

**Statement in respect of land in and around
former Aerodrome, North Orbital Road, Upper
Colne valley, Hertfordshire**

Ecological Issues

On behalf of

St Albans City and District Council

Martin Hicks

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HERTFORDSHIRE BIOLOGICAL RECORDS CENTRE
c/o Environment, County Hall, Hertford, Herts, SG13 8DN

Statement of ecological issues associated with the SRFI development Appeal, 2009.

1. Introduction

1.1 Evidence was presented in 2007 regarding the ecological impacts of the development proposals and the Inspector's views have been noted. The revised proposals provide for the same development but seek to address some of the concerns raised previously by the Local Planning Authority. Whilst it is still considered that a number of these were not recognised sufficiently by the Inspector, there are some specific changes in circumstance to which I wish to draw the attention of the new Inspector, in addition to some fundamental ecological issues with which I remain concerned.

1.2 One issue of consideration and given some emphasis by the Inspector in terms of planning policy context was the *lack* of any formal nature conservation designations on, or for any part of, Area 1, or any formal process set in motion for such a status (Inspector's Report 16.25). This was despite an acknowledgement that the acid grassland met the criteria for designation as a County resource (IR16.27). I shall demonstrate that this issue is currently being addressed with proposals to designate two areas of Area 1 as Wildlife Sites in November 2009.

1.3 The Wildlife Sites Project in Hertfordshire includes a Ratification Group comprising Natural England, Herts and Middx Wildlife Trust and Herts Biological Records Centre. It serves to provide a formal expert opinion on the justification of proposed additions and deletions of Wildlife Site designations within the county, prior to owners being informed that sites meet such status.

1.4 I shall also provide further information on material changes since the Inquiry which I consider also raise the relative nature conservation importance of at least some parts of Area 1.

2. Acid grassland translocation.

2.1 Whilst I accept that translocations are a recognised means of habitat retention where loss of ecological resource is unavoidable, they are not necessarily successful. The Highways Agency / CIRIA (Construction Industry Research and Information Association) Best Practice Guide to Habitat Translocation (2003) is clear in considering this approach to be *'very much a last resort when all other alternative avenues have been explored and discarded'*. *'Habitat translocation is controversial and the risk of failure of any part of the process is high'*.

2.2 However, I also recognise that the Best Practice Guide states *'if a site is to be lost despite in situ conservation arguments, then translocation is an appropriate activity to salvage and create a new habitat of some value, albeit a lower one than that lost. Additional compensation is possible if a larger area of new habitat is established compared with the original one'*. Thus whilst translocation may have to be regarded as an option in certain circumstances, it is clear that even when following best practice it may not work well and can result in a degraded habitat. The Inspector recognised this previously in 2007 *'I agree the Councils are right to be concerned, as, if the translocation is not carefully planned and executed, it could fail and the resource would be lost'* (IR16.28).

3. Proposed Grassland Wildlife Site status

3.1 The acid grassland area in question is likely to have developed following the original levelling of the ground required for the development of an airfield on this site. This would have exposed the underlying gravelly ground upon which grassland subsequently became established, probably in association with grass cutting or rabbit grazing. In these circumstances the soils would have been nutrient poor, well drained and acidic in character, reflected by the acid grassland which still survives. Although over time nutrients may have increased due to the development of a coarser sward, the continued grazing

pressure has helped to maintain the nutrient status and so character and quality of the grassland.

3.2 This was recorded by EPR in 2004 and it is their view that the acid grassland community '*is a local BAP priority habitat, although this is a relatively small, low quality example*'. It was resurveyed in 2007 (Report dated Sept 2007) and EPR state in the 2009 Environmental Statement '*it does support six Hertfordshire acid grassland indicator species and, with reference to the Hertfordshire criteria for selecting County Wildlife Sites, the grassland meets the threshold*'. This view indicates that the appellant still accepts the potential Wildlife Site status of the site, a position which as stated above, was also accepted by the Inspector (IR16.27).

