

Matter 19 – The Natural Environment		
Action	Date on which Action Completed	Examination Doc Reference No.
NHDC to propose modification to SP11 and relevant supporting text to replace reference to the Water Framework Directive with the Water Environment (Water Framework Directive) Regulations 2017	MM047 and MM048	
NHDC to provide Affinity Water’s Draft Drought Plan as an Examination Document	December 2017 Not re-provided in this document.	NHE16

NOTE for Clarity:

It is proposed that existing policies NE1 to NE6 and associated supporting text are re-ordered to reflect discussion at hearing session where:

- **New Policy NEx: Strategic Green Infrastructure** was Policy NE2: Green Infrastructure with proposed modifications, and is proposed to be renumbered as Policy NE1
- **Policy NE2: Landscape** was Policy NE1: Landscape with proposed modifications
- Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB) remains as Policy NE3 with proposed modifications
- **New Policy NEx: Biodiversity and geological sites** was Policy NE6: with proposed modifications, and is proposed to be renumbered as NE4.
- **New Policy NE5: Protecting open space** was Policy NE4: Protecting publically accessible open space with proposed modifications
- **New Policy NEx: New and improved open space** replaces previous Policy NE5: New and improved public open space and biodiversity with proposed modifications, and is proposed to be renumbered as NE6.

Action	Date on which Action Completed	Examination Doc Reference No.
NHDC to make clear that Policy NE2 relates to as yet unknown green infrastructure and that the policy applies to new green infrastructure created during lifetime of the Plan	MM157 [proposed as a new policy before current Policy NE1: Landscape, and will be re-numbered as new NE1 see note above]	
NHDC to reconsider criterion (b) in Policy NE3 specifically in relation to reference to “enhance”	MM163	

NHDC to reconsider Policy NE2 and Policy NE4 to ensure that there is no overlap and/or gaps in provision specifically with regard to 'publicly accessible' open space	MM157 and MM167 [for reordering of policies see note for clarity above]	
NHDC to consult with Mr A. Burrows in respect of suggested wildlife corridor and to provide a note on this issue	31.05.2018 Enclosed as Appendix M19-1	ED156
<ul style="list-style-type: none"> • NHDC to reconsider Policy NE5 in relation to its title, the reference to "relevant development proposals" (to replace this with a threshold) and to ensure that e.g. criteria (b) and (c) are not limited in application to sites over the threshold • NHDC to delete reference to the 1000 sqm floorspace threshold 	MM168, MM170 and MM171 [proposed as new policy, note for clarity above]	
NHDC to propose amendment to 'priority species and habitats' proposed to be in Policy SP12 to clarify what falls within that category	MM050 and MM53	
NHDC to propose amendment to Policy NE6 to make clear that different levels of protection will be afforded to sites depending on their status	MM166 [NE6 to be replaced by proposed new policy note for clarity above]	
NHDC to make available previous consultation responses from the Biological Records Centre	February 2018 Not re-provided in this document	ED93
NHDC to refer to ancient hedgerows in Policy NE6 and supporting text	MM050 and MM053	
NHDC to propose main modification to Policy NE12 to exclude support for solar PV development on best and most versatile agricultural land and wind energy development	MM190	
NHDC to propose amendment to Policy NE8(a) to include reference to technical feasibility, viability and whether solution appropriate in context	MM179 and MM180	
NHDC to provide information from Environment Agency to justify 8m buffer in Policy NE9	31.05.2018 Included as Appendix M19-2	ED156
NHDC to propose amendment to supporting text to Policy NE9 to clarify meaning of designated main river and ordinary watercourses	MM184	

NHDC to propose amendments to Policy NE10 and relevant supporting text to refer to Water Framework Regulations as oppose to Directive	MM185 and MM186	
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Appendix M19-1

ED156: Note on wildlife corridor

North Hertfordshire Local Plan Examination

Note to Inspector on the wildlife corridor crossing the northern part of North Hertfordshire.

1. At the Hearing Session on the Natural Environment, Matter 19, there was a discussion about the wildlife corridor which lies in a south-west to north-east direction and passes through the northern part of North Hertfordshire. The inspector asked NHDC to consult with Mr A. Burrows in respect of the suggested wildlife corridor and to provide a note on this issue.
2. Attached at Appendix 1 to this note is the correspondence from Mr Burrows on the matter.
3. In light of such correspondence this note:
 - provides information about the wildlife corridor;
 - refers to existing policies and guidance that serve to protect the wildlife corridor; and
 - considers the need for proposed modifications to policies and/or the supporting text in the Local Plan in respect of the wildlife corridor.

