

Response to Natural England

SSSI statement

in respect of

Outline application (access sought) for the demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements

at

Bricket Wood Sports and Country Club, Paintball Site and Bricket Lodge, Lye Lane, St Albans AL2 3TF

Ref: 5/2022/2443

Ref: KR/BL/sssi

Brian Parker
BA MSc MRTPI

MRP Planning
10 Orient Close, St Albans, Hertfordshire AL1 1AJ



Preliminaries

I have a BA (Hons) in Geography and an MSc in Urban and Rural Planning and I am a Chartered Member of the Royal Town Planning Institute.

The information and evidence in this Statement have been prepared and are given in accordance with the guidance of the RTPI and I confirm that the views expressed are my genuine professional opinions.

Brian Parker, February 2024



1 Introduction

- 1.1 By way of its letter dated 8th November 2022, Natural England (NE) requested additional information in respect of the consideration of recreational pressure on two Sites of Special Scientific Interest (SSSI), namely: Bricket Wood Common and Moor Mill Quarry West (Appendix 1). The letter was inadvertently overlooked and is being addressed now to properly inform the Appeal.

- 1.2 This Statement: describes the Site and the Proposal; considers the relevant legislation and policy context; describes the SSSIs; assesses the potential impact of recreational pressure; and considers the planning balance. It concludes that the additional recreational pressure on the two SSSIs is so low that no avoidance or mitigation policies are required.

2 The site and proposal.

2.1 The Site is Previously Developed Land off Lye Lane in Bricket Wood, St Albans, comprising 33 dwellings and a number of non-domestic buildings some in use and some vacant. The Site sits adjacent to Blackgreen Wood and just north of the M25 (inaccessible from Lye Lane). Please see Fig.1 below.



Fig. 1 Extract from Site Location Map Rev. A © Tom Gristwood.

2.2 As the crow flies, the closest parts of the Site are c. 1,000 metres from Bricket Wood Common and c. 410 metres from Moor Mill Quarry West – see Figs 2 and 3 overleaf.

2.3 The Outline proposal is to demolish the existing buildings on the Site and construct up to 115 new dwellings. Because of their proximity, the net gain in dwellings – up to 82 households – may have the potential to increase recreational pressure on the SSSIs.