3.3 The original 1997 Hertfordshire grassland Wildlife Site criteria which were applied at the 2007 Inquiry and referred to above have since been updated following a pilot study. They were formally agreed by the Ratification Group of the Wildlife Sites Project in November 2008 and the revised list of Indicators is shown in Appendix 1. Essentially these now include a greater range of Indicator Species but also an increased threshold of Indicator numbers which need to be met for Wildlife Site status. It has been developed by the County BSBI (Botanical Society of the British Isles) Flora Recorder (Trevor James) to better describe the botanical character of important types of grasslands within Hertfordshire.

3.4 I have applied the survey data from area TN 16 (the established grassland at the northern end of the former quarry) as recorded by EPR on 11/8/04 and in 2007 to the revised criteria and the results are also given in Appendix 1. Whilst there may be an issue regarding the validity of *Potentilla anglica*, it can be seen that the thresholds for three types of grassland - acid, neutral and mixed grassland are clearly met and exceeded, confirming the potential Wildlife Site quality of the grassland under the revised grassland criteria also. Its principal habitat interest given the numbers of indicators recorded would still be its acid grassland, found in specific areas or in a mosaic with neutral grassland across the site.

3.5 Consequently it is therefore proposed to present the grassland site for formal recognition as a Wildlife Site at the next annual ratification meeting on 5th November 2009. The ratification group consists of Natural England, Herts and Middx Wildlife Trust and Herts Biological Records Centre, and exists to provide an accountable and formal process of assessment and designation for non-statutory sites. The formal proposal is given as Appendix 2 and the proposed site boundary shown as Appendix 3. The proposed site boundary also includes the adjacent scrub to the north as this provides an additional natural habitat as part of a clearly definable land parcel within the site as a whole.

4. Butterfly interest and increased conservation status

4.1 The relative ecological importance of this grassland area is further emphasised by the continued presence of the Small Heath butterfly. This site has been visited fairly regularly by a local member of Hertfordshire and Middx branch Butterfly Conservation, who has recorded a good colony of this butterfly. A variety of fine leaved grasses are used for egg laying such as Fescues (*Festuca spp*) and Bents (*Agrostis spp*) both of which are present and enable the habitat to support the colony.

4.2 As EPR state within the 2009 Environmental Statement, under Section 41 of the NERC Act 2006, a list of Habitats and Species of Principal Importance in England was published in November 2008. The list is based largely on the revised UK BAP (5.10) and identifies species of particular nature conservation concern. As such, in now including the Small heath butterfly the relative ecological significance of the grassland site is also increased. This formal status represents a material change in status since the 2007 Inquiry and is another factor in assessing the relative significance of the site and the implications for translocation, or its conservation in situ which is preferred.

4.3 The Small heath has also recently been confirmed (2007) as a Priority Species (for research only) within the UK Biodiversity Action Plan.

It is also regarded as a high priority species nationally by Butterfly Conservation (national butterfly charity and expert recording body), and is considered quite rare within St Albans District by the local BC group.

4.4 Given this species' UK BAP status and Herts Red List status, in supporting Small heath this grassland also now meets Wildlife Site criteria on the basis of its butterfly fauna.

4.5 Another locally uncommon butterfly species recorded by BC which is successful here and survives in a small colony associated with the grassland is the Small copper, a species which has declined faster than any other in Hertfordshire (Dr John Murray, Herts Butterfly Recorder, 2008 Herts & Middx BC Annual Report).

4.6 Both of these butterfly species were also recorded by EPR in 2004/05 within Area 1.

5. Ornithological considerations

5.1 Bird compensation issues

5.1.1 I wish to take this opportunity to point out that, notwithstanding any existing ecological interest on these sites, the inclusion of sites outside of the primary proposals sites (Areas 1 and 2) in order to create a 'Country Park' appear rather arbitrary. They seem to be selected from a number of different areas and ownerships in an attempt to generate the concept of a Country Park and consequently provide the impression of significant environmental gain. The need to use these sites in order to compensate for the loss of bird interest from Area 1 is also significant in this respect. Had a more holistic approach been taken with some of the existing landowners, managers and sites within the area, this may have generated a more genuine landholding with more sensibly deliverable aims and objectives which may have been perhaps more beneficial. As the Inspector recognised, *'It is plain that*

Helioslough's proposals for Areas 3 to 8 would not deliver a 'country park' in the sense that the term is generally understood' (IR16.146). As it stands, the proposals relate to a number of discrete, fragmented land parcels which as EPR stated, 'none of the areas were considered to be currently suitable as a direct replacement of the Radlett Airfield site' in providing suitable compensation for the principle wetland birds of interest (6.1, p19 Conclusions, Survey of Potential Bird Compensation Areas, EPR, Sept 2004).