Information about the wildlife corridor

4. Mr Burrows has stated that at the Hearing Session and in Mr. Sawford's statement, it was explained that it is the prevailing south westerlies which produce a flow along the corridor that is of benefit to wildlife. These south westerlies normally blow during the warmer part of the year when windborne seeds and spores of flora are produced and particularly the lesser fauna, such as butterflies and moths, are airborne. The wind borne seeds and lesser fauna provide food for higher fauna, such as birds, using the corridor.
5. The actual extent of the wildlife corridor is unclear but it cuts across the northern part of North Hertfordshire and extends south-westwards and north-eastwards beyond the district boundary and is aligned with the Chilterns AONB. It can be confirmed that both the Hertfordshire Biodiversity Action Plan and the North Hertfordshire Green Infrastructure Plan make reference to this corridor. See paragraphs 8 and 9 below.

Existing policies and guidance that serve to protect the wildlife corridor

6. The submission Local Plan contains a number of policies which are relevant to the wildlife corridor:

Strategic Policy:

- **SP 12: Green Infrastructure, Biodiversity and Landscape;** and

Development Management policies:

- **NE2: Green Infrastructure;**
- **NE3: The Chilterns Area of Outstanding Natural Beauty;**
- **NE6: Biodiversity and geological sites.**

7. These policies serve at a strategic and detailed level to provide protection, enhancement and minimising of adverse effects on North Hertfordshire's natural environment.

8. The **Hertfordshire Biodiversity Action Plan** (document ORD4) in section 9.3.2 *Key areas for farmland wildlife in Hertfordshire* on p.97 highlights the Northern Chilterns and the North-east Chalk Plateau as two of a number of areas identified as being particularly important for farmland birds. It states in section 9.5 on p. 9.17 'Such areas will be central to the vision of extending, linking and buffering key environmental assets in order to maintain and enhance biodiversity.'
9. Also, the **Green Infrastructure Plan** (GI Plan) (document NHE15) identifies parts of the corridor within North Hertfordshire as 'High Biodiversity Areas for Birds'. This can be seen in Fig 4.1 Strategic Green Infrastructure Network on p.97 of the GI Plan. The GI Plan also includes a series of principles for Green Infrastructure which cover a range of themes including Landscape, Biodiversity and Amenity in relation to growth areas.

Need for proposed modifications to existing policies or new policies in respect of the wildlife corridor

10. As part of the Local Plan process the three development polices named above are undergoing modifications which will strengthen the protection for biodiversity across the whole district. These are set out in the proposed modifications schedule for the Inspector's consideration. In addition, in order to recognise the importance of the wildlife corridor and the role it plays within the district's natural environment, it is proposed to make reference to this in Policy SP12 at criterion 'b' which seeks to list a number of biodiversity networks and at paragraph 4.148 of the supporting text.
11. These proposed modifications are as follows:

Policy SP12: Green Infrastructure, biodiversity and landscape.

Current criteria 'b.' to read:

*Protect, enhance and manage biodiversity networks including **wildlife corridors, ancient woodlands and hedgerows**, wetland and riverine habitats, Local Geological Sites, **protected species, priority species and habitats**, and **non-designated sites of ecological value** and seek opportunities for net gains for biodiversity;*

Current paragraph 4.148 to read:

*There are a wide range of important habitats within North Hertfordshire, including hedgerows, wildflower meadows, orchards, ponds, lakes, reed bed and fen, ancient woodlands in the south, chalk grasslands and chalk streams in the east, ~~and~~ wet woodlands along the River Hiz and its tributaries, and **a wildlife corridor which runs in a south-west to north-east direction passing through the northern part of the district which is an important asset of food and habitat for flora and fauna, particularly birds**. Many of these habitats are subject to specific designations, reflecting their value in terms of wildlife interest, for instance national sites such as Sites of Special Scientific Interest and Local Nature Reserves, and local sites such as local wildlife sites. **The Biodiversity Action Plan for Hertfordshire and the Green Infrastructure Plan for North Hertfordshire identify the importance of such habitats.***

Conclusion

12. The Council is of the opinion that the proposed modifications to Policy SP12 and the supporting text together with the evidence base provided by Hertfordshire Biodiversity Action Plan and

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North Hertfordshire's Green Infrastructure Plan provides satisfactory protection for the wildlife corridor and no new policy or further amendments are required.