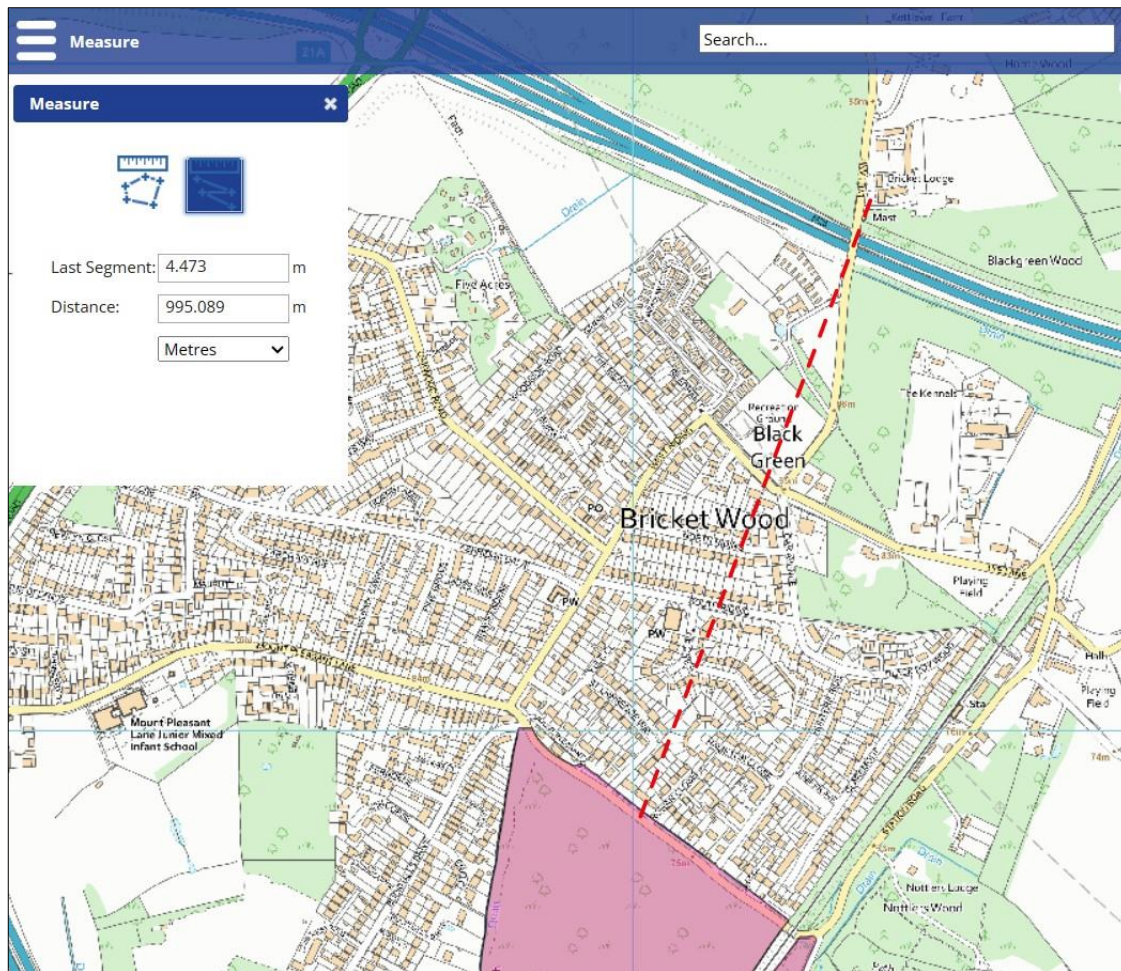


Fig. 2 The Site is c.1,000 metres north of Bricket Wood Common (Source: Council GIS map)



Fig. 3 The Site is c.400 metres west of Moor Mill Quarry West (Source: Council GIS map)

3 Relevant Legislation, Policy and Guidance

Statute

- 3.1 Sites of Special Scientific Interest are sites designated by Natural England under the Wildlife and Countryside Act 1981.
- 3.2 Schedule 4 (w) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Natural England to be consulted on *“Development in or likely to affect a Site of Special Scientific Interest”*.

National Policy

- 3.3 Paragraph 180 (a) of the National Planning Policy Framework (the NPPF), December 2023, requires planning policies and decisions to

“contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes ...”.

- 3.4 Paragraph 186 states that:

“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”.

Local Policy

- 3.5 The 1994 Local Plan’s Policy 107 ‘Nature Conservation’, states that the Council will take account of ecological factors when considering planning applications and will refuse proposals which could adversely affect the Bricket Wood Common or Moor Mill Quarry¹ SSSIs. The text includes no reference to the degree of harm or the possibility of even minimal harm being outweighed by the benefits of a scheme.
- 3.6 Whilst referencing the two SSSIs, the St Stephen Neighbourhood Plan includes no relevant policies.

National Guidance

- 3.7 The Planning Practice Guidance confirms that Natural England should be consulted on proposals with the potential to affect an SSSI².

¹ The 1994 Local Plan does not include the term “West”

² “Protected sites and areas: how to review planning applications” updated 6th December 2023

4 The Sites of Scientific Interest

Bricket Wood Common

- 4.1 The citation on NE's Designated Sites View online resource (Appendix 2) explains that Bricket Wood Common (also known as "Old Bricket"³), has been designated as an SSSI because of the c. 70-hectare site's biological characteristics:

"... a large remnant of a formerly extensive lowland heath that developed on heavy, base deficient soils of the Boulder Clay. The drainage is poor and wet habitats are characteristic of the site with some drier heath developed on areas with gravel capping. Lowland heath has a limited distribution in south eastern England where it has declined markedly and the site represents an important example in the county. Part of the site is ancient woodland of the Pedunculate Oak/Hornbeam type". (Citation File ref: S/414 17 WAS)

- 4.2 The NE website informs that there no pressures, including no recreational pressures, on this SSSI.

Moor Mill Quarry West

- 4.3 The citation on NE's Designated Sites View online resource (Appendix 3) explains that Moor Mill Quarry West was designated as an SSSI because of its geological interest. The citation states:

"The pit shows a complex sequence of Pleistocene (Pre-Anglian - Anglian) deposits overlying the chalk. The lowest of these is fluvial gravel of Thames origin, above which are lacustrine laminated silts, in turn being overlain by chalky glacial till. Above the till is a second gravel, differing from the first in that it was deposited by a westerly flowing river, probably the Colne. This sequence has been interpreted as representing the blocking of the pre-Anglian Thames Valley by ice, resulting in the formation of a lake, which was later overrun by a further advance of ice, culminating in the diversion of the Thames into its modern valley, and the initiation of Colne drainage in the area. This is the only site at which this sequence can be demonstrated, and as such is of fundamental importance in tracing the diversion of the River Thames from its pre-Anglian course".

