

CD11.11

Proof of Evidence

Protected Species

From

Greenbelt (Rule 6 Party)

Presented by Paul King

(Member and Advocate for Greenbelt)



In the appeal: APP/B1930/W/24/3343986

Planning Application Reference: 22/0267

Land between caravan site and Watling Street,
Park Street, St Albans, AL2 2PZ

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Appendices in a separate document

- Appendix A [REDACTED]
Appendix B [REDACTED]
Appendix C [REDACTED]
Appendix D [REDACTED]
[REDACTED]

Personal Profile

I graduated from Liverpool University with an Honours degree in Engineering. I then spent 10 years in logistics and planning, running and designing transport systems and setting up distribution networks. After 10 years I moved into residential estate agency. I set up, and ran a sales and lettings company operating in the local area, which entailed undertaking every aspect of the business including sourcing land for development, interfacing with developers, but most of all ensuring that all clients received a professional service. I trained numerous staff to undertake their roles to a similar professional standard, including valuing properties and interfacing with clients and the public.

After 20 years I sold the business and became involved in addressing local issues relating to planning, specifically applications relating to Green Belt development. This included establishing the local campaign group *greenbelt* and forming a working relationship with other campaign groups around the district, to form the District Green Belt Alliance (DGBA) as well as interacting with local politicians, media outlets and of course supporters. I have been involved in this, on and off over the past 10 years, but have no professional qualification specific to planning issues.

I have lived in Park Street for 32 years and concurrent with all the above roles, I have been deeply involved in the residential rental market.

The evidence which I have prepared and provide for this appeal reference APP/B1930/W/24/3343986 in this proof of evidence, is true and I confirm that the opinions expressed are my true personal opinions.

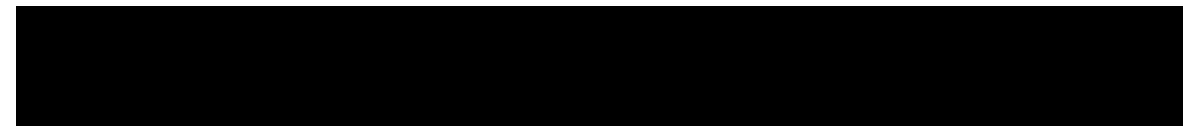
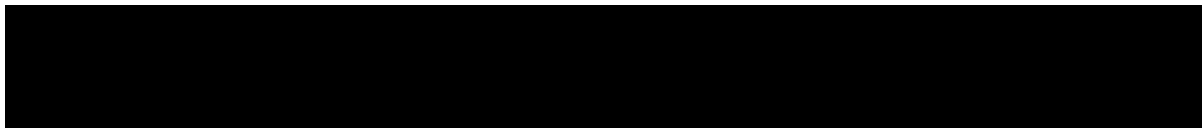


1. Initial Survey

1.1 A Preliminary Ecological Appraisal (PEA) Report was produced by Lockhart Garratt, on behalf of the Appellant in December 2021 in preparation for the submission of a planning application. **(CD1.25)**

1.2 Sections 3.10 to 3.12 on page 10 details the inspection procedure undertaken and background to the badger survey of the site, which took place on 29/7/21.

1.2.1 A desktop study of protected species was undertaken and the details presented in section 5 of the report, with 5.7 dealing with badgers. This states:



1.2.3 Table 5 summarised the overall findings, stating:

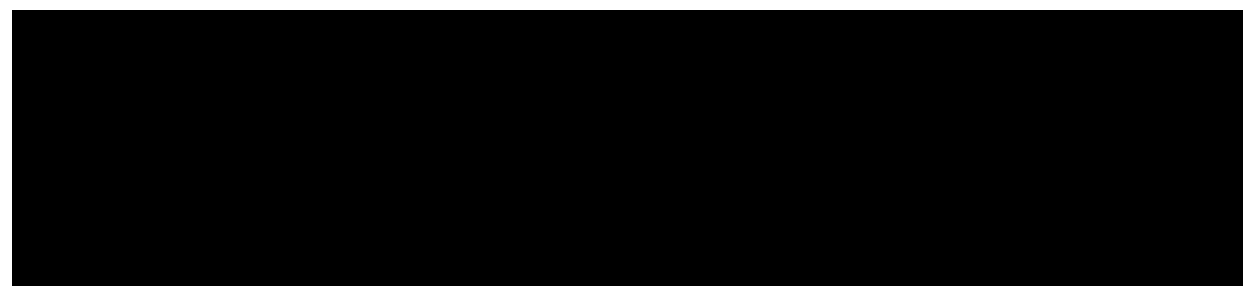
“The adjacent woodland and tree lines would be suitable for badger; they may utilise the arable habitat for foraging”. And that the result of the development proceeding would be: *“Foraging habitat will be lost”*. With an impact judged to be *“Negative, non-significant”*.

1.2.4 Section 10 “Recommendations, further surveys and enhancements”, stated what should happen if badgers were discovered during construction, however nothing further was said.

1.3 The submission of the above report to Herts Ecology prompted their response to the application on 16/5/22, which was:

“On this basis, I consider that the ecology on the site does not represent a fundamental ecological constraint on the proposals.”

2. Badger Evidence and Survey



2.2 I highlighted the fact that due to very dense vegetation at that time of year, that most of the land would be inaccessible, however a survey date was arranged for 28/9/22.