5.1.2 Indeed, EPR then went so far as stating that *'in order to mirror the conditions found at Radlett Airfield, a site will need to be found that is on the same scale, with some 100ha of undisturbed land such as a whole farm, where there is the potential to both manage the site in an appropriate manner, with respect to cropping and grazing for example, and to create features equivalent to those being lost, such as a series of water bodies' (6.2, p19 Recommendations, Survey of Potential Bird Compensation Areas, EPR, Sept 2004).* I consider that the Country Park compensation proposals are a very poor substitute for such an approach, or the conservation of the existing site.

5.2 Increased conservation status of Lapwing

5.2.1 As outlined above (4.2), under Section 41 of the NERC Act 2006, a list of Habitats and Species of Principal Importance in England was published in November 2008. The list is based largely on the revised UK BAP. It now also includes Lapwing and as such represents a material change in the status of this bird since the 2007 Inquiry. This further raises the conservation significance of the bird assemblage at the site.

5.2.2 The UK Biodiversity Action Plan also underwent a 5-year review in 2007 resulting in some changes to the list of habitats and species considered to be national priorities for nature conservation action. Of most relevance to this planning application was the inclusion of the Lapwing as a Priority species in view of the continuing declines in population in the UK.

5.2.3 These changes in conservation status represent further material change since the 2007 Inquiry, and in placing greater conservation importance on at

least one bird species using the site, the implications are that a loss of greater significance will result should the site be destroyed as proposed. I consider that the implications resulting from this need to be re-considered by the new Inspector.

5.3 Impacts of development in Area 1

5.3.1 Wetland features and associated open grassland within with main body of the former quarry are the principal habitats of importance to the wetland breeding and wintering bird interest. This is acknowledged by the developers. At least some of the bird interest of the site has been known from local recording for a number of years, but it was the detailed surveys in 2004 and 2005 that identified the locally high importance of the site. Much of this interest was still present in 2007. Reduced numbers of birds in places were noted for some species due to a reduction in openness following hedgerow planting as part of the current landscape restoration of the site, and Redshank were not recorded in that year. The hedgerow is still present whilst the grassland has continued to develop with grazing.

5.3.2 Whilst the Inspector recognised evidence from EPR that '*the habitat on Area 1 is only one of a number of similar areas used by birds in the wider Colne valley area*' (IR16.38), the most reliable and recent published data available (Ref: *Transactions of the Herts Natural History Society, 41(1) 2009 Little Ringed Plover, Ringed Plover and other Gravel Pit Breeding Waders in Hertfordshire in 2007.*) now places an even greater significance on the loss of this site. With respect to four key wetland birds recorded by EPR with breeding territories on Area 1 in 2004, only two other sites in the County were recorded by Herts Bird Club in 2007 as supporting breeding Lapwing, Redshank, Little Ringed plover or Ringed plover, and only four other sites supported up to three such species. Given access limitations, the Radlett Aerodrome Site was not recorded, as it has never been to any extent. Thus the impression of habitat availability given by EPR at the previous Inquiry clearly over-estimated the opportunities available for such assemblages of waders in Hertfordshire, let alone within the Colne Valley. This places a much

higher value on the relative importance of this site for the bird assemblages recorded. I consider that the Inspector must take this into account in reviewing the ecological impacts of the proposals, which will inevitably now be far greater than originally envisaged.