- 4.4 The NE website instructs that there no pressures, including no recreational pressures, on this SSSI.

³ St Stephen Neighbourhood Plan, paragraph 2.29

5 Recreational Pressure

5.1 Recreational pressure relates to the impacts of public use i.e. the effect of recreational activity on the sensitive and important elements of an SSSI. Thus, the nature and sensitivity of the SSSI and the most likely forms of recreational activity vary from case-to-case.

5.2 As referenced above, neither SSSI is formally subject to any “pressures”. However, Appendix 3 of NE’s SSSI Impact Risk Zones User Guidance (March 2023) instructs that *“New houses also mean more people, which can ... put more recreational pressure on sensitive sites”* and, consequently, requires assessment.

5.3 The key question to be answered are:

- is it likely that the proposal will add recreational pressure to the sites;
- what amount of additional recreational pressure is likely – from this scheme and others; and
- if there is significant additional recreational pressure, should it be avoided or mitigated?

Bricket Wood Common (the Common)

5.4 As the name suggests, this SSSI is a “common” which local people can be expected to use for recreation. The St Stephen Neighbourhood Plan (the NP) confirms as much:

“South of the developed village, Bricket Wood Common - also known as ‘Old Bricket’ - is a mix of woodland and rare acid heath crisscrossed with a network of paths and bridleways popular with both walkers and equestrians.” (paragraph 2.29)

5.5 Thus, it is clear that recreational activity takes place on the Common. Indeed, it can be noted that the NP seeks to consider the Common as a future Asset of Community Value or a Local Green Space. As, the NPPF states that planning policies and decisions in respect of Local Green Spaces *“should protect and enhance public rights of way and access...”* (104), it is reasonable to conclude that the Parish Council (authors of the NP) and local residents who voted for it to be “made”:

(a) sought to recognise and celebrate the Common’s role as a destination for recreation and

(b) understood that the presence of more people walking (some with dogs) or on horseback on the existing paths and bridleways is unlikely to cause unacceptable harm.

5.6 Such a conclusion is supported, first, by NE’s assessment that there is no recreational pressure on the Common.

- 5.7 Secondly, it is supported by the fact that neither the Council’s Emerging Local Plan 2041⁴, nor the Habitats Regulations Assessment (AECOM, July 2023) which informed it, consider the District’s future housing development is likely to generate unacceptable recreational pressure on the Common. (It can be noted that the Council requires explicit mitigation from certain new housing development in the west of the District because of recreational pressure on the Chilterns Beechwoods Special Area of Conservation in neighbouring Dacorum Borough Council.)
- 5.8 The Emerging Local Plan aims to deliver over 15,000 new homes. Based on an average occupancy of 2.4 residents per household, those new dwellings could be expected to introduce some 36,000 additional residents into the District. As 36,000 residents are not expected to generate unacceptable recreation pressure on the Common, it is reasonable to conclude that c.200 additional residents at the Site⁵ (who would be included within the 15,000 as a “windfall” development), will be acceptable on both an individual and cumulative basis.
- 5.9 It is, of course, necessary to note that the 36,000 additional residents spread around the District will have alternative places to visit for their recreation. It is equally necessary to note that future residents of the Site will also have alternative places – closer and more convenient – to stroll through or to walk the dog⁶, than the Common. This includes the Recreation Ground just over 5 minutes’ walk to the south along Lye Lane and, of course, Blackgreen Wood which is even closer and is crossed by formal and permissive footpaths as confirmed by its information board (photo 1 below).