3. Second Badger Report

3.1 Her report dated 28/9/24 (CD2.6) states:

3.2 In our opinion the evidence provided by Joanne Alderton in the above paragraph, is inconsistent with the situation on the ground, in the following respects:

3.2.1 80-90% of the survey site was completely inaccessible to her on the day of the survey, as it is today, and will be on the site visit scheduled for 17/9/24

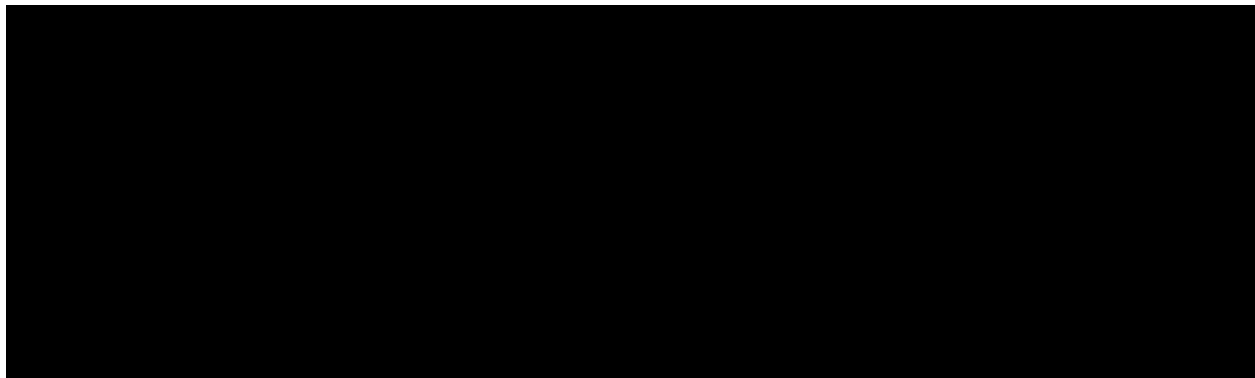
3.2.2 As a consequence of the above, it was impossible for her to effectively survey the site, since as can be seen today, [REDACTED]

3.2.3 Whilst she admitted difficulty in reaching inaccessible parts: *“A definitive assessment of this land was partially restricted by areas of thick bramble”*, this under plays the extent of the inaccessibility

3.2.4 A more accurate description might be that; *“over 80% of the site was covered by dense vegetation reaching to 2-3 metres high, making access impossible”* (Appendix B).

3.2.5 In her conclusion she wrote:





3.5 Responding to her report Martin Hicks at Herts Ecology wrote at the end of paragraph 1 (CD2.27):

“The survey appeared thorough and followed best practice, and I have no reason to object to its findings”.

However his decision was based on the survey being thorough, which it was not.

3.6 Subsequent to her survey report, and her suggestion that a “precautionary approach” be adopted, a revised site plan was issued, which included a 10m badger foraging area adjacent to the wildlife reserve (Layout Plan v3 8.11.22 01 rev F). (CD2.5)

4. Further Evidence

[Redacted]

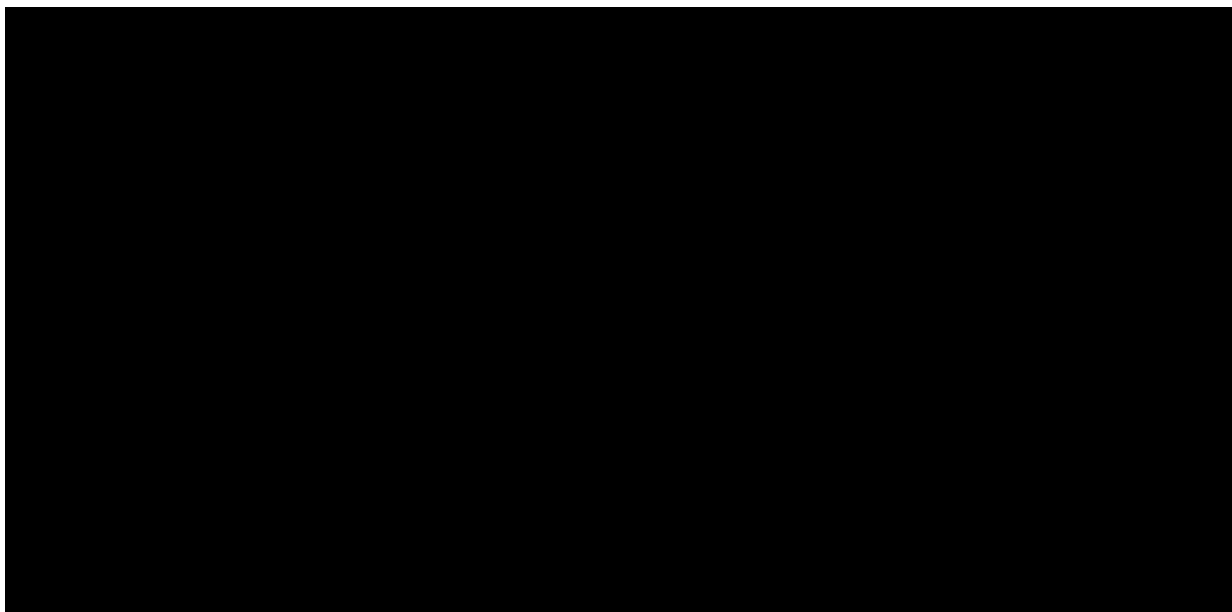
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5.5 Since the layout of the site is a reserved matter, there is no obligation for the Appellant to ensure that either a 10m or larger foraging area, is included in the reserved matters submission, unless this is dealt with through the Unilateral Undertaking.

