

Major and in principle objection to the inclusion of M3

Part 1.

HMWT object in the strongest possible terms to the inclusion of M3 - Bedmond Lane, St Albans, AL3 4AH in the site allocations plan.

It is totally in conflict with national planning policy, as set out in NPPF and the draft policies of the local plan, as set out in the regulation 18 consultation. To include this site would be to contradict the policies of the local plan and make a mockery of any environmental credentials the council profess to promote.

The site itself is a species rich mosaic of habitats including species rich chalk grassland, species rich neutral grassland and scrub. It easily qualifies as a local wildlife site and the only reason that it is not designated as such is because the landowner permission required to designate the site has not been given. It is a de-facto Local Wildlife Site and should be considered as such. St Albans District Council have been made aware of its value many times. Recent surveys conducted by the ecologist acting for the developer on another application to establish for horse grazing on the site confirmed its botanical value, despite failing to record its most spectacular species - Lizard Orchid, one of rarest plants in the county. The location of the site close to St Albans means that it is a highly valued and loved local resource, as evidenced as its designation as an Asset of Community Value by the local community. It could not be more precious for people and wildlife, yet it has been put forward as a development site in the local plan. It is the epitome of the sort of site that should be protected in accordance with local and national policy.

When the draft local plan is examined, there are numerous passages which preclude the inclusion of this site. I will go through these below.

Chapter 10 Natural Environment and Biodiversity

10.4 The natural environment is fundamental to people's health through its everyday uses for recreation, sports and leisure. Experiencing nature can be relaxing and highly beneficial to wellbeing. In many places the natural landscapes of St Albans are valued for their visual amenity and role in providing a sense of place. This site was so loved by local people that they fought a long battle to designate it as an Asset of Community Value. This designation was challenged by the owner in the strongest terms yet the community rallied together to defend it. How does including it in the site allocations plan recognise the important function it performs for them and for wildlife?

10.8 The Environment Act (2021) is a significant piece of legislation that for the first time sets clear statutory targets for the recovery of the natural world. In particular, the Act brought in the requirement for Biodiversity Net Gain (BNG) and Local Nature Recovery Strategy (LNRS). It is a ground breaking piece of legislation and part of its requirement is for measurable biodiversity net gain.

Categorically, for the avoidance of doubt, it will not be possible to deliver biodiversity net gain on this site, within the proposed plans.

It is the location of priority habitats - lowland meadow and lowland calcareous grassland, as evidenced by the botanical surveys of the site owner. These cannot be compensated and if entered into the metric elicit a red warning flag stating that compensation is not possible. The other habitats are medium value habitats in the terms of the metric. All the habitats onsite score extremely highly in the metric. **Net Gain with not be possible onsite.** Does SADC really want to put a site forward for development that could not possibly deliver net gain? Even if offsite biodiversity units are proposed these will need to be located highly specialised geology and hugely expensive. No units have been proposed and it is highly doubtful that a suitable location could be found in the district.

This site is also exactly the habitat and combination of habitats that will appear in the Local Nature Recovery Strategy. It is totally inappropriate to include these sites in site allocations.

10.12 Green Infrastructure is defined by the NPPF as 'a network of multi-functional green and blue spaces and other natural features, urban and rural, which are capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity'. Plans should 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. Planning policies should also recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production. Inclusion of this site is entirely inconsistent with a strategic approach to maintaining and enhancing networks of habitats or planning for the enhancement of natural capital. It would destroy several priority habitats, result in a massive biodiversity net loss, and destroy the only known example in the district of one of the countries rarest plants (protected under schedule 8 of the Wildlife and Countryside Act 1981).

10.13 The Council will work in partnership with stakeholders to protect, enhance and, where necessary, restore the District's existing natural environment and biodiversity green infrastructure assets. This is almost unworthy of comment it is so farcical. If the Council applied this statement it would not even countenance including this site. By including it, it is actively invoking the destruction of the District's existing natural environment (actually most precious natural environment) and biodiversity green infrastructure assets. Its inclusion on the site allocation plan is an insult to stakeholders and in no way acting in partnership with them.

The consultation document limits the number of words possible so this objection will be continued in further representations to follow

Major and in principle objection to the inclusion of site M3 in the site allocations plan Herts and Middlesex Wildlife Trust

Part 2

The local plan draft policies go on to state (in italics):

Strategic Policy SP10 – Natural Environment and Biodiversity

The Council will protect and enhance Green Infrastructure for its role in combating Climate Change and supporting biodiversity, along with its value for recreation, health and wellbeing, and landscape value.

To ensure the protection and improvement of the District's green infrastructure and the wider natural environment, development proposals are required to:

1. *c) Avoid the loss, fragmentation or reduced functionality of Green Infrastructure*

By including this site (which we have already established cannot be compensated due to the priority habitats present and the mosaic of habitats they create in conjunction with other valuable habitats, making them more valuable than if taken individually) the Council will be endorsing the **destruction** of *Green Infrastructure for its role in combating Climate Change and supporting biodiversity, along with its value for recreation, health and wellbeing, and landscape value.*

It is clearly not compliant with this policy to include this site.