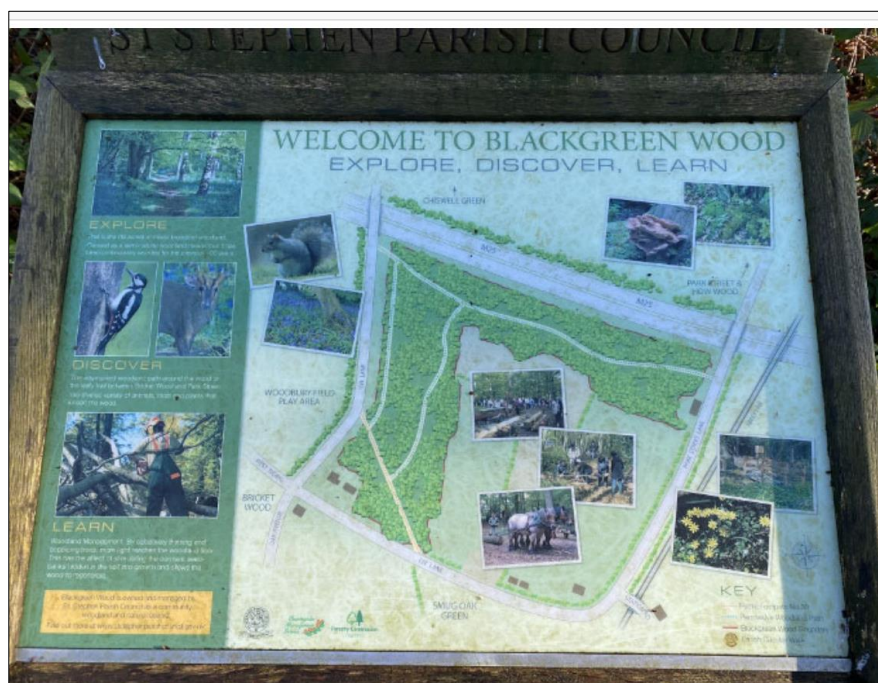


Photo1: The information board in Blackgreen Wood, just south of the Site, promoting its use for walking, recreation and exploration. (© Gristwood, 2022)

⁴ Regulation 18 Consultation ended in September 2023

⁵ 82 x 2.4

⁶ The average “walk” for a pet dog is less than 2 miles (3.6 km). Francis, G. “The average dog owner walks their pet 1,000 miles in a year”, The Independent 27/02/18

5.10 In respect of equestrians (see item 5.4 above), the website Statista⁷ states that only 0.3 per cent of UK households own a horse or pony. That would mean that is likely that none of the 115 households will include an equestrian. Even if there is one or two, the nearest livery in the District is understood to be at the Chiswell Green Riding School on Chiswell Green Lane, a village north-west of Bricket Wood. Because that Riding School affords direct access to bridlepaths through open countryside and woods to the west of Chiswell Green (in an area north of the M25, east of the M1 and south of the A4010 [the old M10]) and because the journey from the Riding School to the Common would involve crossing some very busy roads, it is considered unlikely that there will be any additional horse-related recreational pressure generated by the proposal.

5.11 Overall, it is reasonable to conclude that whilst there is recreational activity at Bricket Wood Common, the additional recreational pressure from the proposal will be so minor, in both absolute and relative terms, that no unacceptable pressure is caused and, so, no avoidance or mitigation measures are required.

Moor Mill Quarry West

5.12 Unlike the Common, the Moor Mill SSSI is not an accessible site that attracts recreational activities. The 0.16 hectare site has no footpaths or bridlepaths across it and has been designated for its geology rather than any attractive flora or fauna. It is also very difficult to reach. Whilst only c.400 metres from the Site as the crow flies, it is on the opposite side of the Abbey Line railway (which runs between St Albans and Watford) and is at least a 3 kilometre walk to approach it from either the north (via Park Street Lane and How Wood) or the south (via Smug Oak Lane). Further, as can be seen by Fig. 4 overleaf, the nearest one can get to the SSSI and remain on a public footpath (PF 33) is some 300 metres.

5.13 Consequently, it is reasonable to conclude that there is currently very little, if any, recreation activity at Moor Mill Quarry West and that no additional recreational pressure will be generated by the proposal.

⁷ Equestrian Sports Participation, England 2016-22, Statista.com (visited Jan 2024)

