

19 Natural Environment

19.1 Introduction

19.1.1 The natural environment is one of the district's greatest resources. Environmental quality is however under threat from many directions. The District Council is therefore committed to conserving and enhancing those important landscape and townscape elements which form a key part of the district's character and the quality of life of its residents.

19.2 Nature Conservation

19.2.1 Nature conservation is an integral part of the planning system and as such needs to be taken into consideration in any development. Ensuring that future generations can enjoy the district's rich geological and biological inheritance as well as the wider experience that a healthy, functioning natural environment can provide means that we must continue to improve the protection and management of what we have today.

19.2.2 To assist with this the most important areas in the district are identified on the Policies Map. These include sites of international, national and local importance. The sites are correct at the time of publication of the District Plan but may be subject to change through future reviews. The Council will continue to work with the Hertfordshire Environmental Records Centre as the primary resource for ecological data in the County.~~refer to the most up-to-date position.~~ Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service, Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to affect the natural environment and nature conservation assets.

Links to useful guides, documents and websites produced by these and other relevant organisations can be found in the Bibliography in Appendix F.

Table 19.1 Designated Environmental Assets

Type of designation	Purpose of designation
International Special Areas of Conservation (SAC)	Classification under the European Union's Habitats Directive of areas of value for species, plants and habitats. Together with SPAs, SACs form part of the Natura 2000 system.
International Special Protection Areas (SPA)	Classification under the Birds Directive to protect internationally valuable populations of eligible bird species.
International Ramsar Sites	Designation under the Ramsar Convention for wetlands of international importance.
National Sites of Special Scientific Interest (SSSI)	<u>Sites designated by Natural England under the Wildlife and Countryside Act 1981.</u> Protection of the most significant sites for the conservation of wildlife (species & habitats) and/or geology.
National National Nature Reserves (NNR)	Areas managed for either (or both) the preservation of flora, fauna, geological and physiological features of special interest or to provide opportunities to study fauna, flora and their physical conditions.
<u>At Least</u> Local Local Nature Reserves (LNR)	Places of special local wildlife, or geological <u>or educational</u> interest or significance identified by local authorities. <u>Where these sites are also designated as SSSIs they will be a national importance.</u>
Local Local Wildlife	Sites of importance for their scientific, educational and historical value as well as their visual qualities. <u>Designated land of local and regional</u>

Sites (WS)	<u>importance defined as discrete areas of land considered to be of significance for their wildlife features. They are the most important places for wildlife outside legally protected land such as SSSIs.</u>
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- 19.2.3 Sites of international importance currently designated within the district include:
- Wormley-Hoddesdonpark Woods – Special Area of Conservation (SAC)
 - Rye Meads and Amwell Quarry – components of the Lee Valley Special Protection Area (SPA)
 - Rye Meads and Amwell Quarry – components of the Lee Valley Ramsar Site
- 19.2.4 All international sites in the district are also designated as SSSI's. SSSI's protect England's finest wildlife and geological sites. Natural England, under the Wildlife and Countryside Act 1981 (as amended), is responsible for designating and assessing these sites working closely with landowners and site managers to ensure that targets to maintain and improve their condition are met. The 2012 Government Strategy 'Biodiversity 2020' set out commitments to bring 50% of the total area of SSSI's into 'favourable condition' by 2020. There are 16 SSSI's in the district.
- 19.2.5 The only National Nature Reserve (NNR) in Hertfordshire is located in the south of the district at Broxbourne-Hoddesdonpark Woods. The Nature Reserve contains several woodlands of SSSI status, which are home to many rare and scarce woodland wildlife.
- 19.2.6 Advice should be sought from Natural England for any proposals that may potentially affect an international or national site.
- 19.2.7 Local Wildlife Sites in the district are identified by the Hertfordshire Local Wildlife Sites Partnership which is a partnership approach to the identification, selection, assessment and protection of Local Wildlife Sites in the County, led and coordinated by the Herts and Middlesex

