

Herts Bird Club

Promoting the study and recording of birds in Hertfordshire



Hertsmere Borough Council

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Dear Planning,

Please find below the response of the Herts Bird Club (HBC) to Hertsmere Borough Council's proposal of 'Site H2' (the Tyttenhanger Estate) as a suitable site for development as part of its Local Plan for development for growth.

The Herts Bird Club is part of the Hertfordshire Natural History Society (HNHS) which promotes the study and recording of flora and fauna in Hertfordshire and encourages a wider interest in natural history including the conservation of wildlife, habitats and geological features. The Society was established in 1875 in Watford by a group of local naturalists and over the last 140 years has recorded and published a wealth of information on the county's natural history and its changing fortunes.

The Herts Bird Club has a current membership of 468 and as such represents the interests of those members, many of whom are local, and indeed all who enjoy the birds and wildlife of Hertfordshire.

While we, the Herts Bird Club, recognize the importance and necessity of new housing and jobs for the future in the Hertsmere borough we do not believe 'H2' is a suitable site for this development.

Therefore we, Herts Bird Club, strongly object to the proposal of 'H2' as a site for development as outlined in the Local Plan documents. We ask that you, Hertsmere Borough Council, take the time to consider our concerns below, many of which represent material considerations in the planning process.

Tyttenhanger Gravel Pits and environs are well known to bird-watchers and naturalists across Hertfordshire and beyond as a premier site for wildlife and in particular birds. As a result, the site is visited daily by birdwatchers and records stretch back to the 1980s illustrating a long history of natural wealth and diversity. Records are published annually in both the Herts Bird Club Report and in the Tyttenhanger Bird Report.

The proposed 'H2' site envelops a large part of the recording area known as 'Tyttenhanger Gravel Pits' posing a direct threat to the wildlife and ecology there. Its close proximity to the areas it does not actually cover poses an equally serious threat to the wildlife there through:

- Loss of habitat due to improvements to infrastructure, access, and necessary work in relation to the H2 site.
- Loss of extensive feeding, hunting & foraging areas required by many species for survival
- Loss of security for many species as the area they live in/visit becomes more enclosed by development and disturbance increases.
- Loss of movement potential – many species rely on safe, green routes for passage, either as part of their existence or to enable seasonal migration.

It is the threat to the wildlife of the site and its ecological diversity that forms the basis for our objection to the Local Plan proposals. If the development of H2 went ahead, this rich and diverse site for wildlife would be lost, to both this and future generations.

Specific Concerns:

1) The colony of Tree Sparrows (*Passer montanus*)

Tree Sparrows *Passer montanus* are a small and, as their name suggests, tree-nesting bird that has suffered a catastrophic decline (90%+) nationally since the 1970s (BTO data). Their decline has prompted studies to establish why this decline has happened and efforts to conserve the remaining colonies of Tree Sparrows. To date they remain on the red-list of species of greatest conservation concern.

Just such a colony exists at Coursers Farm (central to H2) and has been monitored for over 20 years with the birds being supported by feeding stations. Birds are ringed and electronically tagged so that data can be collected about behaviour, movements and breeding success.

The efforts and considerable financial investment of volunteers over the years has meant that this fragile colony – one of only a handful remaining in the SE of England – has grown and managed to breed outside of Coursers Farm in other locations either side of Coursers Road but all in the proposed H2 site.

The development of H2 would result in annihilation of the existing population of Tree Sparrows through the removal of the habitat upon which they depend. It is impossible to justify such a significant loss for a species that is clinging on as a breeding bird in the south east of England.

