

Technical Note – Responses to Inspector's observations on ecological matters following his note from the round up session for Birchall Garden Suburb on 12 March 2020

Welwyn Hatfield Local Plan Examination

April 2020

Prepared for Tarmac Trading Ltd

In the note (EX186C) provided by the Inspector following the Birchall Garden Suburb Round up Session on 12 March 2020<sup>1</sup> the Inspector set out the following comments:

*“At the site visit I was shown a field to the west of the proposed development site to the north of the eastern arm of Hatfield Hyde Brook. It appears to have lain fallow for a number of years, still only has limited vegetative cover and is clearly distinguishable from the woodland further to the west. I also noticed the obvious extent of public use of this and the wider area and the damage to the habitat in the Commons Local Nature Reserve. The public's use of these areas is clearly in conflict with the maintenance of the area's wildlife. A large development immediately to the east would undoubtedly lead to a further deterioration in the ability of this land to function as a habitat for wildlife.*

*Policy SADM 16 Ecology and Landscape says that proposals that would result in loss of or harm to ecological assets of local importance, including ecological networks, will be refused unless the mitigation hierarchy has been fully implemented. The Council needs to give some consideration as to how this is to be achieved. Additionally, would it look at the potential to enlarge the northern part of the proposed development site by incorporating the field referred to above and possibly other land, into the development and making compensatory provision for wildlife protection in (a) location(s) that (is) (are) less likely to be subject to human interference. In particular, could this be a more sustainable long-term option from a wildlife perspective than the status quo?”*

The area of land described by the Inspector as being subject to public use includes The Commons Local Nature Reserve and potentially some of the land around it. The Commons is a Local Nature Reserve (LNR) which is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act, 1949. LNRs can be declared by local authorities rather than by the national conservation body (Natural England). Though they are designated through a statutory process they do not need to meet the criteria for a Site of Special Scientific Interest for their nature conservation value and their primary reason for designation is for their value to the public as a resource for amenity use, education or research.

It is noted that Government guidance on LNRs is that<sup>2</sup>:

*“The local authority must control the LNR land - either through ownership, a lease or an agreement with the owner. As a manager of an LNR you need to care for and protect its natural features. You must also make your land accessible for any visitors.*

*It isn't a formal requirement that your LNR is open to the public but you should aim to make at least part of it publicly accessible.”*

This Guidance makes clear that LNRs should be publicly accessible, but having regard to the need to protect any relevant ecological interest on the site.

Natural England on its website<sup>3</sup> explains that (emphases added):

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<sup>1</sup> [https://welhat.gov.uk/media/16187/EX186C-Round-Up-Session-BGS-and-Symondshyde-AMENDED/pdf/EX186C\\_Round\\_Up\\_Session\\_BGS\\_and\\_Symondshyde\\_amended\\_23.3.20\\_.pdf?m=637206444692900000](https://welhat.gov.uk/media/16187/EX186C-Round-Up-Session-BGS-and-Symondshyde-AMENDED/pdf/EX186C_Round_Up_Session_BGS_and_Symondshyde_amended_23.3.20_.pdf?m=637206444692900000)

<sup>2</sup> <https://www.gov.uk/guidance/create-and-manage-local-nature-reserves>

<sup>3</sup> <https://data.gov.uk/dataset/acdf4a9e-a115-41fb-bbe9-603c819aa7f7/local-nature-reserves-england>

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*“Local Nature Reserves (LNRs) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities. Parish and Town Councils can also declare LNRs but they must have the powers to do so delegated to them by a principal local authority. LNRs are for people and wildlife. They are places with wildlife or geological features that are of special interest locally. They offer people opportunities to study or learn about nature or simply to enjoy it.”*

The Commons LNR comprises a 13.1 hectare site set within the urban fringe landscape which has a diverse mix of habitats including, fen, woodland, grassland and arable land. The site enjoys high levels of public engagement with the public assisting with both site management and monitoring and recording of habitats and species. The latest site management plan<sup>4</sup> sets out with regard to public access that:

*“The Commons provides an important and well-used local resource for low-key recreation, offering three or four circular walks of varying lengths on more-or-less level or gently sloping ground”.*

The management plan also sets out priorities for improving public access and in its vision it sets out that the site *“will be a special place where local people and visitors can enjoy its visual qualities”.*

At the current time access to The Commons LNR is via footpaths off The Commons, Howlands and Caponfield in Welwyn Garden City. The Birchall Garden Suburb scheme does not propose any direct access to the LNR; there would however be opportunities, subject to agreement with the managers of The Commons LNR, for the linking up of the LNR into the Birchall Garden Suburb green infrastructure and wider recreational resource. The key point is that pedestrian access from the Birchall Garden Suburb site can be managed (such as through installation of signage and control or even exclusion of pedestrian routes etc.) in line with what The Commons LNR management team see as being best for the LNR site.

