

**Land off Templars Lane, Preston  
(Reference PR1)**

Assessment of the potential for  
recreational impacts on Wain Wood  
Site of Special Scientific Interest  
(SSSI)

September 2016

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# 1 Introduction

## Background to commission

- 1.1 The North Hertfordshire District Council Local Plan Preferred Options Consultation Paper (North Hertfordshire District Council, December 2014) identifies an allocation site referred to as Land off Templars Lane (Reference PR1) which proposes a dwelling number estimate of 20. This allocation is located 213m to the southwest of Wain Wood Site of Special Scientific Interest (SSSI).
- 1.2 In response to the emerging Local Plan, concerns were initially raised by Natural England as to the potential impacts that the development of this site for residential purposes may have on Wain Wood SSSI (Natural England, letter dated 13 February 2013). Natural England comments were as follows: *“Site PR1 is in close proximity to Wain Wood SSSI hence an assessment should be carried out to ensure that the allocation can be delivered without having a significant impact on the interest features for which the site is designated. The potential effects of increased visitor pressure will be a key consideration and suitable mitigation measures may need to be identified to ensure adverse effects are minimised”*.
- 1.3 Further written comments were subsequently provided by Natural England on the 7 July 2016 as part of the planning consultation process.

## Aims of study

- 1.4 BSG Ecology was commissioned by North Hertfordshire District Council in June 2016 to undertake a desk based assessment of the potential effects of increased visitor pressure on the Wain Wood SSSI in association with the allocation of PR1 Land off Templars Lane taking into account the matters raised in the aforementioned consultation response.
- 1.5 In August 2016, BSG Ecology was further commissioned by NHDC to incorporate relevant parts of the NE consultation response dated 7 July 2016 and to re-issue the revised report accordingly.
- 1.6 The desk based assessment has been based on currently available information at the time of writing. To date no bespoke survey or site specific information regarding visitor number and use of Wain Wood SSSI has been made available.

## 2 Description of Wain Wood SSSI

2.1 Wain Wood is notified as a SSSI and is an ancient woodland (Magic, accessed on 16/06/16).

### Reasons for notification

2.2 The SSSI citation (Magic, date accessed 15/06/16) states that the reason for notification of Wain Wood as a SSSI is:

2.3 “Wain Wood lies on a north-east facing slope of the decalcified boulder clay which exhibits a gradation of soil types from acidic gravels at the top to base-rich loams at the bottom. An ancient seat natural oak/hornbeam Quercus species/Carpinus betulus woodland, approaching the northern limit of its natural range, it represents an example of a habitat now much reduced in extent nationally through woodland clearance or felling and restocking with conifers.

2.4 The stand comprises mature pedunculate oak Quercus robur and sessile oak Quercus petraea with hornbeam standards in the south and wild cherry Prunus avium frequent in the north. Thinly developed hornbeam coppice dominates the shrub layer throughout with elder Sambucus nigra also present. Here the sparse ground flora is composed of bluebell Hyacinthoides non-scripta, bramble Rubus fruticosus, bracken Pteridium aquilinum and bryophytes. A disused pit near the centre of the wood is surrounded by standard ash Fraxinus excelsior and wild cherry with abundant dog’s mercury Mercurialis perennis as ground cover.

2.5 A damp open ride in the south of the wood is characteristic of unimproved acidic grassland with sheep’s sorrel Rumex acetosella, yellow pimpernel Lysimachia nemorum and common centaury Centaureum erythraea. Elsewhere, drier more base-rich conditions support a ride flora indicative of calcareous grassland. Species present include field scabious Knautia arvensis, hairy St John’s wort Hypericum hirsutum, lady’s mantle Alchemilla filicaulis and eyebright Euphrasia officinalis.

2.6 The wood supports an interesting butterfly community, of which purple hairstreak Thecla quercus is a notable example”.

### Condition of SSSI Units (Magic, date accessed 15/06/16)

2.7 The SSSI was last assessed in 2009 to be in an Unfavourable - Recovering condition largely due to introduced deer management programme. The NE comments regarding the condition assessment relate to the condition as a result of the management regime applied to the various habitats.