5.4 Proposed Wildlife Site designations

5.4.1 The bird data presented for 2004/05 and 2007 has been assessed against the revised bird criteria (prepared by the Herts Bird Club and accepted by the Ratification Group in 2006) and despite the changes, is considered to be met. In supporting sufficient breeding birds and county Red List species in *both* 2004 and 2005 for *both* Lowland Open water and Lowland wet grassland (see Appendix 4), and given the age of the data, I consider it is justified in proposing this site for Wildlife Site status for its wetland bird communities to reflect the recognised interest recorded. This proposal is shown as Appendix 5, and a Site Boundary as Appendix 6. Appropriate species need to be present as 'probably breeding' within a majority of recent years. Given the relative significance of the bird community as reflected by the proposed efforts presented to compensate for its loss, I consider that the best available 2004 – 07 data is, on balance, sufficient to justify the site's Wildlife Site importance for the assemblage of breeding birds.

5.4.2 In proposing this as a Wildlife Site on the basis of birds, I am aware of the previous concerns expressed by the Appellant in respect of the long term future of the important bird communities at this site. This primarily related to the changing habitat conditions given the continued presence of the hedgerow and open, disturbed grassland which as it continues to develop on the quarry floor may be losing some of its sparsely vegetated character.

5.4.3 In this respect I have very recently been made aware in a letter from Ecology Solutions Ltd (dated 19th October 2009) that earlier surveys they undertook in 2009 apparently demonstrated no breeding waders were present at all, although a very rare migrant wader was noted as using the site, probably on passage. The presence of new information was not made known to me by CgMs at pre-Inquiry meetings in early October, and no new data has

been made available to HBRC for further consideration, despite CgMs being informed of the proposal to designate the site as a wildlife Site on the basis of its bird interest. No records from 2009 have been presented and it would appear that no further analysis or comparison can be undertaken as a full breeding bird survey was apparently not carried out.

5.4.4 Notwithstanding any records from new surveys, they do not in themselves serve to offset the value of the site as reflected by previous records, as and I have stated in previous planning application comments, longer term data would be required to demonstrate a genuine decline in bird interest, irrespective of any works to restore optimal habitat conditions for such birds.

5.4.5 However I acknowledge the new information and when or if it is made available, it can be taken into consideration when assessing the validity of the proposal to designate the site as a Wildlife Site. Representations can of course also be made objecting to any such designation when owners are informed by the Wildlife Sites Project.

5.4.6 Moreover, despite any apparent changes to bird communities, the other site characteristics present in Area 1 of profound significance to waders continue to persist – namely its large size, marked flat topography, impeded surface drainage and pools, low fertility soils, sheep grazing and lack of human disturbance. This combination of characteristics will still persist at the site if it remains undeveloped and continues to be farmed in its present form.

5.4.7 This combination of features are not found anywhere else within the current Country Park proposals area, and is one of the reasons why EPR stated that no suitable compensation sites are present within the proposed County Park (5.1.1 above). Size and disturbance were cited as main reasons for this. The nature of the most of the fragmented land parcels involved are quite different to the large, open flat basin within Area 1, largely consisting of undulating mounded ground (former landfill), as demonstrated and acknowledged by the previous Inspector on the site visit.

5.4.8 The Inspector recognised the implications of this and was clear that *'mitigation measures would not be sufficient to fully offset the likely losses'* (IR16.36).

5.4.9 In Area 1 it is predicted that the hedgerow will continue to grow and reduce the openness of the site, reducing the all-important long distance sight lines for some of the waders. Bare patches could further reduce, grassland change its character along with changes in sheep management, and human access could also be increased, adding up to a likely long term decline in important bird communities. In itself, I accept this to be a reasonable conclusion *if nothing else is undertaken to conserve bird interest*.

5.4.10 However, I consider that any *current* indication of reduced bird presence cannot be properly considered in isolation. Had the bird interest been known from the outset of restoration, every effort would have been made by the mineral planning authority to have taken the special ecological interest into account in developing a more appropriate restoration scheme. Any view that the site has suddenly lost its interest is also based upon an assumption of a complete failure to address long term restoration of the quarry which also takes into account a nature conservation interest which has now been recognised.

5.4.11 Indeed, the existing concerns regarding hedgerow growth and bare ground could be addressed in one day of appropriate management – the hedgerow could be removed by ripping out with a bulldozer or excavator, and a plough could be used to lightly turn over the ground in selected areas to recreate bare ground and sparse vegetation up to the next five years. Where appropriate, similar management to create 'Lapwing plots' is regularly proposed for Lapwing on arable land as part of current agri-environment schemes.