Wildlife Trust. Local Wildlife Sites (WS) are considered to be of significance for wildlife in at least a district context. There are currently ~~573~~⁵⁴⁴ Wildlife Sites in the district covering ~~3,462~~^{3,442} hectares. There are also currently ~~14~~ Herts and Middlesex Wildlife Trust Reserves in the district, seven of which are SSSIs and one, Waterford Heath, is a Local Nature Reserves (LNR) (~~as protected by~~under the National Parks and Access to the Countryside Act, 1949, as amended), in the district, including 4 Flagship Reserves:

- ~~Amwell~~
- ~~Balls Wood~~
- ~~Kings Meads~~
- ~~Rye Meads~~

19.2.8 Distinctions will be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and appropriate weight will be given to their importance and the contribution they make to wider ecological networks. It is however, important that opportunities are taken to enhance biodiversity wherever possible, especially in urban areas, as even non-designated environments contribute significantly to the success of the wider ecological network.

19.2.9 The NPPF requires local planning authorities to apply a mitigation hierarchy. In the context of the natural environment this means that policies should seek to create net gains in biodiversity, to avoid adverse impacts by considering alternative options, to use mitigation measures where avoidance is not possible and as a last resort to use compensatory measures.

Policy NE1 International, National and Locally Designated Nature Conservation Sites

I. Development proposals, land use or activity (either individually or in combination with other developments) which are likely to have a detrimental impact which adversely affects the integrity of a site, will not be permitted unless it can be demonstrated that there are reasons which clearly outweigh the need to safeguard the nature conservation value of the site, and any broader impacts on the international, national, or local

network of nature conservation assets. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. Where insufficient data is provided, permission will be refused.

II. Where a site of International or National designation for nature conservation importance ~~priority species or habitat on the site~~ is adversely affected by the proposals, permission will be refused unless the District Council is ~~will need to be~~ satisfied that:

(a) There are imperative reasons of overriding public interest, which could be of a social or economic nature, sufficient to override the harm to the site;

(b) There are imperative reasons of overriding public interest relating to human health, public safety or benefits of primary importance to the environment.

III. ~~In exceptional circumstances where proposals are allowed which would damage the nature conservation value of the International, National or Local Site, any adverse impact to designated sites should only occur as a last resort, and should be compensated by replacement with a feature of comparable or higher ecological value.~~ Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. Such compensatory schemes should seek to achieve a net gain for nature and the ~~The District Council will consider the use of conditions and/or planning obligations to provide~~ secure ~~appropriate mitigation/compensation.~~

NE2 Sites of Nature Conservation Interest (Non-Designated)

I. All proposals should achieve a net gain in biodiversity and avoid harm to, or the loss of features that contribute to the local and wider ecological network.

II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate planting and landscaping into the overall design.

19.3 Species and Habitats

- 19.3.1 The planning system has a central role to play through resisting development proposals that may irreversibly damage important species or habitats, by enhancing biodiversity through incorporating mitigation and enhancements and by securing long-term favourable management of biodiversity rich sites.
- 19.3.2 Biodiversity describes the number and variety of species of plants and animals within a habitat and also the diversity of habitats within an ecosystem. Biodiversity has economic importance, adds to our quality of life and contributes to local distinctiveness as well as securing Ecosystem Services such as pollination, hydrology and pest control for example.
- 19.3.3 Whilst protecting priority species and habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006) is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making.

A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed in the form of a spread-sheet at: <http://publications.naturalengland.org.uk/publication/4958719460769792?category=10002>.

Government legislation exists which places legal obligations on Local Planning Authorities and landowners with regards to the protection and enhancement of European Sites, protected species and Sites of Special Scientific Interest. More information can be viewed on the Government's document website at: www.gov.uk

The Herts and Middlesex Wildlife Trust website also contains a useful list of relevant environmental law at: www.hertswildlifetrust.org.uk/what-we-do/planning/wildlife-and-law

- 19.3.4 While there are no longer national habitat or species targets, the Hertfordshire Biodiversity Action Plan (2006) identifies those habitats and species which are a priority for conservation and is a valuable source of information on the county's natural assets.

