

Location: Oughton Head Pumping Station
Hitchin Road
Pirton
Hertfordshire

Applicant: Affinity Water Limited

Proposal: Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.

Ref. No: 21/02768/FP

Officer: Ben Glover

Date of expiry of statutory period: 22/11/2021

Extension of statutory period: 25/06/2022

Reason for Call in: Application called in by Cllr Sam North for the following reason:

"I believe it covers the following reasons:

- Negative effect on nature conservation
- No Immediate Necessity
- Is in contradiction to local planning principles"

1.0 **Submitted Plan Nos.:**

196112_PLN_SI_1.1_A – Location Plan
196112_PLN_SI_2.1_A – Site Plan Existing
196112_PLN_SI_3.1_A – Site Plan Proposed
196112_PLN_SI_4.1_A – Elevations Proposed
196112_PLN_VIS_6.1 – Visibility Splay Plan
IWP10025 – IWS – 000 – XX – DR – M – 013 P01 – Turning Head Proposals

2.0 **Planning Policies:**

2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt
Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt Land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

2.3 North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)

SP1 – Sustainable Development in North Herts
SP5 – Countryside and Green Belt
SP11 – Natural resources and sustainability
D1 – Sustainable Design
D3 – Protecting Living Conditions
T2 – Parking
NE1: Landscape
NE7: Reducing flood risk
NE9 – Water quality and environment
NE10 – Water conservation and wastewater infrastructure

2.4 Pirton Neighbourhood Plan

PNP 2 – Design and Character
PNP 5 – Wildlife
PNP 7 – Key Views and Vistas
PNP 8 – Heritage Assets and Archaeological Heritage
PNP 11 – Safety of Pedestrians, Cyclists, Equestrians and Motorists

2.5 Supplementary Planning Document

Vehicle Parking at New Development SPD
Design Supplementary Planning Document

3.0 Site History

20/00507/FP - Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works – Withdrawn on 07/12/2022.

4.0 Representations

4.1 Site Notice:

Start Date: 15/10/2021 Expiry Date: 07/11/2021

4.2 Press Notice:

Start Date: N/A Expiry Date: N/A

4.3 Neighbouring Notifications:

Three neighbouring objections have been received via email that can be viewed in full on the NHDC website and are summarised below:

- Concern that the grassland will be destroyed by the footprint of the new development and during the construction process.
- Dispute the conclusion of the Ecological Impact Assessment that the grassland is unlikely to support notable species.
- A valuable chalk stream environment would be damaged as a result of extraction.
- Proposal should be rejected on biodiversity and water framework grounds.

- The Oughton River is listed as a priority habitat.
- Question 12 on the application form has been inaccurately filled in.
- Ecological Impact Assessment (EIA) fails to identify River Oughton as a priority habitat. The application should be refused on the grounds that the EIA is inadequate.
- The proposal is unsustainable and should be refused.
- The application should be refused on the grounds that the applicant has not shown the effects the proposal would have on the status of the Oughton and Oughton Head Common.
- Any increase in groundwater abstraction from the Great Ouse and Thames catchment is likely to have implications on compliance with the Water Framework Directive.
- The application should be refused on the grounds that the applicant has failed to provide information on how the proposal would comply with NE6 or NE10 of the Emerging Local Plan.

4.4 **Parish Council / Statutory Consultees:**

HCC Highways – No objection subject to conditions.

Environmental Health (Noise) – No comments or objections.

Pirton Parish Council – No objection. Comments available in full on NHDC website.

Pirton Neighbouring Plan Steering Group – Objects to the proposal.

North Hertfordshire Archaeological Society – Objects to the proposal. Comments in full on the NHDC website.

HCC Archaeology – No objection subject to conditions.

Herts & Middlesex Wildlife Trust – Objection. Comments in full on NHDC website.

Environment Agency – No comments received. Previous comments from application reference number 20/00507/FP did not raise an objection subject to conditions.

Lead Local Flood Authority – No comments due to development being minor.

Ecology – No objection. Comments in full on NHDC website and shown in the appendices below.

Principle Strategic Planning Policy Officer – No objection. Comments in full available via NHDC website.

