and local importance, along with protected species. The policy recognises that the degree of protection will be commensurate with the status of the designation according to their international, national or local importance. Under the policy, planning permission will not be permitted where "it would result in the permanent loss or damage or significant and irreversible change to those particular characteristics and features that define the special quality of critical capital or other environmental assets". It also adds that proposals for mitigation, where appropriate, should be included that will provide for the maintenance and enhancement of critical capital or other environmental assets, including where temporary loss would occur. **Policy 9** provides that, where appropriate, proposals provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. Conversely, proposals that "prejudice the delivery of these targets or would result in the loss of, or damage to habitats



and/or species will not be supported." Policy 18 also addresses amenity aspects that may arise through noise or degradation of air quality or water environment.

- 2.11 In the **Waste Core Strategy (WCS)** and **Development Management Policies**, Policy 17 provides protection to sites of international and national importance, indicating that planning permission will be permitted where it can be demonstrated that they would not have an irreversible adverse impact on the designation. The policy indicates that such assets should be conserved and where possible opportunities sought to enhance them. In a similar vein, Policy 18 indicates that planning permission will be granted where it can be demonstrated a development would not have an irreversible adverse impact on the character, appearance, ecological, geological and amenity value of Regional and Local Sites and Features of importance. The policy adds that such assets should be conserved and where possible opportunities sought to enhance them. Where there are unavoidable negative impacts, adequate mitigation measures should be proposed to address such impacts and/or compensation provided for their replacement. Policy 19 seeks to protect and safeguard Hertfordshire's diversity of natural environmental assets. It firstly requires consideration to be given to provide opportunities to contribute to the delivery of the national, regional and local Biodiversity Action Plan targets. It also seeks to protect and enhance existing woodland, trees and hedges through improved management and new planting, including management, over the long-term. Finally, as noted above, Policy 11 in the WCS also covers *inter alia* ecological aspects, with parts iv) and v) relating to wildlife habitats and the natural environment. In this context development proposals should not have an adverse impact upon such interests, either through the development or operational phases.
- 2.12 The **Welwyn Hatfield District Plan (HDP)** contains several policies to protect the natural environment. Policy R11 is an overarching policy that seeks to protect and enhance biodiversity and requires new development to positively contribute to biodiversity. Policy R13 gives protection to Sites of Special Scientific Interest (SSSI), and Policy R14 gives protection to Local Nature Reserves. Policy R15 covers all regionally important wildlife sites. Policy R17 recognises the importance of trees, woodlands and hedgerows to biodiversity and to the landscape, and requires new development to protect and retain existing trees, woodland and hedgerows wherever possible and replant using locally native species.
- 2.13 The **St Albans District Local Plan** is currently undergoing review and the emerging plan includes a key policy related to nature conservation. Policy NEB 6 affords protection to SSSI, Nature Reserves and other sites which have conservation value. The mitigation hierarchy must be applied in addition to providing Biodiversity Net Gain, ecological enhancement must be based on ecological advice, seek opportunities to link or reconnect fragmented wildlife habitats, provide green infrastructure and make use of on-site features to improve biodiversity (including bat and bird boxes). Off-site initiatives supporting biodiversity will be through environmental land management schemes including on farmland.



3.0 Matters not in dispute

Baseline Conditions

- 3.1 The baseline ecological conditions at the Appeal Site have been identified and described in full in Chapter 11 of the submitted Environmental Statement (ES) (SLR Consulting Ltd August 2021).
- 3.2 An 'extended' walkover habitat survey was undertaken at the Appeal Site on 3rd June 2024 by an experienced ecologist at SLR Consulting Ltd. The ecologist spent approximately 7 hours surveying the site with the aim of updating and reviewing the baseline ecological conditions. The survey followed the UK Habitat Classification (UKHab Ltd 2018) and was extended to consider the potential for priority and protected species to occur at the Appeal Site. Habitat descriptions, photographs and incidental observations of flora and fauna were collected throughout the survey.
- 3.3 The surveyor observed some evidence of ecological succession had occurred at the Appeal Site in the intervening years. For example, open vegetation, typically with tall herbs or ruderal/ephemeral species, had become more closed and grass- or herb-dominated. At the northern end of the site, bramble scrub had continued to encroach onto grassland areas and woodland plantations (principally planted since 2000²) continue to become established. The survey concluded that the ecological conditions and principal ecological receptors at the site remain broadly unchanged from those described in the ES and which are summarised below.
- 3.4 With no significant observable change in baseline conditions, it is considered that the 2018 baseline remains appropriate for the assessment of ecological impacts, mitigation measures and the calculation of biodiversity net gain.