### Operations likely to damage the special interest (Magic, viewed 15/06/16)

2.8 The listed operations are not site specific and all the SSSIs have the same list of operations. The majority of the operations listed by Natural England refer to management operations such as grazing, application of manure/fertilizer, drainage, hunting and killing of wild animals and do not relate to levels of existing visitor pressure.

2.9 Types of damaging operation listed which could be linked to the public use of the site include:

- Recreational or other activities likely to damage features of interest (e.g. grassland).
- Dumping, spreading or discharge of any materials.
- Burning - bonfires

### 3 Relevant Legislation and Planning Policy

#### Sites of Special Scientific Interest

- 3.1 Local Authority Sites of Special Scientific Interest (SSSI) duties apply under the provisions of the Wildlife & Countryside Act 1981 (as amended), and were subsequently updated by the Countryside and Rights of Way (CROW) Act (2000) and Natural Environment and Rural Communities (NERC) Act (2006).
- 3.2 The aforementioned Acts summarily place a general duty upon statutory undertakers in respect of SSSI identifying, formal consultation and notice periods, should an authority wish to give permission or assent for an operation that may damage a SSSI, the potential to give rise to an offence and the penalties that may be incurred should due process not be followed are also shown. The duty applies to all local authorities who are commonly referred to as 'Section 28G authorities' under The Wildlife and Countryside Act 1981 (as amended) (GOV.UK website, 15 June 2016). The Section 28 duty requires all local authorities 'to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. The authority's functions can be taken to include the planning policy and development control function (referred to as the 'planning control' or planning applications decision making process in North Hertfordshire District Council (NHDC, website, 15 June 2016) to regulate the use and development of land within their administrative area.
- 3.3 Section 28G authorities are required to consult Natural England to give formal written notice (a minimum notice period of 28 days applies) should they intend to authorise or give permission to the carrying out '*in the exercise of their functions*' any operation considered likely to damage any of the aforementioned features of SSSI (Section 28 I (1)) (Fry, M, 2007). "Permission", in relation to any operations, is defined as including 'authorisation, consent, and any other type of permission (and "permit" and "permitting" are to be construed accordingly)' (CROW Act, 2000). Natural England then advises the authority whether they give their assent or otherwise to the permission for the proposed operation to take place and stipulate any conditions. This notice requirement applies '*even if the operations would not take place on land included in a SSSI*' but may nevertheless give rise to damage.
- 3.4 The Section 28G authority is required to await the expiry of the 28 day consultation period before it decides whether to give permission, unless Natural England has advised the authority in writing that it need not wait. The authority is required to take account of any written advice it has received from Natural England in its decision making process. If Natural England advises against the permission or advises that certain conditions should be attached and the Section 28G authority decides not to follow that advice, then the authority must formally write to Natural England to state how, if at all, it intends to take on board the advice given by Natural England and the Section 28G authority should not grant a permission that would commence before the end of a 21 day period from the date of the written notice.
- 3.5 The Section 28G authority may be guilty of an offence if it has contravened the above provisions. If the operation requires planning permission and the permission of a Section 28G authority then the authority may still be deemed to have given rise to an offence, if it permits an operation without complying, unless both planning permission and Natural England's permission have been obtained. Reasonable excuses for giving permission for an operation that would give rise to damage to the special interest features refer to emergency operations. The NERC Act (chapter 16, Part 4, section 55) clarifies the offences and fines that may be applied should there be a conviction arising from an offence (GOV.UK website, 15 June 2016).

#### Natural England's SSSI Impact Risk Zones for SSSIs

- 3.6 Local Planning Authorities have a duty to consult with Natural England before granting planning permission on any development that is in or likely to affect a SSSI. Natural England has developed

Impact Risk Zones (IRZ) to enable an initial assessment to be undertaken of the potential risks to a SSSI posed by development proposals. The zones around a SSSI reflect the sensitivities of the features for which the SSSI is notified and indicates the type of development which could potentially have adverse impacts. For each zone around a SSSI there are lists of development categories and a corresponding development description.

- 3.7 Therefore the principle of the Impact Risk Zone (IRZ) will also be applicable to a local planning authority when considering potential allocation sites for residential development. If the development descriptions at a chosen location match the nature and scale of a proposed development this indicates the potential for an impact and more detailed consideration is required.

