

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

**Appellant Ref. 4093
Planning Inspectorate Ref.
APP/B1930/A/09/2109433/NWF
Local Planning Authority Ref. 5/09/0708**

Ecological Issues

On behalf of

St Albans City and District Council

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Ecological issues raised by Ecology Solutions

1. Material Changes since the 2007 Inquiry

1.1 Ecology Solutions (ES) state that there have been no material changes in circumstances since the previous Inquiry (ES 1.10). Following the Wildlife Sites annual Ratification Group meeting on 5th November 2009, two Wildlife Sites have been formally recognised, for their grassland and bird interest, as outlined below and Appendix 1. The validity of the proposed bird site was questioned by ES in their letter of 19th October 2009 (Appendix 2) and subsequently in their Statement to this Inquiry. I will demonstrate that this – and the grassland site – remain fully justified against the Hertfordshire Wildlife Sites criteria and do represent a new material consideration in determination of this appeal.

2. Wildlife Site criteria: Birds

2.1 The proposal to consider Area 1 of the Radlett Aerodrome site for Wildlife Site status on its breeding bird communities is based on the full breeding bird survey data from 2004 and 2005, as recorded by Ecological Planning and Research (EPR). Additional survey data from 2007 is also available as submitted at the previous Inquiry in respect of the 2006 application (Ecology Solutions (ES) 1.9). Little other information is available from volunteer recording due to accessibility, and no comparable data has been recorded or made available since, to our knowledge. Thus the only comprehensive breeding bird data applicable is that obtained by EPR in 2004/05. For 2007 EPR did not present a full breeding bird survey, only those records of specific wading-type birds.

2.2 Comprehensive Breeding Bird Surveys (BBS) should reflect *all* birds recorded breeding at the site or area in question, not just a selective approach to what may be considered ‘indicator’ species. They should be based on sufficient visits to record appropriate signs or behaviour, as well as undertaken at the appropriate time of day and time of year. To achieve this,

the British Trust for Ornithology's national BBS provides the guidelines (extracts) within Appendix 3. This outlines the survey requirements to provide adequate breeding bird data for the BBS.

2.3 The only information I have seen indicates that Ecology Solutions (ES) undertook walkover survey of site in late June (ES 1.11) and undertook surveys for breeding /wetland birds and habitat (ES 1.12). No dates, times or resultant data have been presented. Indeed, ES state that it was not the intention to conduct breeding bird surveys per se (ES 1.12) and letter dated 19th October 2009 (Appendix 2).

2.4 I consider the lack of any data presented by ES from their surveys, which are expressed only by reported observations, contrasts with the 2004/5 records previously presented by EPR. These outline breeding, foraging and roosting species of birds recorded from within Area 1.

2.5 Consequently I consider that such survey effort and / or lack of appropriate data cannot adequately reflect the breeding bird assemblage at the site or enable a true understanding of the importance of the site to be determined. Although some ES observations may suggest some changes in the bird communities, the lack of comparable survey data makes adequate comparisons impossible and the conclusions invalid. In any event, other considerations I outline below demonstrate the validity of Wildlife Site designation without any of the 'indicator' species being present.

2.6 This approach contrasts with that of EPR who did provide data on a full suite of breeding birds within Area 1 in 2004 and 2005. Given that this is the only information sufficient to describe the breeding bird assemblage at the site, this is the only data that can be used to properly assess Wildlife Site status. Consequently, this was presented to the Ratification Group as shown in Appendix 4, along with a demonstration of how the criteria are met. ES concerns (Appendix 2) were also made available to the Ratification Group.

2.7 In any event, these scores also demonstrate that the breeding scores for the bird assemblages of open water as shown in ES 3.5 (21.5 and 25.5) are not correct in assessing Wildlife Site status against the existing criteria. The Hertfordshire Bird Criteria are quite clear in accepting breeding birds only exhibiting foraging behaviour on a site as contributing to the score for such an assemblage. Given this the relevant scores are 26.5 and 33.5, both of which exceed the threshold.

2.8 Two criteria (Breeding Bird Assemblage and Herts Red list species supported) are met for both habitats (open water and wet grasslands) in both years 2004 / 5 – a robust reflection of the site’s importance (Appendix 4). The impression that the site would ‘just about’ qualify based upon 2005 data (ES 3.5) is wrong; the criteria are clearly met on two counts.

2.9 ES recognise that broadly a similar wetland bird species composition was also present in 2007 – consistent with the site’s continuing importance for such bird species. Whatever conclusions can be drawn from this, I have not used this data to justify Wildlife Site status based upon breeding bird assemblage, because it is incomplete.