Biodiversity Net Gain

- 3.5 As outlined below, the Local Planning Authority specified the use of the "DEFRA Biodiversity Metric 2.0", which was first published 29th July 2019 (Natural England 2019).
- 3.6 A Biodiversity Net Gain (BNG) assessment was undertaken using the Natural England Metric 3.0, first published 21st July 2021, which superseded metric version 2.0 and was in line with the current guidance available at the time of the submission.
- 3.7 There was no formal statutory, i.e. Natural England or DEFRA, guidance, nor other published good practice professional guidance available at the time in relation to how phased developments should calculate BNG, in particular when habitat losses occur progressively and habitat creation, i.e. gains are also progressive. Therefore, a single calculation was undertaken, the limitations of which are set out in the original 2021 report and below.
- 3.8 Mineral extraction at the Appeal Site would be undertaken in phases of extraction and progressive restoration over a period of around 30 years. The BNG assessment was based

² As evidenced by Google Earth Pro historical aerial imagery, (last accessed on 07/06/2024)



upon a simplified development programme, with all habitat losses occurring in Year 1, i.e. the start of enabling works for the project, and with subsequent restoration of each phase, as outlined in Table 1 of the BNG report (SLR Consulting Ltd September 2021). This precautionary approach significantly underestimates the contribution to biodiversity of the undeveloped phases of the Appeal Site. For example, approximately 7ha (c.10% of the total area that would be disturbed by quarrying) would remain undisturbed for more than 20 years after development commences. This is a fundamental flaw in Metric 3.0 as it does not adequately take into account a temporal multiplier for delaying habitat loss.

- 3.9 The BNG report outlines that the Trading Rules of Metric 3.0 are not met, principally due to a shortfall in scrub creation. The report indicates that an additional 6 ha of scrub could be created on site to meet Trading Rules of “same broad habitat or a higher distinctiveness habitat required”. The proposed restoration provides a considerable area of scattered scrub within grassland habitats, e.g. within the restored quarry Phase A, proposed at a scrub:grassland ratio that is likely to benefit biodiversity. However, due to limitations of the metric calculator, this area is classified as other neutral grassland, with no capacity to include reference or recognise the benefits from the scattered scrub proposed in this area within the biodiversity units or calculations.
- 3.10 It should be recognised that whilst hedgerow units cannot be traded for scrub habitat, they do perform similar ecological functions, and this should be noted when considering the 55% gain in hedgerow units.
- 3.11 Trading rules for woodland habitat units were also not satisfied despite an overall gain of 0.4 ha of woodland on site. As the calculation assumes that all woodland losses would occur in Year 1 this results in a significantly higher loss in biodiversity units (31 units); whereas woodland losses would in fact occur progressively through the phasing of the development. Woodland planting would be focused on early years of the development as woodland creation is heavily penalised within the calculator due to the temporal multipliers (i.e. time to target condition).
- 3.12 The BNG calculations undertaken in 2021 indicated a loss of approximately 5 habitat units, equivalent to <1% loss, and a gain of approximately 7 hedgerow units, equivalent to a 64% gain. An updated calculation has been undertaken using the government-approved Statutory Metric (DEFRA 2024) which is presented in this section.
- 3.13 The legislation and policy in place at the time of submission required development to only provide a net gain for biodiversity and there was no requirement for 10% using any specified metric, as described above. The precautionary approach and limitations with Metric 3.0, as described above, clearly underestimate the restoration proposals of the phased development.
- 3.14 In order to refine the approach to BNG and refer to recent publications and guidance, the BNG assessment has been transferred to the statutory metric (DEFRA 2024) which is used to better describe the delay in impacts to biodiversity and the delivery of biodiversity gains at the Appeal Site. In accordance with Clause 6.2.7 of British Standard 8683:2021 (British Standards Institute 2021), the project will minimise, document and justify any time lag between habitat losses and gains.