5.4.12 Previous sheep grazing has clearly been sufficient to maintain important bird communities, and there is no reason to suspect it will not continue to do so although variations in stocking levels may influence bird

breeding success. What is quite clear is that grazing levels in recent years must have been broadly appropriate in order to support the wader populations. In any event, it must also be recognised that *none* of these factors are in themselves, irreversible, with a little support and guidance.

5.4.13 Indeed, examples of such a positive approach to management have been undertaken by Lafarge at other sites within the county working with HCC mineral restoration manager, HBRC and HMWT, such as at Panshanger Park near Hertford. Similar co-operation at Radlett has so far been unforthcoming, but given that HCC also own a significant proportion of the site, this approach should be seen as being as feasible and realistic as any other, in the medium or long term. Birds are dynamic; provide the right habitat and conditions and the species should exploit the site, just as they have done at Radlett in the recent past and for some species continue to do so.

5.4.14 This possibility was also recognised by the previous Inspector, *'in the longer term it would be open to the County, as landowners, to manage the site in any way they decide appropriate. In doing so, moreover, they may well choose to reverse any planting which they decide is not conducive to maintaining (or restoring) the bird interest. They may equally decide to maintain the area as farmland, without public access in order to limit disturbance...'* (IR16.31).

5.4.15 Compensatory areas have already been considered by the appellant and the previous Inspector to be inadequate (5.1.1 and 5.4.8 above). Furthermore, if the bird community within Area 1 is now considered to be of significantly lower in importance (or potential), why bother to continue to compensate at all? Loss of bird interest is also a rather convenient way of removing any such need, but I note that Ecology Solutions clearly continue to promote the proposed compensation and its supposed benefits.

5.4.16 As EPR also recognised from the outset, such an approach suggests that the bird communities and habitat conditions present are still considered by the appellant to be of sufficient importance to merit the considerable efforts

made thus far to demonstrate how this interest can be adequately compensated for. Recognition of Area 1 as a Wildlife Site for birds simply reflects this importance.

6. Summary

6.1 Helioslough have themselves recognised the relative significance of the acid grassland in meeting Wildlife Site criteria and the bird interest as being *'important at least at the County level, since the site is apparently supporting one of the greatest numbers of breeding waders in Hertfordshire'* (1.3, EPR 2004). This relative importance has effectively been confirmed with the latest published HNHS 2007 records (5.3.2 above). I therefore consider that the although the biodiversity impact in comparison with other sites is considered to be slight adverse and similar to two other sites, in fact this seriously underestimates the degree of damaging ecological impact, despite similar lack of data for these other sites, which are unlikely to support habitat and species interest of similar significance.

6.2 Consequently, given the Wildlife Site designations now proposed at Radlett, in respect of comparisons with other sites presented within the 2009 Environmental Statement I consider that the ecological impact should be at least of the same level as SIFE and Sundon – Moderate Adverse, for these reasons.

6.3 Notwithstanding this, the value of the affected interests was known to the developer as stated in reports and in evidence at Inquiry. The current proposals which include compensation sites considered by the Appellant's own consultants to be unsuitable cannot deliver the 'long term ecological benefit' as claimed. It is also clear that the conclusions reached by the Inspector were made in the context of the lack of any formal designations. Any such designations would now serve to place a greater emphasis on the impact of the proposals in comparison with other sites considered, and in comparison with the previous position at Radlett. In turn this places even

greater emphasis on achieving adequate compensation if the appeal is upheld.

6.4 I consider that Wildlife Site designations will represent a new status of ecological importance reflecting the ecological interests in Area 1, although the relative importance of the features in question was known by developer and accepted by the Inspector at the 2007 Inquiry. However the lack of any such formal designation at the time was a feature of the Inspector's views and contributed to the determination of the proposals.

6.5 I consider that the material changes outlined above would now place greater policy significance on the impact of the proposals in comparison with the position at the previous Inquiry. I therefore believe that this site's increased importance and the ecological harm caused by the proposals must now be given appropriate consideration and weight by the new Inspector in determining this appeal.