Non-Designated Local Green Spaces

10.22 National policy states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- 1. a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- 2. b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- 3. c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

In point 2 it is stated that development cannot proceed unless the loss of the site can be adequately compensated. This site is one of the most botanically diverse sites in the district. It is home to several priority habitats made more valuable by their proximity to each other. It is home to numerous rare plant species including the rarest plant in the county, protected by the Wildlife and Countryside Act. It cannot be replaced *by equivalent or better provision in terms of quantity and quality in a suitable location.* It just can't. To suggest otherwise is ridiculous and I would be astonished if this had even been investigated before putting this site forward.

10.23 The emerging Open Spaces Study (2023) provides an assessment of provision across the District.

NEB 3 – Non-Designated Local Green Space

Development of non-designated areas of public green space, or green space in community use, will be refused permission unless the following criteria are met:

- 1. a) The land no longer serves an important recreational, sporting, amenity or biodiversity purpose, or, if this does not apply, suitable replacement land and facilities can be provided elsewhere and must be laid out and playable before the existing site is lost;*
- 2. b) The proposed development would not damage the character of any remaining green space, or the environment of the surrounding area, or the strategic function of any green space with which the site is associated;*
- 3. c) Maintaining and improving biodiversity has been provided for in the design and landscaping of the proposed development;*
- 4. e) If existing green space is to be developed, details of the enhancement of the remaining areas and future management of these spaces may be required and secured through planning obligation*

The site was an Asset of Community Value and is in daily use by the local community. point 1 above states:

a) The land no longer serves an important recreational, sporting, amenity or biodiversity purpose, or, if this does not apply, suitable replacement land and facilities can be provided elsewhere and must be laid out and playable before the existing site is lost;

It continues to provide huge biodiversity benefits, which will mature over time. The occurrence of priority habitats means that it cannot be adequately provided elsewhere! The complex and rare geology means that even if it could, finding such a site within the district would be almost impossible.

Similarly point 2 cannot be fulfilled because it would destroy a highly valuable component of the strategic green infrastructure network which could not be replaced within or outside the development.

Point 3. Biodiversity cannot be improved by this proposal, so the proposal is incapable of being consistent with point 3.

Biodiversity and Biodiversity Net Gain

10.29 The Council will work in partnership with the County Council, the Office for Environmental Protection and Natural England and to protect designated areas and species of national and local importance for biodiversity (see Policies Map). Identified and designated areas, sites and networks of importance for biodiversity including sites of local importance will be conserved, enhanced and managed. The Council will seek to implement the objectives of Hertfordshire-wide and local habitat and biodiversity strategies

This is the epitome of a site and species of national and local importance for biodiversity. The only reason it isn't a LWS is because of a lack of landowner permission to do so. The habitats that occur there are priorities for conservation and creation in all Hertfordshire-wide and local habitat and biodiversity strategies. Therefore, once again, this site cannot be put forward because it is incapable of fulfilling local plan policies.

NEB 6 – Biodiversity and Biodiversity Net Gain Proposals that are likely to impact on protected designated areas and species of national and local importance for biodiversity must:

1. *a) Undertake an ecological assessment for the planning application. Proposals will be refused if harm is caused to any of the following:*
 2. *Sites of Special Scientific Interest;*
 3. *Nature Reserves (international, national, regional and local);*
- iii. *Any other sites of wildlife, geological or geomorphological importance;*
 1. *b) Apply the mitigation hierarchy (avoidance, mitigation, restoration, compensation) and in addition provide Biodiversity Net Gain (see below);*
 2. *c) Demonstrate ecological enhancement of the site through planning gain which should be based upon ecological advice Hertfordshire Ecology and Herts and Middlesex Wildlife Trust, and on data from the Herts Environmental Records Centre (HERC), or from any of their successor bodies as appropriate;*

The mitigation hierarchy has not been applied here. Nationally important species and habitats are present. Priority habitats that cannot be replaced are present. Applying the mitigation hierarchy means avoiding this site. Again, the allocation is not compliant with policy.

The site cannot be ecologically enhanced. It will be destroyed and cannot be adequately compensated onsite or offsite. Again, its allocation is not compliant with local or national policy.

Biodiversity Net Gain

In line with national guidance, development should provide a net gain in biodiversity on site. Development proposals must ensure that they:

1. *Meet a minimum 10% net gain in biodiversity on-site that is calculated using the Biodiversity Metric from Government guidance and is approved via a Net Gain Plan. Off-site contributions in the District will be allowed only where on-site is not possible or desirable. Payments in lieu to the national statutory biodiversity credit scheme will only be allowed in exceptional circumstances;*

Categorically, for the avoidance of any doubt, this site as proposed, cannot provide a biodiversity net gain, due to the habitats that are present. This is insurmountable. SADC cannot include this site due to this point alone.

HMWT are extremely disappointed that SADC has let this proposal go this far. The site will be ecologically impossible to deliver. Its inclusion represents a complete lack of

understanding from SADC of the sites ecological value, and total ignorance of the meaning of the ecological policies in their own local plan. This representation has demonstrated numerous policies that preclude its inclusion in the plan. HMWT sincerely hope that SADC see sense and remove this site. It will be contested in the strongest possible manner at all stages should it be included.