- 3.15 Mineral extraction and phased restoration are described as 'phases'; however, mineral extraction of this type is distinct from the phased development referred to in the planning practice guidance on BNG (paragraphs 053 to 063) as each mineral extraction and restoration phase are intrinsically linked and all must be completed for the final scheme restoration, this is unlike many phased residential or commercial development, where final detailed design may not be available in advance. Therefore, a single metric will be used for the whole scheme and the function "Habitat created in advance (years)" being used for earlier restoration phases.
- 3.16 The baseline habitat areas and habitat condition was taken to be that mapped in 2021 and submitted as Appendix 11-1 of the submitted Environmental Statement (ES) (SLR Consulting Ltd August 2021). The post-development habitats and their proposed condition was taken from the Restoration plan (SLR Consulting Ltd 2022). This has ensured that the total area of habitats in the baseline and post-development matches. The condition assessment of each habitat (baseline and post-development) was then reviewed against the Statutory Metric Biodiversity Condition Assessments_Feb24 to ensure that our assessment followed this guidance. In general, this meant some conditions were changed from fairly poor to poor, because the instruction tab of the Statutory Metric Biodiversity Condition Assessments guidance states that

"i. The 'Fairly Good' or 'Fairly Poor' condition categories are intermediate categories for site-specific features of condition not captured in the standard condition assessment. They should only be applied through application of professional judgement, and sound ecological evidence must be provided to justify the use of these categories. "

It was considered that there was insufficient justification to use these categories. Where changes have been made a note has been made explaining in the user comments column in the Statutory Metric.

- 3.17 In addition, the Strategic Significance of each habitat in the baseline and post-development was reviewed against the guidance set out in The Statutory Biodiversity Metric User Guide February 2024.
- 3.18 The definition of "Strategic Significance" represents an area open to interpretation as local nature recovery strategies (LNRS) are yet to be published. In the absence of published LNRS other documents may be suitable, including: (for example), Local Biodiversity Plans, National Character Area (Natural England ArcGIS website) objectives, Local Planning Authority Local Ecological Networks, Shoreline Management Plans (SMP), estuary strategies and green infrastructure strategies. The following documents have been referenced in this regard:
- The Biodiversity Partnership (2006) A 50-year vision for the wildlife and natural habitats of Hertfordshire. A Biodiversity Action Plan
 - Identifies habitats that are of particular significance – includes other neutral grassland, woodland, chalk grassland and acid grassland
 - Waste Core Strategy and Development Management Policies Document (adopted Nov 2012)
 - Waste Site Allocations 2011 – 2026 (adopted Jul 2014)
 - City and District of St Albans District Local Plan Review (adopted 1994, reviewed 2020)



- Welwyn Hatfield District Plan (adopted 2005)
 - Policy R13 gives protection to Sites of Special Scientific Interest (SSSI),
 - Policy R14 gives protection to Local Nature Reserves.
 - Policy R15 covers all regionally important wildlife sites.
 - Policy R17 recognizes the importance of trees, woodlands and hedgerows to biodiversity and to the landscape, and requires new development to protect and retain existing trees, woodland and hedgerows wherever possible and replant using locally native species.

Table 1: Assessment of Strategic Significance

	Habitats Identified
High	<p>Specific areas of the following habitats:</p> <ul style="list-style-type: none"> • Chalk rivers; • Lowland Beech woods; • Oak-hornbeam woods; • Ancient species-rich grasslands; • Lowland Acid Grassland and lowland heathland; • Lowland Calcareous Grassland; • Unimproved Neutral Grassland; • Lowland hay meadow; • Floodplain grazing marsh; • Fens; • Reedbeds; and • Cereal field margins. <p>Designated sites (SSSI's SAC, SPA, LWS etc)</p>
Medium	Habitats identified within the Biodiversity Action Plan and within the geographical frame of reference as detailed in the associated maps.
Low	All remaining habitats not included in the above.