2.10 More recent selective observations (ES 3.7) may suggest further changes to wading / wetland bird communities consistent with changing habitat conditions. In themselves these still do not preclude the Wildlife Site criteria from being met, given that:

- They do not represent comparable surveys to make an adequate Wildlife Site assessment (see Appendix 3, 4);
- A lack of breeding wading birds in any event does not preclude Wildlife Site criteria from being met (see ‘no wader scenario’, Appendix 4).

2.11 Furthermore, the statement by ES that ‘*no evidence of any breeding waders was recorded*’ (ES 3.7) may not actually preclude such species from being present, merely not observed as breeding. Given that no data appears

to have been presented by ES, the lack of presence of such birds cannot be demonstrated.

2.12 Despite this, it is still considered by ES that on the above evidence, '*the relative value of the site in respect of wetland / wading birds has diminished considerably in recent years*' (ES 3.12). In contrast to ES's claim, there is nothing in HBRC's planning application response which specifically recognises such a decline (ES 3.12), although I did note reduced numbers for some species. Indeed, 2007 data indicates that Ringed plover and Little ringed plover numbers *increased*, so such emphatic statements about declines cannot be justified. I remain of the opinion that longer term records are required to demonstrate a genuine decline, hence the HBRC reference to the need for long term data (ES 3.12).

2.13 I do accept that evidence recently published by the Herts Natural History Society does reflect that long term changes to wader species do occur on former gravel pit sites. However, this invariably occurs in the absence of appropriate management, which we would not dispute.

2.14 Due to this, ES state that criteria for wetland bird interest would now not be met (ES 3.15). However, given the existing evidence, this assumption cannot be made for a number of reasons as outlined above and also in Appendix 4.

3. Site management for birds

3.1 ES state that it is accepted by both parties that current management is unsympathetic to maintaining wetland bird interest (ES 3.13). I do not consider this to be an entirely fair reflection of our position, given that we only acknowledge continuation of the hedgerow is not a positive attribute. Previous grazing management has clearly been sufficient to provide grasslands of suitable quality to support wetland birds. Indeed, in respect of livestock, no evidence is provided by ES to describe stocking levels in terms of numbers,

timing, area grazed, intensity and impact. I have no evidence to suggest observed sheep numbers were significantly any *different* from those present in previous years and no evidence is submitted to demonstrate this is the case (ES 3.11).

3.2 It is stated that dense stocking regimes are not ideal due to disturbance and damage (ES 3.11) which as a generalisation may be true during the breeding season. In turn, however, the reduction of sward height, density or disturbed ground which can result from such grazing pressure can be of *benefit* to bird species that require very open, sparsely vegetated swards e.g. Ringed and Little ringed plovers (ES 3.10). In any event, livestock numbers could easily be modified by the farmer, and one year's poor timing may not irrevocably reduce the value of the site for birds.

3.3 Similarly, any other management required to improve habitat characteristics for waders (ES 3.16) is consistent with management now regularly supported by agri-environment schemes, so can equally be undertaken very easily and quickly to achieve this. Indeed, such an approach is demonstrated by the management opportunities now being offered by the mitigation proposals. These could be applied on the existing former quarry site, with far more likelihood of success where such specific bird populations could not only be restored if necessary but positively enhanced. Any such 'human interference' (ES 3.14) is otherwise known as habitat management (ES 3.16, 3.17, 3.18).

3.4 It is also important to note that '*sympathetic and targeted [habitat] design and management*' that will enhance bird species (ES 3.18) was likely to reflect a period of similar bird interest that had been well established for a number of years prior 2004 during and after the final period of active quarrying in the late 1990s and subsequent years. Indeed substantial water bodies and worked ground have been present since the early 1990s when extraction began providing, as a by product, ideal habitat conditions (to a greater or lesser degree) for wading birds.

3.5 Furthermore the current management regime (ES 3.13) as a whole reflects an original restoration scheme prepared with no detailed knowledge of the bird communities of the site given the difficulty of access by local birdwatchers, an issue recognised by the Herts Bird Club. Some of the conditions within old mineral workings of importance to birds are ephemeral as the vegetation becomes established in places. Where the ecological interest of such sites is known, we work through the Minerals Planning Authority to seek to achieve optimum ecological conditions for any Wildlife interest. This has already been attempted within the former quarry site Area 1 of the SRFI proposal. As the Inspector at the previous Inquiry noted, this situation could easily be reversed if the County Council, as ultimate landowners, so wished (HBRC 5.4.14).

3.6 It is also important to recognise that despite any declines or changes in wading birds (ES 3.14) – which could be due to a variety or combination of factors - the elements which constitute the essential character of the quarry site of considerable significance to these species continue to remain (HBRC 5.4.6), namely:

- Size
- Topography
- Hydrology
- Low fertility soils
- Grazing
- Isolation from disturbance

The presence of such a combination of factors contrasts markedly with all other proposed compensation areas.