The increase in residents resulting from the development of the Birchall Garden Suburb site and all others in the Borough will result in an increase in recreational use of parks, green space and places such as nature reserves.

The Birchall Garden Suburb scheme has, through its location, a great opportunity to provide significant areas of attractive open greenspace for recreational use. The proposed central parkland which is a core component of the scheme provides a resource that is easily accessible from all proposed residential areas.

That central parkland shall provide a large open expanse (60ha) of greenspace with carefully laid out pathways and access routes for recreational use. It shall be enhanced and managed to create naturalistic and attractive landscape for its users. Further to this the woodlands within the Birchall Garden Suburb site (Henry and Birchall woods; Rolls and Blackthorn woods; and Greater Captains and Howelpark woods) shall be enhanced and managed for biodiversity; and recreational access shall be improved and managed in such a way that the biodiversity value of these habitats is not degraded. These woodlands together provide a resource of over 30ha.

Further to this, within the wider Birchall Garden Suburb site there shall be a connected and well designed network of green infrastructure with pedestrian and cycle access.

<sup>4</sup> Welwyn Hatfield Borough Council (2014):The Commons Local Nature Reserve Management Plan 2014-2019.

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With regards to avoiding impacts of increased recreational pressure on sensitive sites there are no national guidelines; however there are well tested and proven examples where strategies have been developed and implemented in the context of avoiding recreational impacts on sensitive European Sites – Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) under the Habitats Directive. It is important to note that on those sites the ecological interest is paramount and of a completely different order to that found in LNRs – hence the European designation. Moreover, as already explained LNRs by definition are about not just nature conservation, but also public access. Nonetheless, the experience of managing recreational impacts on such sites can be drawn on here by analogy. Drawing upon the experience of these may be an appropriate way to examine the suitability and likely efficacy of the Birchall Garden Suburb design.

In the Thames Basin region, there are a total of 13 Sites of Special Scientific Interest that combine to form the internationally important Thames Basin Heaths SPA. This site spreads across parts of Surrey, Hampshire and Berkshire where pressures to build new homes have been great. The sites that form the Thames Basin Heaths SPA comprise areas of open heathland and woodland habitat that are attractive to recreational users and as such any increase in the local population through the provision of new houses could potentially impact upon their interest features. In response to this Natural England spearheaded the development of a strategy that focussed on the provision of new areas of Suitable Alternative Natural Greenspace (SANG) to provide alternative recreational spaces to draw potential impacts away from more sensitive designated sites. The rate of provision is set at 8ha of SANG per 1000 head of population (i.e. new residents introduced into an area through the provision of new homes). This strategy has been tested against the stringent requirements set by the Habitats Regulations and it has survived a number of legal challenges and appeals. Further to this and complementing the SANG strategy is that of providing additional visitor management and monitoring.

The average rate of occupancy of dwellings in the local authority areas within which the Birchall Garden Suburb site falls is around 2.4 people per dwelling. If Birchall Garden Suburb was to provide 2500 new dwellings this would result in an estimated local population rise of 6000 people and using the standards as adopted for the Thames Basin Heaths SPA this would need an area of alternative greenspace provision (equivalent to SANG) of 48ha. At the Birchall Garden Suburb site the central parkland area provides some 60ha of space that would be available for recreational use and this would be linked to and integrated into a wider green infrastructure resource with recreational spaces and pedestrian and cycle access routes which would be managed to ensure that recreational impacts and usage is controlled at appropriate levels and directed to the less sensitive areas.

Given that the Birchall Garden Suburb site provides alternative recreational space that would more than meet the stringent requirements of the Habitat Regulations, legislation that is set out to protect internationally important designated sites in the Thames Basin Heaths SPA impact zone, it is considered that this provides more than necessary mitigation (compensatory provision) for the potential increase in recreational pressures in the local area which includes The Commons LNR, a site of only Local Importance.

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The Inspector also commented upon the need, under Policy SADM16, that proposals should follow the mitigation hierarchy. Over a period of several years baseline ecological data has been collected at the Birchall Garden Suburb site through both desk-top study and an extensive range of field surveys. As such an in depth understanding of the site's ecological value has been established and this has guided and informed the masterplanning process and the initial design and layout of the proposed scheme. From the very outset the design has adopted the mitigation hierarchy and great emphasis has been placed on protecting and enhancing the key areas of ecological value. Additional to this, where necessary, mitigation and compensation measures are also proposed to ensure that ecological impacts are reduced to acceptable levels and the scheme is compliant with Policy SADM16.

The matters described above including management and also the provision of new green areas are aimed at seeking to avoid adverse impacts to the LNR to the extent that is necessary. Moreover, the scheme overall has been designed to protect and enhance other sites recognised as having ecological interests. The adoption of the mitigation hierarchy in the site masterplanning process is a key principle of Biodiversity Net Gain (BNG). The development has been designed to achieve BNG and provisional calculations demonstrate that this is deliverable.