- 3.19 This method has been applied to both the habitats and hedgerows present at the site. We have not updated the habitat baseline to include any rivers / streams as this element was not required by Metric 3.0 in 2021.
- 3.20 The BNG calculations undertaken in 2024 indicate a gain of approximately 27.10 habitat units, equivalent to a gain of 4.49%, and a gain of approximately 5.73 hedgerow units, equivalent to a 55.12% gain.
- 3.21 In accordance with published good practice, i.e. Clause 6.2.14 British Standard 8683:2021 (British Standards Institute 2021) and in line with draft Condition 22 Ecology – Biodiversity and Habitat Management Plan (as set out in the Committee Report), an updated version of the statutory biodiversity metric (including baseline and post-development predictions and any limitations of the approach) and additional information as required to underpin the commitments made relating to biodiversity gain will be completed to inform and satisfy this condition.



- 3.22 In accordance with NPPF para 180 (d) the project aims to minimise the impacts of development, provide a net gain for biodiversity and; through the provision of newly created habitats, including woodlands, scrub, grasslands, hedgerows and new waterbodies; establish coherent ecological networks within the site. The Appeal Site and is therefore compliant with policy in place at the time.

Ecological Impact Assessment

- 3.23 The wider site of the former airfield of which the Appeal Site forms part has been subject to several previous campaigns of ecological surveys dating back to 1999. These have been undertaken in connection with the now completed redevelopment of the easternmost portion, the subsequent management of the remainder as an informal country park, and more recently the promotion of the eastern area for housing. These studies are discussed in
- 3.24 Chapter 11 Ecology of the Environmental Statement (ES) provides the Ecological Impact Assessment (EclA) undertaken by SLR Consulting which was submitted in support of the planning application.
- 3.25 The EclA was undertaken in line with the current guidance, at the time, for EclA issued by the Chartered Institute for Ecology and Environmental Management (CIEEM) and updated the ecological information submitted in respect of the previous application for mineral extraction at the Appeal Site.
- 3.26 The formal scoping opinion from Hertfordshire County Council was received on 14th July 2021 and stated:
"Ecology:
No part of the application site falls within a sensitive area as defined within the EIA Regulations. The ES for application 5/0394-16 identifies 13 main habitat types within the application site."

The proposed development involves the complete destruction of four ponds containing Great Crested Newts populations. A single badger sett would also be relocated. The proposed mitigation includes; creation of new ponds, replacement habitats, and exclusion fencing installed prior to soil stripping. The Ecology Assessment should set out in full the detailed mitigation schemes.

The baseline surveys should be updated to ensure all existing habitats and populations are accurately recorded, together with any new habitats established since 2016. The assessment should include proposals to avoid further habitat loss and fragmentation and make provision for biodiversity gains to be delivered at each stage of the development.

The proposals for restoration should accord with the NPPF , in particular:

- minimise the impacts on and provide net gains for biodiversity;*
- contribute to the establishment of coherent ecological networks resilient to current and future pressures;*
- support the maintenance and enhancement of green infrastructure and landscape across local authority boundaries;*
- identify and pursue opportunities for securing measurable net gains for biodiversity, and*
- deliver measurable biodiversity and ecological improvements in line with DEFRA Biodiversity Metric 2.0."*



- 3.27 The EcIA contains sufficient information to assess the impact of the Appeal Scheme on ecology and biodiversity.
- 3.28 The EcIA concludes that the residual effects (i.e. considering both the design mitigation, and the further avoidance, mitigation and compensation measures) anticipated to arise as an overall consequence of proposed project at the Appeal Site on the key ecological receptors ranges from a neutral effect to a positive effect measurable at least at the District level of significance. The scale of positive effects is subject to inherent uncertainty of restoration success and securing long-term management of habitats similar to the baseline or enhanced habitats.
- 3.29 Avoidance, mitigation and compensation of effects which is not incorporated in site design can be conditioned. The conditions numbered 22-24 included in the October 2023 Committee Report are agreed in this regard and reference is made in paragraph 3.35 below.
- 3.30 On 30 April 2022 the Council made a request for further environmental information under Regulation 25 of the EIA Regulations on several topics: population and human health/public health; hydrogeology; landscape; public access; noise; and heritage. No request was made for further information relating to ecology or biodiversity as part of this request or subsequently.
- 3.31 The further information resulted in changes to the working scheme, which would not have any effect on the conclusions of the EcIA. The changes relate to the location of planting and approximately the same number of plants will be planted; therefore, there are no significant changes to the final mix of habitats to be created.