Key Considerations about the Tree Sparrows in the 'H2' site:

- **The Tree Sparrows are the only remaining colony in Hertfordshire**
- **They are one of only two remaining colonies in the London area**
- **They are one of only three or four remaining colonies in the whole SE of England**
- As per Defra's JNCC State of UK Birds 2017 **they are a red-listed species (BoCC4)**
- **They are a UK Biodiversity Action Plan (BAP) priority species (UK BAP – JNCC).** The ODPM Circular 06/2005 Part III – Conservation of Habitats and Species outside Designated Sites (Section A 84) states: *"The potential effects of a development, on habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP)...are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions."*
- **Section 41 of The Natural Environment and Rural Communities Act 2006** (NERC Act 2006) includes a list *"of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity."* Tree Sparrows are on this list as **a species of principal importance**. Section 41 states the requirement to *"(a) take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section, or (b) promote the taking by others of such steps."*

2) The presence of other species of conservation concern

In addition to Tree Sparrows the H2 site and immediate environs is also home to a great number of other red and amber-listed species that DEFRA's Joint Nature Conservation Committee (JNCC) have identified as of conservation concern in their 2017 report, "The State of the UK's Birds".

At least 18 red-listed species make Tyttenhanger their home for all or part of the year – 13 of which breed including declining farmland birds such as Skylark *Alauda arvensis*, Yellowhammer *Emberiza citrinella*, Lapwing *Vanellus vanellus* and Yellow Wagtails *Motacilla flava*.

At least 28 amber-listed species make Tyttenhanger their home for all or part of the year – at least 11 of which breed including Kingfisher *Alcedo atthis*, Tawny Owl *Strix aluco*, Kestrel *Falco tinnunculus* and Oystercatcher *Haematopus ostralegus*. Notably, the Oystercatchers are one of only two or three breeding pairs in Hertfordshire.

In addition, at least 18, regularly occurring, species of bird have been identified as ‘priority species’ for conservation by Defra’s UK Biodiversity Plan (BAP).

The presence of these nationally ‘at-risk’ species demonstrates the significance of the site for birdlife and its diversity of habitat that suits such a wide range of species.

3) The presence of specially protected breeding birds.

Under the provisions of the Wildlife and Countryside Act 1981 and subsequent revisions certain birds are protected in the breeding season and require special licenses for any form of disturbance. These species are traditionally known as Schedule 1 species.

At Tyttenhanger (and throughout the proposed H2 site) there are at least six Schedule 1 birds present during the breeding season with most of them actually breeding at the site – among them Hobby *Falco subbuteo*, Kingfisher *Alcedo atthis* and Little Ringed Plover *Charadrius dubius*.

The development of H2 would result in the failure of these species to breed, either through loss of habitat or through the increased disturbance that would arise from a growth in population and infrastructure.

In addition, at least 5 Schedule 1 listed species of bird are known to over-winter at the site including Peregrine *Falco peregrinus*, Fieldfare *Turdus pilaris*, Redwing *Turdus iliacus* and Green Sandpipers *Tringa ochropus*.

The ODPM Circular 06/2005 Part IV – Conservation of Species Protected by Law (Section A 98) states: “The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.”

4) The significance of the Tyttenhanger complex of gravel pits and environs for birds on migration

Due to its location as part of a river valley running north-south Tyttenhanger is a natural stop-off point for birds on passage. Such is the attractiveness of the site to passing birds that over the years over 200 different species have been recorded, many of them scarce and some of them nationally rare.

This in turn has led to the site becoming known as one of the best places to see birds in the region and attracts visitors from a wide geographical area. Many people come specifically to see the Tree Sparrows but, aside from the chance of seeing rare passage birds, the site offers people a chance to see over 70 different species of bird in a day in almost any month of the year.

Very few sites (even designated nature reserves) can boast this kind of diversity of birdlife. The loss of the H2 area would leave a large hole in the ornithological map and the development would effectively block the migratory corridor that currently exists between the built-up areas of St

Albans and Hatfield. It is difficult to under-estimate the significance of such 'green corridors' in providing safe routes for movement and replenishment for wildlife.