13. The proposed modifications that relate to this issue is presented by NHDC on the understanding that Mr Burrows will have the opportunity to make any necessary representations through any future Main Modifications consultation.

APPENDIX 1

Correspondence from Mr Burrows.

From: agbpat@globalnet.co.uk [<mailto:agbpat@globalnet.co.uk>]
Sent: 05 February 2018 14:08
To: Nigel Smith
Subject: Vital SW to NE wildlife corridor

“SAVE THE WORLD’S FIRST GARDEN CITY” GROUP

Dear Mr. Smith,

It was a pleasure to meet you at the Examination Hearing Sessions over the last couple of months.

You will recall that H. M. Inspector asked that whoever was leading for our District Council and I (on behalf of “Save the World’s First Garden City”) should try to agree wording to introduce into the draft Plan protection of the vital wildlife corridor passing through North Hertfordshire and extending from the Western Channel to the region of The Wash in a roughly South Westerly to North Easterly sense. In North Hertfordshire it is aligned with The Chilterns, of course. The best explanation of the corridor and its importance are contained in Mr. Brian Sawford’s statement and its Exhibits on file among the Examination documents, as you are aware.

I had, of course, expected that Cllr. David Levett would be the relevant person to settle with the matter for our Council, but when I approached him about it, he said that it was not a matter for him, which is why I am approaching you, who, I assume, would be the alternative person able to settle with me appropriate wording to be submitted to H. M. Inspector. You may, of course, wish Counsel to be involved on behalf of our Council.

I would suggest that a specific overarching Policy could be added along the lines of:-

“In considering development proposals on the vital wildlife corridor extending through North Hertfordshire in a generally South Westerly to North Easterly sense including The Chilterns, we shall refuse any which:-

- (i) significantly reduce the width of the corridor,
- (ii) significantly obstruct it,
- (iii) significantly reduce the resources available along the corridor for wildlife to maintain itself, or
- (iv) significantly increase pollution, particularly of the air in the corridor.”

As explained at the Hearing Session and in Mr. Sawford’s statement, it is the prevailing South Westerlies which produce a flow along the corridor. Of course, these South Westerlies normally blow during the warmer part of the year when windborne seeds and spores of flora are produced and particularly the lesser fauna,

such as butterflies and moths, are airborne. Obviously, such seeds and lesser fauna provide food for higher fauna, such as birds, using the corridor.

As mentioned at the Session, the valleys of The Chilterns are also important, particularly as water supplies and breeding grounds for the wildlife. Ponds along the corridor are important for the same reason.

If you are unhappy with the wording proposed above, I should be grateful if you would let me have our Council's alternative wording suggestions.

You may agree that, in the event of any significant disagreement about the wording, you and I should meet to try to settle wording acceptable to both our Council and my Group for submission to H. M. Inspector during the next couple of weeks so that he has a chance of considering it before the Sessions resume.

When we have agreed (or failed to agree) on appropriate wording, we shall need to advise Mrs. St. John Howe, of course.

I look forward to hearing from you shortly.

Yours sincerely,

Anthony Burrows

Appendix M19-2

**ED156 : NHDC note regarding information from the Environment Agency to justify 8m buffer in
Policy NE9**

North Hertfordshire District Council Local Plan Examination Note to Inspector

Policy NE9 – Justification of granting planning permissions where appropriate space for water is made, including; an 8m wide, undeveloped, buffer zone from all designated main rivers.

In order to work on or near a main river, on or near a flood defence structure, in a flood plain, or on or near a sea defence environmental permitting rules must be followed. Such works are regulated by environmental permits (formerly flood defence consents) and it is illegal to operate in these settings without acquiring the appropriate permit.

The Environment Agency, in their published environmental permit guidance note¹, specifically state that a permit must be applied for to do any activity within 8m of the bank of a main river as it is categorised as a regulated flood risk activity. Resultantly, any work that would be undertaken within an 8m radius of a main river would be subject to approval from the Environment Agency, which may or may not be granted.

Therefore, through the adoption of a policy that seeks to avoid any activity within 8m of a main river, North Hertfordshire District Council is preventing any activity that could be deemed as a flood risk. The removal of the need to apply for Environment Agency permitting will remove any uncertainty over the viability and ultimately the delivery of any scheme located near to a main river.

¹ <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>