### **National Planning Policy Framework 2012**

- 3.8 Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should apply the following relevant principles:
- 3.9 *“Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site/s notified special interest features is likely, an exception should only be made where the benefits of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs”.*
- 3.10 *“planning permission should be refused for development resulting in deterioration of irreplaceable habitats, including ancient woodland and the loss of veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweighs the loss”.*

### **North Hertfordshire Draft Local Plan 2011-2031**

- 3.11 The following two draft Local Plan policies set out the District Council’s position in relation to new development and the natural environment, woodlands and SSSIs.

#### **Policy NE1: Landscape and Environmental Protection**

- 3.12 *“The quality and character of the natural environment will be protected and enhanced. Development proposals should complement the character of the surrounding landscape and respect locally sensitive features as identified in the North Herts Landscape Study and the Chilterns AONB Management Plan. Proposals should provide high standards of built, landscape and environmental design in support of the development and landscape management guidelines provided for each landscape character area.*
- 3.13 *Development proposals that would be detrimental to the natural environment will be refused where suitable mitigation measures cannot satisfactorily address the adverse impact.”*

#### **Policy NE3: Biodiversity**

- 3.14 *“The Council will support new developments that make a positive contribution to the biodiversity of the district and opportunities to restore degraded or isolated habitats will be sought wherever possible.*
- 3.15 *Development proposals which cause unacceptable harm to Sites of Special Scientific Interest, Regionally Important Geological Sites, and Local Nature Reserves or managed Local Wildlife Sites will be refused unless it can be demonstrated that adverse effects could be satisfactorily minimised through mitigation measures.*
- 3.16 *Development proposals which affect other sites or features of local biodiversity will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site unless it can be demonstrated that adverse effects could be satisfactorily minimised through mitigation measures.*

- 3.17 *Development proposals should also demonstrate that if there are existing wildlife habitats such as trees, hedgerows and woodlands they will be retained, safeguarded and managed during and after development.”*
- 3.18 *In the supporting text accompanying NE3 policy the draft Local Plan states that the “policy will protect those sites which contribute to the biodiversity of the district from inappropriate development whilst acknowledging that in some cases the appropriate mitigation measures would enable development to take place. Where needed, mitigation measures will be used to help offset the damage to the natural environment by providing suitable levels of on or off site compensation (whichever is the most appropriate).*
- 3.19 *The policy should also ensure that features of biodiversity value are not lost as a result of a development proposal and that where possible opportunities to incorporate biodiversity in and around development will be sought.”*

## 4 Potential Impacts and Recommendations for Mitigation

- 4.1 The proposed Land off Templars Lane allocation site (PR1) lies within the Impact Risk Zone for the Wain Wood SSSI and residential development is identified as one of the development categories which could potentially have adverse impacts on the SSSI. The site check report identifies that the Local Planning Authority should consult Natural England on likely risks from residential development of 100 units or more outside of the existing settlement /urban areas.

### Potential impacts

- 4.2 Potential impacts that could be associated with an increase in the number of visitors to the woodland include:
- Trampling of vegetation by visitors.
  - Dog fouling- nutrient enrichment in turn leading to a change in the ground flora.

### Public Access to the SSSI

- 4.3 Wain Wood SSSI has a public right of way guiding visitors through the woodland and a further public right of way along the western boundary of the woodland.
- 4.4 Natural England in their consultation response state that the woodland is visited by large numbers of people, particularly in May when bluebell is flowering (Natural England, 7 July 2016).