~~The Hertfordshire Biodiversity Action Plan (2006) can be viewed and downloaded from the Hertfordshire Environmental Forum at: www.hef.org.uk/nature/biodiversity_vision/~~

19.3.5 The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents.

19.3.56 Development should be planned to avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape. Any development should minimise impacts on biodiversity and provide net gains for nature where possible. This involves safeguarding and enhancing biodiversity already present, providing new areas of habitat appropriate to the ecology of the area and integrating biodiversity within new development. Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the site will be protected and enhanced.

19.3.67 Where there is evidence of European Protected Species (EPS) such as bats, great crested newts, dormice or otters, the Council will apply the following three derogation tests as required by the European Habitats and Birds Directives:

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

19.3.78 Where damage to a species or habitat is unavoidable, development should be designed to conserve as much of the original habitat as possible and retain and protect wildlife corridors. It should seek to avoid damage to, or adverse effects upon, existing biodiversity (species and habitats) through appropriate site design. ~~Where there may be no significant harm to species or habitats there may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement.~~

19.3.89 There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated. Examples of how enhancements could be achieved include:

- Planting native trees and species rich shrubs and hedgerows of local provenance
- Creation of orchards, wildflower grasslands and nature reserves
- Connecting existing habitats and enhancing migratory routes with additional planting (including green roofs and walls and species-rich hedgerows)
- Creation of ponds
- Provision of roosting opportunities for bats and birds
- River or stream restoration
- Sustainable Urban Drainage Systems

19.3.910 Planning obligations and conditions may be used to secure agreed measures such as mitigation or compensation. Mitigation measures could involve some of the following:

- Timing the development of sites to avoid the breeding seasons or hibernation periods for species present
- Creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats

- Ensuring that development is designed to enable the movement of wildlife to continue

19.3.40~~11~~¹¹ Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site in the form of biodiversity offsetting. However, compensation for a lost habitat will not make an unacceptable development acceptable.

Policy NE~~32~~³² Species and Habitats

I. Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. Where insufficient data is provided, permission will be refused.

II. Proposals should detail how physical features will be maintained in the long term.

III. Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional planting of native species where appropriate.

IV. Proposals will be expected to protect and enhance locally important biodiversity sites and other notable ecological features of conservation value.

V. Proposals should avoid ~~Development proposals which may have an impact~~^{ing} ~~on Species and Habitats of Principle Importance included in the England Biodiversity List~~ as ~~published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended).~~ will only be permitted where harm to the species and habitats can be avoided.

~~II. Locally important biodiversity sites and other notable ecological features of conservation value will also be protected and enhanced.~~

~~III. Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The~~

~~Council will seek their reinforcement by additional planting of native species where appropriate.~~

~~IV. Developments should demonstrate how the proposal improves the biodiversity value of sites and enhances their nature conservation interest, such as through the establishment of local nature reserves. If providing such features as part of a development, applicants should detail how it will be maintained in the long term.~~

~~VI. Where in exceptional circumstances exist that outweighs any harm or damage to a species or habitat appropriate mitigation and compensation measures must be employed. is unavoidable, any adverse impact should only occur as a last resort. The District Council will impose conditions / planning obligations which seek to:~~

- ~~(a) Facilitate the survival of existing populations as well as encouraging the provision of new populations;~~
- ~~(b) Reduce disturbance to a minimum;~~
- ~~(c) Provide adequate alternative habitats to sustain at least the current levels of populations.~~

~~The England Biodiversity List can be viewed and downloaded from the Habitats and Species of Importance pages of the Natural England Website at: www.naturalengland.org.uk~~

19.4 Green Infrastructure

19.4.1 The NPPF describes Green Infrastructure as “*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities*” (Annex 2: Glossary, NPPF, CLG, 2012).

19.4.2 The Council’s Green Infrastructure Plan (part of a county-wide suite of Green Infrastructure Plans) provides an overview of existing green infrastructure assets within the district, considers opportunities for the enhancement and creation of new assets, outlines a series of potential projects and provides advice on delivering green infrastructure proposals. More information on the ecological networks in

the district can also be found in the Local Nature Partnership's Ecological Network Report.