Important Ecological Receptors

- 3.32 The EcIA (ES Chapter 11) identified important ecological receptors, which in line with CIEEM guidelines (CIEEM 2018), only include those pertinent to the decision-maker (i.e. Hertfordshire County Council) and the project proposed at the Appeal. The reason for refusal states that the project: *"would be likely to result in loss of or damage to habitats or species"* – there is no reference to any specific species or habitats, and therefore it is a matter of common ground that the ecological receptors identified in ES Chapter 11 are the only habitats and species relevant to the Appeal. The following Important Ecological Receptors are identified:
- 3.33 Home Covert & Round Wood Local Wildlife Site (LWS) adjoins the northern site boundary. This site is of County importance and was designated due to the presence of ancient woodland indicator species. It is not identified as ancient woodland; however it is a "long-established woodland", i.e. present on 1st Edition Ordnance Survey maps (National Library of Scotland n.d.) under the approach to woodland protection set out by UK government "Keepers of time" woodland and trees policy (www.gov.uk n.d.). Under this policy long-established woodlands are considered important but are not deemed 'irreplaceable.'
- 3.34 Unmanaged grasslands occur throughout the Appeal Site and meet the previous and current criteria for LWS designation, though this was never ratified. This habitat type is of County importance due to its unusually large and unbroken extent, interconnectivity, and the carrying capacity this provides for associated fauna species. Its intrinsic botanical interest is limited, though a very few notable (e.g. county-rare) species are present (green-winged



orchid, whorled mint). Where scrub occurs as a loose matrix with this grassland resource, providing shelter and habitat edges, this is included as part of the county-valued mosaic.

- 3.35 Great Crested Newts are a European Protected Species and were detected in Ponds 1, 4, 5, 6, 10 and 11 with eggs also present within Ponds 1, 5, 6 and 11 during surveys in 2018. Thus, indicating a 'medium' population towards the lower end of this size class, which forms part of a wider metapopulation likely to be of District importance.
- 3.36 The assemblage of Breeding Birds were assessed as important at the District level, including four species listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), two of which are also Red List species (Eaton MA 2015), seven species of principal importance under Section 40 of the NERC Act 2006 which are also Red List species, three species of principal importance which are also Amber List species, one Red List species and six Amber List species in 2015 surveys.
- 3.37 Wintering Birds were assessed as important at the District level, including three Schedule 1 species (two of which are Red List species), eight species of principal importance (five of which are also Red List species and three are Amber List species), one Red List species and six Amber List species in 2021 surveys.
- 3.38 Passage Birds were assessed as important at the District level due to the background records and the site's geography and character, which suggest it is likely to be a local staging focus for migrating open-country birds and warblers passing between the conurbations of St Albans and Hatfield, especially in Spring.
- 3.39 The assemblage of Invertebrates were assessed as important at the District level with eight species listed in the British Red Data Books, 26 nationally scarce species (8 of which in the former nationally notable Na category and 18 in the former nationally notable Nb category or uncategorised Nationally Scarce ('Notable') Diptera), 25 nationally local species and 20 "not yet rare" species, which were flagged as UK BAP species for the purposes of further research only, recorded in 2015 surveys.
- 3.40 Other grassland habitats are extensive across the site but include a more restricted range of species weakly indicative of semi-natural circumneutral grasslands, but no rarities, and their structure precludes significant value for the higher fauna associated with the rougher grasslands on the site. These habitats are of Parish importance.
- 3.41 Hedges, Mature Trees, Ponds and Denser Scrub have been collectively assessed as Parish importance as these habitat components add to the site mosaic, and in the case of great crested newt, underpin the site population. However, their intrinsic interest is relatively modest, by comparison with neighbouring and wider areas, with some being recent in origin and therefore of low fragility. Of the hedgerows on the site, three qualify as 'Important' under the Hedgerows Regulations 1997, and all that are still recognisable as hedgerows would qualify as habitats of principal importance, along with (by virtue of the presence of great crested newts) four of the ponds/waterbodies.
- 3.42 Bats are a European Protected Species and are assessed as important at the Parish level. Bat use of the site in 2015 is modest and dominated by a small number of common species, with no roosts found or likely to be affected. However, intermittent or localised use of peripheral areas and internal linear or wetland features by a greater range of species