### Predicting Visitor Numbers

- 4.5 Various studies have been conducted to provide an indication of potential recreational participation rates. For example, the Ramblers Association (The Ramblers Association, 2010) published the results of a study that indicated that, on average, 22% of the UK population walks recreationally for at least 30 minutes every four weeks.
- 4.6 Wain Wood SSSI is located on the western edge of Preston and at the time of the 2011 census the village had a population of 420 with 158 dwellings in the town (NHDC, Local Plan 2011-2031). If the Ramblers Association participation rate is applied to these figures, it is estimated that approximately 92 will walk recreationally each month, which is equivalent to approximately 23 people per week. It is possible that these walks could occur within Wain Wood SSSI, although it is anticipated that some of these walks will also take place at other locations.
- 4.7 Preston is a small village set within an agricultural landscape with many woodlands and hedgerows. A review of the OS Map of the local area (Where's the Path, date accessed 16/06/16), shows that there is a good network of public rights away which local people could use on a regular basis for walking as an alternative to the Wain Wood SSSI. The Chiltern Way runs through the village and the allocation site providing local people with a link to other footpaths beyond the village. New residents occupying the allocation site may choose to use these public rights of way for recreational purposes.
- 4.8 Residential development of the Land off Templars Lane allocation site (PR1) could result in up to 21 additional households for the local area. Based on an average occupancy rate of 2.4 people per household<sup>1</sup>, this equates to a total estimated Site occupancy of 50 people. If the Ramblers Association participation rate (The Ramblers Association, 2010) is applied to this figure, it is estimated that approximately 12 additional people (from the residential development) will walk recreationally each month, which is equivalent to an additional 3 people per week. It is possible that these walks could occur within Wain Wood SSSI. There are no other allocated sites within the village of Preston.

- 4.9 The Pet Food Manufacturers Association (PFMA) publishes statistics on pet ownership in the UK<sup>2</sup>. For the period 2014/15, the PFMA report that 24% of households own a dog, and so if this is applied to the proposed development, of the 20 households that could occupy the development Site, up to five may own a dog. Potentially these dogs may be walked in Wain Wood SSSI as well as additional locations.
- 4.10 There is currently no publically available information regarding visitor numbers to the SSSI, and the occurrence of disturbance activities and their effects on the qualifying interests. This lack of data limits the ability to assess definitively whether an increase in visitor numbers to the SSSI could result in significant effects to the qualifying features. Notwithstanding this, the calculations presented above indicate that a significant effect is unlikely. However, Natural England states in their consultation response (dated 7 July 2016) that "*large numbers of visitors walk this wood, for the bluebells, in May each year*" and they consider that the allocation for 20 houses could potentially lead to a small increase in recreational impacts such as trampling and nutrient enrichment from dog fouling. No further information is provided by NE to quantify the numbers.

#### **Possible Avoidance, Mitigation or Compensation Measures**

- 4.11 The Land off Templars Lane allocation site's dwelling estimate is for up to 20 new houses. It is considered unlikely that the predicted increase of an additional 2.64 people walking each week will result in a significant impact on the interest features for which Wain Wood SSSI is designated due to the low number of additional recreational visits, dogs and human related activity.
- 4.12 The provision of interpretation and signage within the woodland, providing advice to visitors about the woodland and to outline the recommended access arrangements is recommended to mitigate for the anticipated minor increase in numbers of visitors as a result of the allocation.

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<sup>2</sup> <http://www.pfma.org.uk/pet-population-2015>

## 5 References

- 5.1 A Manual of Nature Conservation Law (ed Fry, M.), 2007. 2<sup>nd</sup> edition. NCWG Publishing Limited.
  - 5.2 CROW Act (2000). HMSO.
  - 5.3 Footprint Ecology (2014) . *Visitor Access Study of the Upper Nene Valley Gravel Pits SPA*.
  - 5.4 Footprint Ecology Visitor Access Study of the Upper Nene Valley Gravel Pits SPA
  - 5.5 GOV.UK website <http://www.legislation.gov.uk/ukpga/2006/16/section/55> Date accessed 15 June 2016.
  - 5.6 GOV.UK website <https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities> Date accessed 15 June 2016
  - 5.7 <http://wtp2.appspot.com/wheresthepath.htm>
  - 5.8 Natural England (10 March 2016). Impact Risk Zones for Sites of Special Scientific Interest: User Guidance.
  - 5.9 Natural England (letter dated 13 February 2013), consultation response to Local Plan Preferred Options
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  - 5.11 Natural England: Therfield Heath SSSI citation. Accessed from Magic website: <http://magic.defra.gov.uk/MagicMap.aspx>
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  - 5.14 North Hertfordshire District Council (2014) Draft Local Plan 2011-2031 Preferred Options.
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