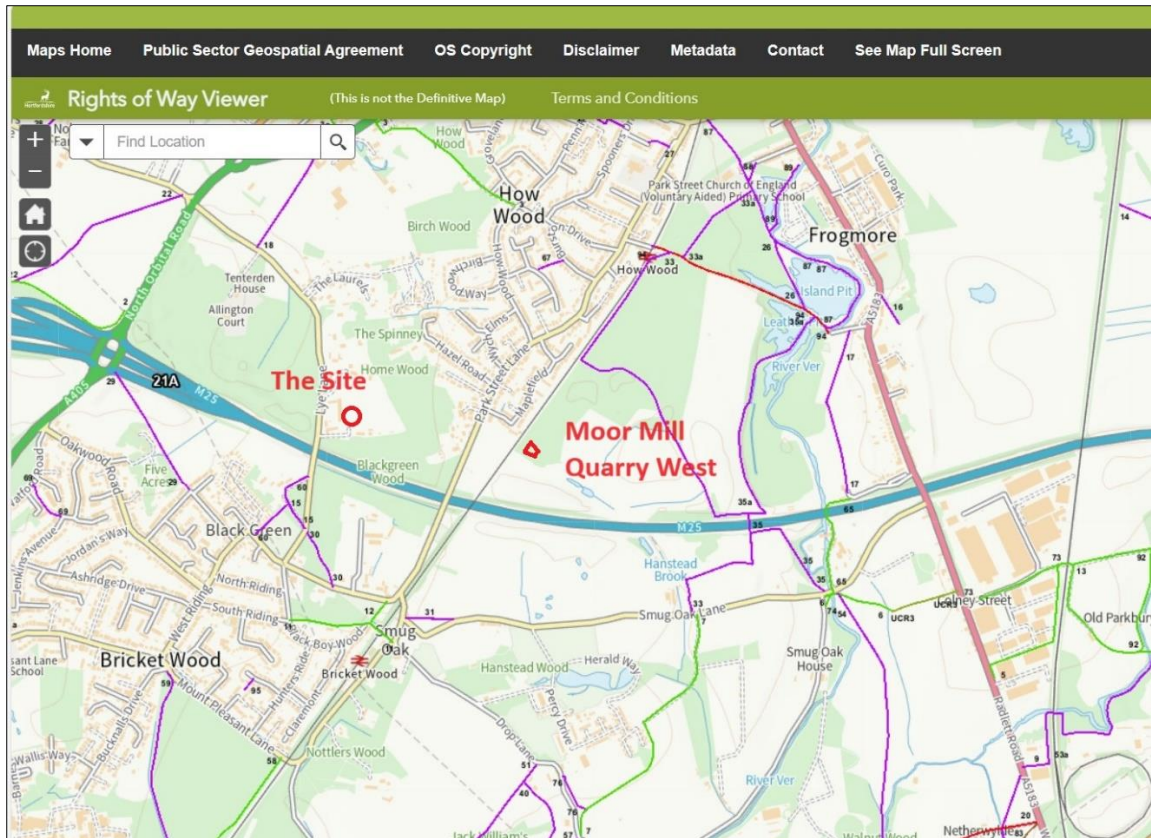


Fig. 4 Moor Mill Quarry West is over 3 kilometres from the Site on foot and 300 metres from the closest footpath (Source: HCC PRoW map)

6 Planning Balance

6.1 As set out above, Paragraph 186 of the NPPF states that:

“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”.

6.2 Consequently, even if the proposed scheme was considered to have an adverse effect on either of the SSSIs because of the additional recreational pressure, it would be reasonable to weigh such harm against the benefits of the development.

6.3 As set out in Sections 4 and 5, the specific circumstances of the SSSIs and the proposal means the adverse impact caused by additional recreational pressure is likely to be negligible at Bricket Wood Common and nil at Moor Mill Quarry West, such that no mitigation is required. Consequently, even if the harm is considered to be slightly higher at either, it is clearly outweighed by the significant benefit of delivering up to 82 additional dwellings on Previously Developed Land in a Green Belt District with a chronic housing crisis and insufficient brownfield land to meet the housing need of local communities.

6.4 Therefore, the impact on the SSSIs does not support a reason to refuse permission.

7 Conclusion

- 7.1 Statute, policy and guidance seek to refuse development proposal on or close to SSSIs unless either they have no adverse impact or such impact is outweighed by the benefits of the scheme.
- 7.2 In respect of Bricket Wood Common, it likely that the proposal will add additional visitors to the site, primarily for walking, but at a scale and in a manner which will have a negligible adverse impact, including cumulatively if and when other schemes in the District are approved via a future Local Plan. Consequently, avoidance and/or mitigation policies are considered unnecessary.
- 7.3 In respect of Moor Mill Quarry West, it likely that the proposal will add no additional recreational pressure on a site that is not a recreational destination and which is difficult to reach. Consequently, avoidance and/or mitigation policies are considered unnecessary.
- 7.4 Even if the impact is considered to be greater than concluded here, the benefits of additional family homes in a District with a chronic housing problem are so significant that the planning balance tilts in favour of granting the scheme, with Conditions applied if they are found to satisfy statutory requirements.

Brian Parker

BA MSc MRTPI

February 2024

Appendix 1 – Natural England Letter

Appendix 2 – Bricket Wood Common citation

Appendix 3 – Moor Mill Quarry West citation