evidently occurs, including the nationally uncommon Nathusius' pipistrelle. There are no indications that the site receives any more than transient use by the more uncommon species recorded, and the site's open nature in comparison with surrounding land suggests that it is unlikely to be of elevated importance by comparison.

- 3.43 Brown Hare is a species of principal importance which likely utilises the site; although it was only recorded on adjoining airfield land in 2015 and not at the numbers cited in previous surveys. This species is of importance at the Parish level.
- 3.44 Badger is a protected species under the Protection of Badgers Act 1992 and evidence of setts and prints were identified onsite in 2021. It is considered important at zone of influence scale.
- 3.45 Reptiles are considered important at the zone of influence scale. One grass snake, a species protected under the Wildlife and Countryside Act 1981 (as amended), was identified onsite.
- 3.46 Invasive Flora are considered important at the zone of influence scale and are considered a negative indicator of habitat quality. Two species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were identified onsite: New Zealand pigmyweed and Japanese knotweed. Snowberry another invasive species was also noted onsite in 2021.

Impact Assessment and Mitigation

- 3.47 Table 1 below outlines the predicted effects on the important ecological receptors and the proposed avoidance, mitigation and compensation for any identified impacts. The table outlines the means of delivering the proposed avoidance, mitigation and/ or compensation as well as the residual effects.
- 3.48 All proposed mitigation for habitats and species can be controlled by planning condition, for example, those draft conditions numbered 22-24 and included in the October 2023 Committee Report, which are agreed.



Table 2: Outline of Ecological Receptors, proposed Mitigation Measures and means of Delivery

Ecological Receptor	Means of delivering proposed avoidance, mitigation and / or compensation	Residual effects
Home Covert and Round Wood LWS	Condition 24 Ecology – mitigation: Construction Environmental Management Plan	No significant residual effects
Unmanaged grasslands	Condition 22 Ecology – Biodiversity and Habitat Management Plan Incorporated in site design	No significant residual effects, scope for positive effects at the District level subject to restoration success and long-term management
Great Crested Newts	Condition 23 Ecology Habitat management Plan – Great Crested Newts Natural England European Protected Species Licence or District Level Licence Incorporated in site design	No significant residual effects, scope for positive effects at the District level subject to enhanced wetland restoration and long-term management
Breeding Birds	Condition 24 Ecology – mitigation: Species Protection Plan, ECoW Incorporated in site design	No significant residual effects, scope for significant positive effects at the District level subject to restoration success and long-term management
Wintering Birds	Condition 24 Ecology – mitigation Incorporated in site design	No significant residual effects, scope for significant positive effects at the District level subject to restoration success and long-term management
Passage Birds	Condition 24 Ecology – mitigation Incorporated in site design	No significant residual effects, scope for significant positive effects at the District level subject to restoration success and long-term management
Invertebrates	Condition 24 Ecology – mitigation Incorporated in site design	No significant residual effects, scope for significant positive effects at the District level subject to restoration success and long-term management
Other grassland habitats	Condition 22 Ecology – Biodiversity and Habitat Management Plan Incorporated in site design	No significant residual effects
Hedges, Mature Trees, Ponds and Denser Scrub	Condition 22 Ecology – Biodiversity and Habitat Management Plan Incorporated in site design	No significant residual effects



