

Dear Mr Berkeley

Hearing Statement in regards to the modifications made to policy SP12 and policy NEx:

On behalf of Herts Wildlife Monitors, Herts & Middx Badger Group, Wildlife Welfare and members of the community; I would like to raise concerns in regards to the modifications made by NHDC, which now may need to be addressed in the future hearings in March. We would also like to raise this as a complaint as to why NHDC have amended policy SP12 and policy NEx (green infrastructure and bio diversity) when we believe the amendments have no bearing whatsoever on issues raised by yourself or as modifications raised during any of the hearings.

In a time when our government is in the process of putting forward a new environment bill which highlights the importance of bio diversity and habitat – we are wondering why NHDC seem intent on not only going against the NPPF (in relation to the green belt and its exceptional circumstances) but are not putting emphasis in working towards what is being set out in this bill by protecting its own bio diversity and making things, if anything clearer – in fact it seems hell bent on doing anything in its power to go against ensuring we have a positive net gain in our bio diversity, by amending SP12 and NEx so that they are not only now less effective but we would go as far as saying they would be very damaging which is totally unacceptable.

I have spoken to two other authorities in regards to this, who have confirmed that amendments are made to policies as a result of main modifications raised during hearings and/or by the Planning Inspector but when I pointed out that the amendments made have no bearing on what has been raised, both parties I spoke with suggested this to be ‘not’ normal protocol or practice. I have also spoken with a couple of other ngo’s and organisations who did ‘not’ object to the plan as a whole as it stood with the policies as they were prior to the 29th November 2019 but who now feel very strongly about the situation in regards to SP12 and NEx as with their amendments they throw a whole new light on to the plan, having an impact on several of the sites put forward and will reduce the effectiveness of the plan for a number of reasons.

MM166 – NHDC explained that the changes had been made in response to your letter sent in August, where you question how the policies distinguish between hierarchy (paragraph 113 of the NPPF) so protection is commensurate with their status.

We don’t believe the amendments made have any bearing whatsoever to the questions you raised which would make these amendments unjustified. We sat through numerous hearings and have listened to podcasts and feel policies SP12 and NEx were unchallenged during the process and should therefore remain unchanged. This would include previous wording in ‘c’ *by demonstrating how existing wildlife habitats supporting protected or priority species will be retained, safeguarded and managed during construction and 'd' providing a buffer of complimentary habitat for all connective features of wildlife habitats, or priority habitats and species.*

Other authorities in Hertfordshire seem to be working towards putting things into place within their local plans as a part of working towards the new environment bill but NHDC seem to be doing the opposite. We have also noticed another amendment made by NHDC has been to remove the use of the bio diversity impact calculator which would ensure a net gain in our bio diversity and replace it with ‘*use appropriate biodiversity impact tools to assess ecological value*’. This is totally against policies being implemented and changes being made to the NPPF and the new bill which are being put in place to protect bio diversity and ensure a net gain. By removing the very tool needed to facilitate and ensure net gain, NHDC are making it less effective and unmeasurable. If anything; NHDC should be working towards being in line with the new changes to the NPPF and planning guidance for the natural environment and we would suggest the only amendment they make is to replace the ‘impact calculator’ with the new ‘Defra bio diversity metric’.

NHDC has also amended 11.xx which is totally unacceptable. Wording of the policy prior to Nov 2019 was as follows: ‘*Where buffers are required these should be a minimum of 12 metres of complimentary habitat for all connective features for wildlife habitats or priority habitats*’ – it now

reads: *‘Our evidence recommends that buffers should provide, 12 metres of complimentary habitat around wildlife sites (District Wildlife Site level and above)’*. Not once, during any of the hearings was this part of the policy raised as an issue or a modification and we don’t believe this has any bearing whatsoever on issues/questions you have raised Inspector; therefore this amendment is totally unjustified and unacceptable. It certainly does not in any way, make the policy more effective and in line with the NPPF; not as it stood in it’s original form and certainly not since changes have been made to the NPPF – in fact, this does the opposite. We have already highlighted during the process, how there are many areas within Hertfordshire that are home to a colossal amount of species even though these areas are NOT designated wildlife sites; so to now amend the original wording is again going against everything currently being implemented by our government, Defra which ensures a net gain of our bio diversity and we would go as far as saying, NHDC would actually be putting our bio diversity, wildlife and its habitats at further risk.

We would like to add that it is felt one amendment that NHDC has made would be particularly beneficial to important areas of habitat for bio diversity and that is adding d. *‘Non-designated sites that include important habitats and species’* to SP12 as this would be in line with the new planning guidelines and environment bill and would seek to ensure a net gain which should be of paramount importance to all local and district authorities. As already explained some sites of significant importance are not currently designated sites.

We would also like to question why in 11.xx in the NEx policy, NHDC amended the words *‘sites are’* to *‘may be’* identified by the Hertfordshire Environmental Records Centre – these sort of amendments result in policies being less clear and less effective.

We would like to request that NHDC return these policies to their original wording as they stood prior to November 2019 as detailed in our email and should they not comply with this; we would appreciate it if you would be able to intervene and facilitate this.

We would like to point out that the original public consultation was carried out on the original plan and that the second consultation and subsequent hearings were carried out on the modified plan. The only amendments/modifications made should be in line with those raised during the hearings or by yourself. Should NHDC refuse to comply; then a whole new public consultation process should be considered so that ngo’s/other members of the community who did not originally object to the plan due to how the policies stood at the time are now given a chance to object in full, which I am sure none of us want as we have all put in an immense amount of time and effort in regards to this plan already.

We are hoping that this matter can be concluded without issue as we would prefer not to have to go down the route of legal teams and the planning ombudsman, but these amendments really are unacceptable and unjustified by NHDC. We have raised this and other matters that have come up in regards to GA2 with MPs and will be forwarding our communications on to other parties in due course, including councillors at NHDC. If you think that we should also forward a copy of this letter on to NHDC planning department – please advise.

We would like to thank you for your help in this matter.

Yours sincerely

N J Hamilton

For and on behalf of Herts & Middx Badger Group, Herts Wildlife Monitors, Wildlife Welfare and members of the local community.