

44 The Street
Wallington
Baldock
SG7 6SW

Christopher Robson
Graduate Estates Surveyor
Property Services
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

4th September 2013

Dear Christopher,

Re: Land in Wallington

Further to our letter of 23rd May, the members of Rushden and Wallington Parish Council wish to expand upon the environmental concerns we have expressed about the potential sale of publicly-owned land in Wallington. The sale of this land risks breaching the District Council's obligation to protect wildlife habitats and preserve biodiversity, as outlined in the Natural Environment and Rural Communities Act 2006. As mentioned in our previous letter, Policy 14 within the "saved" sections of the NHDC Local Plan 1996 further reinforces this obligation at a local level, and Policy 14 2.32 affirms that the policy applies to patches of habitat such as these, regardless of size and location.

The sale to a private landowner is likely to involve an application for change of use to convert the land into a private garden. Any such change of use would present a significant risk to biodiversity. The areas in question have been unmanaged for over 50 years, and as a result of this their value as wildlife habitat is immense. Having consulted the Herts and Middlesex Wildlife Trust, we believe that these plots of land meet the definition of Lowland Mixed Deciduous Woodland, and are therefore protected habitats under the UK Biodiversity Action Plan and Section 41 of the Natural Environment and Rural Communities Act 2006. This means that a wildlife survey must be carried out before any actions involving the land can be considered.

In addition to the protected nature of the habitat itself, local residents have reported recent sightings of various UK BAP protected wildlife species in and around the areas of land, and in particular on the area at the junction of Kits Lane and The Street. The residents in question have stated that they are prepared to make signed statements if required:

- Badger (It is not clear whether there is a badger sett on the land, or whether it is a temporary refuge and feeding location for badgers as they cross the village from one part of their territory to another)
- Yellowhammer

- Song Thrush
- Lesser Spotted Woodpecker
- Common Toad
- Hedgehog
- Butterfly suspected of being a Grizzled Skipper
- Long-Eared Bat

During 2012 long-eared bats, common pipistrelle and serotine bats were observed at Wallington Church during a survey by Natural England. The church is just 235 metres from the site at Kits Lane junction and it is likely that this area forms part of their habitat. Residents report seeing many bats flying over the site and trees are also known to be popular roost, feeding and/or hibernation sites for these bat species, especially when the trees are left unmanaged. A copy of the bat report from Natural England is available on request.

The presence of these UK BAP protected species covered by the 2006 Act, including some that are specific to the Hertfordshire BAP, further emphasises the need for a wildlife survey before any action is taken. The habitat also has potential for many less obvious UK and Herts BAP species that residents have not been able to identify, such as lichens, fungi, beetles, butterflies, moths and newts. This is why an expert view is needed.

We urge North Herts District Council to meet its legal obligations by commissioning a wildlife survey before any decisions are made about the future of this land. The completion of a survey would also be in the best interests of the potential purchasers, who might otherwise be buying a patch of land that they cannot use. Please feel free to share this letter with the Area Planning Committee ahead of their meeting on 9th September.

Yours sincerely,

Kate Heath
Parish Councillor, Wallington
On behalf of Rushden and Wallington Parish Council

cc Steve Jarvis, Tony Hunter, Ian Gourlay, Suzanne Gow