Ecological Receptor	Means of delivering proposed avoidance, mitigation and / or compensation	Residual effects
Bats	Condition 24 Ecology – mitigation: Species Protection Plan Natural England European Protected Species Licence, if required	No significant residual effects, scope for significant positive effects at the Parish level subject to restoration success (expansion and improvement of habitat resources) and long-term management
Brown Hare	Condition 24 Ecology – mitigation Incorporated in site design	No significant residual effects, scope for significant positive effects at the Parish level subject to public and dog exclusion
Badger	Condition 24 Ecology – mitigation: Species Protection Plan Natural England Licence	No significant residual effects
Reptiles	Condition 24 Ecology – mitigation: Species Protection Plan	No significant residual effects, scope for significant positive effects at the Parish level subject to restoration success (expansion and improvement of habitat resources) and long-term management
Invasive Flora	Condition 22 Ecology – Biodiversity and Habitat Management Plan: Invasive Species Management Plan	No significant residual effects, scope for significant positive effects at the Parish level subject to restoration success (expansion and improvement of habitat resources) and long-term management



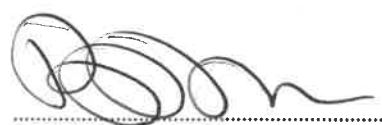
4.0 Matter in Dispute

- 4.1 There are no matters in dispute. Outstanding issues are capable to be resolved via conditions.


Signed

19/11/2024

(SLR Consulting on behalf of the Appellant)

 Brian Owen
Signed

(on behalf of the Hertfordshire County Council Lead Local Flood Authority)

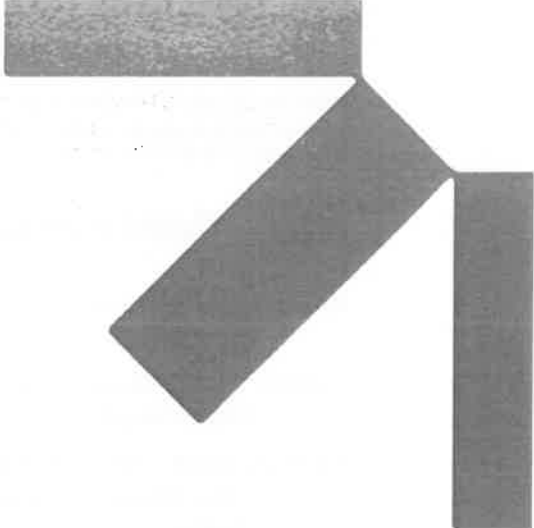
19th November 2024



5.0 References

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Appendix A **Headline Results**

Copy of Headline Results Tab of the Statutory Biodiversity Metric for Former Hatfield Aerodrome

Planning Reference: PL/0232/21

Brett Aggregates Limited

SLR Project No.: 403.065431.00001

19 June 2024

Former Hatfield Aerodrome

Headline Results

Scroll down for final results ▲

On-site baseline

On-site post-intervention
(including habitat retention, creation & enhancements)

On-site net change
units & percentage

Off-site baseline

Off-site post-intervention
(including habitat retention, creation & enhancements)

Off-site net change
units & percentage

Combined net unit change
(including all on-site & off-site habitat retention, creation & enhancements)