5.0 **Planning Considerations**

5.1 **Site and Surroundings**

- 5.1.1 The application site is an existing enclosed water extraction site situated on the east side of Hitchin Road, south of the village of Pirton. The existing site contains a number of existing small buildings accessed via a tarmacked road off Hitchin Road. The application site is situated within the Green Belt and within a Pirton Parish Archaeological Alert Area.

Pirton 020 Restricted Byway runs alongside the southern boundary of the site.

5.2 **Proposal**

- 5.2.1 Planning permission is sought for the change of use of the land to operational land that would allow for the erection of a 25m x 11.5m x 6.5m building. The proposal also includes the installation of equipment on site including 2 salt saturator tanks. The existing access to the site will also be widened.
- 5.2.2 The development would allow for the reinstatement of the water extraction site and allow the supply of water to the Hitchin Area.
- 5.2.3 The application is a resubmission of a previously withdrawn application (ref. 20/00507/FP). The current proposal is for an identical development that was proposed under the previously withdrawn application.

5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- The principle of the proposed development and its impact upon the openness of the Green Belt.
- Design and appearance of the development and its impact to the amenity of neighbouring properties.
- The impact of the development upon the safe use of highways.
- Other impacts including to wildlife and archaeological areas.
- Climate change mitigation.

Principle of the Proposed Development within the Green Belt:

5.3.2 The application site is situated within the Green Belt. Considering that the most important policies for determining this application are out of date, paragraph 11 of the NPPF is engaged as follows:

"for decision taking... granting permission unless... the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed"

5.3.3 Section 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 147 of the NPPF states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF goes on to states that *"local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

5.3.4 Saved Policy 2 of the District Local Plan states that *"Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact."*

- 5.3.5 The development would result in the change of use in the land to allow for the expansion of the existing water pumping station. This would involve the erection of a large detached building. The development would not fall within any of the exceptions offered within Paragraph 149 of the NPPF. The erection of a new building for water treatment is therefore, by definition, inappropriate development.
- 5.3.6 Given that the proposed development is considered inappropriate development in the Green Belt, a case for Very Special Circumstances needs to be considered. As stated in Paragraph 148 of the NPPF, "*Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*". This assessment is set out within the 'Planning Balance' section of the report following a review of the other key issues relating to the proposal.

Impact on the Openness of the Green Belt:

- 5.3.7 Paragraph 137 of the NPPF states "*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*". Paragraph 138 of the NPPF goes on to state the five purposes the Green Belt serves.
- 5.3.8 The existing site is a large unused field owned by the applicants. Within the site is a decommissioned water pumping station with two single storey buildings. The proposed development would result in the part of the field being converted for use by the pumping station allowing for the erection of a 25m x 11.5m x 6.5m building.
- 5.3.9 The building would be sited to the east of the existing site and therefore partially screened behind the existing buildings and mature vegetation. To the south of the site there is a public footpath lined by mature vegetation including trees that would screen the view of the proposed building from the south. Land is open to the north of the site and the building would be partially visible from within the area. Given the size of the proposal building and its location in open countryside there would be an impact to the openness of the Green Belt.
- 5.3.10 With regards to the five purposes of the Green Belt set out in Paragraph 138 of the NPPF, the proposed development would not result in urban sprawl or the merging of neighbouring towns. The development would however encroach upon open countryside given its siting within a field adjacent to other agricultural holdings. The development would not impact the setting or special character of a historic town given its remote siting. Finally, p.138 (e) is not considered relevant in this case.
- 5.3.11 Given the above, the proposed development would result in an impact upon the openness of the Green Belt and would conflict with p.138 (c) "to assist in safeguarding the countryside from encroachment" of the NPPF.

Design and Appearance:

- 5.3.12 The NPPF attaches great importance to the design of the built environment, stating "*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*". The NPPF goes on to

states that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities*”. The aims of the NPPF are reflected in the Saved Local Plan in Policy 57 (Relates to residential development but the principles can be applied) and in the Emerging Local Plan Policy D1.