4. Relative value of site for waders in Herts context

4.1 The relative importance of the site for its bird fauna was set out by EPR who stated the Appeal Site represents one of several locations within the Colne Valley where those habitats are available (ES 3.19). ES go on to state

'This being the case...it is wholly conceivable, indeed likely that the birds which previously utilised the appeal site now breed and forage elsewhere'.

4.2 Recently published information indicates that such an assumption is incorrect. EPR's assessment of the site's significance considerably underestimated the relative importance of the site, given the lack of other sites in the county now known to support such birds (HBRC 5.3.2). It may also be assumed that any such sites were, in any event, at full carrying capacity for the species concerned. Potential loss of the Radlett site would, therefore, represent a considerable loss of the wetland bird resource within the county. The assumption that such birds could simply fly elsewhere is incorrect.

5. Compensation sites for birds

5.1 ES state that the purpose of their Statement is not to cover items on which the Secretary of State has already passed judgement (ES 1.14). They then describe and endorse the approach to compensatory habitat creation for birds (ES 3.16). This aspect was discussed in depth at the previous Inquiry where our concerns (and those of EPR) regarding the suitability of alternative sites for birds were detailed. The Inspector also recognised this, and was in agreement in considering that the proposed mitigation would not be fully successful (IR16.36).

6. Grassland translocation

6.1 ES state that the acid grassland translocation was considered favourably by the Inspector at the previous Inquiry (ES 3.22). I consider this perception to be incorrect; as expressed within my Statement (HBRC 2.2). What in fact was stated was that if translocation was to be executed properly, there should be *'no fundamental reason why this [failure] should be the case'* (IR 16.28) and ultimately that *'any impact should not tell against the proposal'* (IR16.28). A neutral perspective on this issue would be a better interpretation of the Inspector's position.

6.2 My recommendation to SADC (ES 3.22) was written in the light of the Inspector's final position on the matter. Our concerns (HBRC 2.1, HBRC 2.2), as expressed within national Best Practice guidance, remained and continue to remain the same: namely that translocation is:

- A method of last resort for conservation
- Potentially subject to failure
- Liable to result in a habitat of lower quality.

7. Wildlife Site criteria: Grassland

7.1 ES surveys (no data presented) show no change in botanical composition since the last Inquiry (ES 3.23). Described as no better, it was also no worse; this implies that its quality, as far as ES is concerned, must also remain the same as expressed at the previous Inquiry (ES 3.25). Consequently, Wildlife Site status has been proposed for the acid / neutral grassland area, on the basis of both Habitat and Butterfly criteria (HBRC 3.1 – 4.4). This has not been contested by ES.

7.2 ES state that the previous Inspector came to his conclusions with such a Wildlife Site designation in mind (ES 3.25). This is quite incorrect as expressed in my Statement (HBRC 1.2). Whilst the Inspector recognised the relative quality as agreed between witnesses (IR16.27), he was also clear in stating *'the policy context in respect of ecological matters is that no part of Areas 1 and 2 is designated either nationally or locally as an area of nature conservation interest; neither has the formal designation process been set in motion for any part of these areas'* (IR 16.25).

7.3 ES do recognise change in status of Small heath (ES 1.16) and the importance of the grassland habitat for this species (ES 3.27). This must now place an increased importance on the habitat and the challenge of achieving a successful translocation in both replicating appropriate habitat and also moving the butterfly interest itself. Small heath butterflies are known to

hibernate over winter within grassland habitats as either young or old larvae depending on the breeding cycle of two or even three generations a year. Moving them is therefore a very sensitive operation. They are now another important species which must be taken into account in any translocation exercise but not addressed specifically within the Environmental Statement (ES 3.26) or recognised in this respect by ES (ES 3.27). Conservation of the habitat and its butterflies would best be achieved in situ, the preferred option as I have expressed (HBRC 4.2).

8. Material Changes in circumstances

8.1 ES state that there are no material changes in circumstance since the previous Inquiry (ES 1.10, ES 1.14). I consider this to be incorrect for the reasons outlined below:

- Wildlife Site status recognised for both grassland and quarry.
- Significance of a national BAP priority species of butterfly
- Greater understanding of relative importance of site for birds recognised

8.2 This conflicts with ES's own views of given that they already recognise that a Wildlife Site designation *is* a material consideration (ES 1.16). Consequently, in taking these changes into account, I consider that the Secretary of State's conclusions that harm to the ecological interest would not be significant (ES 2.5) no longer hold true given the Wildlife Sites status now formally recognised for the site.