Spatial risk multiplier (SRM) deductions

Return to results page

Results

Headline Results

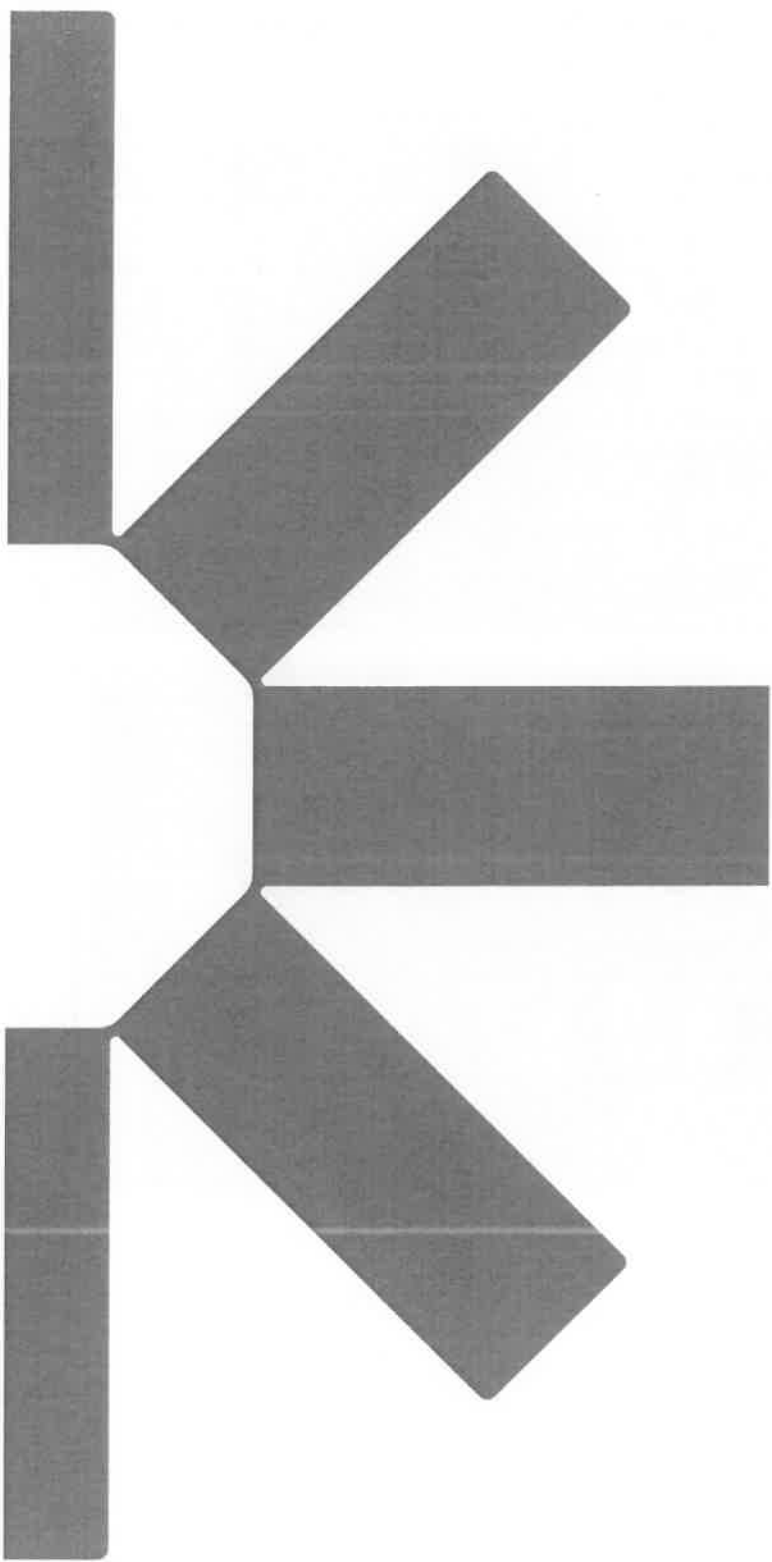
Detailed Results

Trading Summary Area Habitats

Trading Summary Heterogeneous

Habitat units	603.88	
Hedgecroft units	10.40	
Watercourse units	0.00	
Habitat units	630.98	
Hedgecroft units	16.13	
Watercourse units	0.00	
Habitat units	27.10	4.49%
Hedgecroft units	5.73	55.12%
Watercourse units	0.00	0.00%
Habitat units	0.00	
Hedgecroft units	0.00	
Watercourse units	0.00	
Habitat units	0.00	
Hedgecroft units	0.00	
Watercourse units	0.00	
Habitat units	0.00	0.00%
Hedgecroft units	0.00	0.00%
Watercourse units	0.00	0.00%
Habitat units	27.10	
Hedgecroft units	5.73	
Watercourse units	0.00	
Habitat units	0.00	
Hedgecroft units	0.00	
Watercourse units	0.00	

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Making Sustainability Happen

Update note to Statement of Common Ground

The County Council has withdrawn the 8 reasons for refusal as set out in the decision notice.

The County Council has also submitted updated conditions dated 31/10/2024 CD 14.19

The County Council in its statement of case set out that it considered a pre-commencement planning condition requiring the submission of an updated deed of variation should be imposed. This is not covered by the conditions draft as above.

The S106 Agreement has now been signed though not engrossed