The Council's Green Infrastructure Plan can be viewed and downloaded from the Council's Website at: www.eastherts.gov.uk/gip

19.4.3 East Herts has a rich green infrastructure resource centred on the principal river valleys of the Lee, Mimram, Beane, Quin, Rib, Ash and Stort in addition to a varied mosaic of landscape and habitat types, such as grassland, ancient and plantation woodland and farmland of importance to wildlife. However, through time and changing pressures on the use of land, these habitats have become fragmented and disconnected. While these sites still contribute towards the district's green infrastructure, improvements are necessary in order to strengthen their quality, connectedness and resilience to changing climates and the impact of human activity, and to provide opportunities for other green infrastructure functions.

19.4.4 Street trees, gardens, waterways, public parks and open spaces all contribute to urban green infrastructure. Quite often such urban green infrastructure is the only 'natural environment' we connect with on a day-to-day basis. Yet these features contribute significantly in cleaning and cooling the air, preventing flooding, providing 'stepping stones' for wildlife and for recreational activity and enjoyment. It is therefore important that changes to the district's urban environments contribute to the wider green infrastructure network. ~~Development should be planned to avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape.~~

19.4.5 It is important to remember that habitats and landscapes in East Herts are part of a wider network of green infrastructure that pays no heed to local authority boundaries. For example, the woodland to the south of the District forms part of the swathe of woodland and other habitats that stretch around London, which is commonly known as the GreenArc. Development should therefore be planned to avoid habitat loss and fragmentation, and opportunities should be sought

to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape.

19.4.56 The Council welcomes the use of green infrastructure as an alternative solution to 'grey' infrastructure (such as water management and waste). Such schemes can provide opportunities for flood attenuation and public open spaces and can often be cheaper to construct and maintain.

19.4.67 Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Biological Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service, and Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to enhance green infrastructure and nature conservation assets.

Policy NE43 Green Infrastructure

I. A diverse network of accessible, multi-functional green infrastructure across the district will be protected and enhanced for its biodiversity, recreational, accessibility, health and landscape value and for the contribution it makes towards combating climate change.

II. Development proposals should:

(a) Avoid the loss, fragmentation or functionality of the green infrastructure network, including within the built environment, such as access to urban waterways;

(b) Maximise opportunities for improvement to the green infrastructure network in accordance with the Council's Green Infrastructure Plan, its Parks and Open Spaces Strategy, the Hertfordshire Biodiversity Action Plan, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans and programmes as appropriate;

(c) Maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees;

(d) Consider the integration of green infrastructure into proposals

as an alternative or to ~~compliment~~ complement 'grey' infrastructure.

III. Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should detail how it will be maintained in the long term.

IV. Proposals which affect the district's river environments, including built development and recreation and leisure proposals, should take into account and contribute towards achieving, the aims of any statutory or non-statutory plans, such as the Lee Valley Regional Park Authority Park Development Framework, the Bishop's Stortford Waterspace Strategy, relevant River Catchment Management Plans and the Water Framework Directive, and any future relevant plans and programmes.

~~The Draft East Herts Parks and Open Spaces Strategy (2013-2018) can be viewed and downloaded at: www.eastherts.gov.uk/parksstrategy~~

~~For more information on Living Landscape Schemes, see the Herts and Middlesex Wildlife Trust Website at: www.hertswildlifetrust.org.uk~~

~~For more information on the Bishop's Stortford Waterspace Strategy go to: www.eastherts.gov.uk/bishopstortfordwaterspacestrategy~~

~~For more information on the River Stort Catchment Management Plan go to: www.stortriverpartnership.org.uk~~

~~For more information on the River Beane and Mimram River Catchment Management Plan go to: www.beaneandmimrampartnership.org.uk~~

~~For more information on the Water Framework Directive go to: <http://ec.europa.eu/environment/water/>_____~~