The ODPM Circular 06/2005 Part III – Conservation of Habitats and Species outside Designated Sites (Section C 88) states: *“Article 10 of the Habitats Directive requires Member States to...endeavour to encourage the management of features of the landscape that are of major importance for wild flora and fauna. These features are those that, because of their linear and continuous structure or their function as stepping-stones, are essential for migration, dispersal and genetic exchange. Examples given in the Directive are rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods. Suitable planning conditions and obligations may serve to promote such management.”*

A loss not just for birds...

While the site is undoubtedly attractive to birds it is important to recognize that it is the site's biodiversity that constitutes the attractiveness. The proposed site 'H2' would threaten this biodiversity by not only destroying habitat for birds but also for other wildlife too:

1) Mammals & other animals

The area within or affected by the proposed 'H2' site is home to at least 11 species of mammal including the Brown Hare *Lepus europaeus* – identified as a 'species of principal importance' (Section 41 of The Natural Environment and Rural Communities Act 2006) and, along with hedgehogs *Erinaceus europaeus*, a 'priority species' in the UK Biodiversity Action Plan (BAP).

There are also a number of established badger (*Meles meles*) setts throughout the site protected under the Badgers Act 1992. The ODPM Circular 06/2005 Part IV Section D 124 states: *“The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.”*

Common Toads (*Bufo bufo*) are also resident on site and are another 'priority species' identified in BAP.

2) Butterflies & other insects

At least 29 species of butterfly have been recorded in the area affected by 'H2' including some listed on the BAP list of priority species – among them White-letter Hairstreak *Satyrrium w-album* and Small Heath *Coenonympha pamphilus* butterflies.

The site contains a wealth of insect life – vital to the support of birds and other wildlife. At least 19 species of dragonfly and damselfly have been recorded and these in turn provide a key food source for the breeding Hobbies – a bird protected by law under Schedule 1 of the Wildlife & Countryside Act 1981.

The wider impact on wildlife – the loss of Green Belt Land.

In addition to the 'direct' threat to birds and wildlife posed by H2 there is also the wider impact of how the development would change (forever) the nature or feel of the area.

The proposed 'garden village' would effectively connect the villages of London Colney and Colney Heath. These villages currently enjoy separate identities and a feeling of being 'rural and remote' thanks to the greenbelt land surrounding them.

The infilling effect of the 'garden village' would create something more akin to a conurbation requiring upgraded infrastructure with the certain loss of any remote or rural feel.

The increased urbanization and infrastructure, together with large population would place a hugely increased demand on the area that would once again directly affect wildlife:

- There would be a requirement for a higher level of management – nature would have to be brought 'under control' in order for people to live there.
- The site would move away from being a wild and open space attractive to wildlife to something closer to a town park where people go to feed the ducks! Rather than a large tract of diverse and rich habitats the site would be reduced to 'an urban green-space'.

Section 13 of the National Planning Policy Framework (NPPF) is very clear about the importance of protecting Green Belt land for all the reasons outline above.

Such a development would set a very worrying precedent for any other Green Belt land that had previously been given consent for mineral extraction/mining (of which there is quite a lot in the Colne valley region). It should not become a given, for instance, that gravel workings can be built on rather than being restored with biodiversity in mind.

Section 15 of the NPPF is even clearer about protecting Habitats and Biodiversity. Section 175 a) states:

"if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;"

The area affected by the proposed 'H2' site is undoubtedly an area of immense value in its biodiversity – both in the species that live and visit there and also in the habitats that are there – among them habitats of principal importance (Section 41 of The Natural Environment and Rural Communities Act 2006): ancient and species-rich hedgerows, cereal field margins, reedbeds and ancient woodland.

For all these reasons, the Herts Bird Club objects to site 'H2' as a place for future development as described in the Hertsmere Borough Local Plan for development for growth.

Yours sincerely,

Rupert Evershed

On behalf of the Herts Bird Club Committee

Website: www.hnhs.org/herts-bird-club/home