5.3.13 The proposed building would feature a gabled roof form and will be clad in steel with Kingspan effect roof tiles that would be either anthracite or copper beech in colour. The building would have a barn like appearance considering the materials proposed. Given the agricultural landscape it is considered that the development would be of an acceptable design that would not result in any detrimental impact upon the character and appearance of the area. The proposal would be in compliance with both local and national planning policies insofar as they relate to the issue of design.

5.3.14 The boundary treatment would be security fencing to match that of the existing. Full details of this landscaping can be secured by a planning condition set out in the recommendation below.

Impact on Neighbouring Properties:

5.3.15 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 (House extensions) of the Local Plan and D3 of the Emerging Local Plan.

5.3.16 Given the remote siting of the application site, the development would result in no detrimental impact upon the amenities of residential properties in my view.

Highways impact

5.3.17 The County Highways Authority has been consulted on the application and have not raised any objections to the proposed works subject to the inclusion of informatives and conditions.

5.3.18 The works to the existing access include the relocation of existing gates to allow vehicles to pull off from the main carriageway. Visibility is proposed to be improved by repositioning the hedgerow. The works would also include improvements to drainage.

Archaeology:

5.3.19 The application site is situated within a Pirton Archaeological Alert Area. An investigation of the site has been carried out and has identified several archaeological features within the trenches. The consultation response from Hertfordshire County Councils Natural, Historic and Built Environment Team states that “*the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest*”. The consultation response goes on to state that “*three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants*”. These conditions are recommended below.

5.3.20 Given the consultation response from HCC Archaeology, no objection is raised to the impact of the proposed development upon the archaeology of the site subject to the conditions recommended.

Impact to Wildlife:

5.3.21 The site is opposite the eastern boundary of the Chilterns AONB and the Hitchin Road verge LWS. The development site is also located only 30 metres west of the western edge of the Oughtonhead Common Wildlife site and within 500m of the Oughton Head Local Nature Reserve (LNR).

5.3.22 The submitted Ecological Impact Assessment (EIA) includes a desk based study setting out the designations and habitats within the vicinity of the site and the results of a habitat survey including preliminary bat roost assessment. The EIA provides an assessment of the potential impacts of the development and mitigation measures proposed. The EIA provides the following conclusion:

The site supports locally and nationally common habitats and is not considered critical for populations of any species of fauna of nature conservation importance. However, two Local Wildlife Sites occur within a short distance, a number of notable or protected species may potentially be present and mitigation measures are proposed to minimise the risks to individual animals and to ensure that wildlife legislation is adhered to. Assuming the mitigation is implemented as described, no residual impacts are anticipated as a result of the proposal.

5.3.23 Hertfordshire Ecology have commented on the application (comments can be viewed in full at the end of the report). No objection has been raised to the proposal and conditions are recommended.

Flooding and surface water drainage

5.3.24 The Environment Agency have not commented on the application, but did comment on the previous 20/00507/FP application and advised that they have no objections subject to the imposition of two conditions firstly to secure a remediation strategy if unsuspected contamination is found and secondly a pre-commencement condition requiring the submission of a surface water disposal scheme.

5.3.25 The Lead Local Flood Authority have stated that they are unable to comment due to the application being a minor application and due to current available resources in the LLFA.

5.3.26 The application site is located within Flood Zone 3 (land defined as having a 1 in 100 or greater annual probability of flooding). The applicant has provided a Flood Risk Assessment alongside the application that concludes that the proposed is classed as essential infrastructure as it is essential water supply infrastructure which has to be located in an area classed as Flood Zone 3 by the available Environment Agency mapping. The document goes on to conclude that given the lack of historic records of flooding at the site or to nearby properties, the risk to the site is deemed to be low and the proposed development is not predicted to increase flood risk to any third parties.

Climate Change

5.3.27 The proposed development is designed to provide a long term, safe, efficient and reliable supply of water for the residents of Hitchin, reinstating and adapting an existing pumping station. It is considered that this is a sustainable solution to a key local infrastructure and therefore can be considered to make a positive contribution to the mitigation of the climate emergency.

Planning Balance:

5.3.28 Paragraph 144 of the NPPF states that “*substantial weight should be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*”

5.3.29 The development proposed would, by definition, be inappropriate development in the Green Belt. It is accepted therefore that there would be harm to the Green Belt. Harm has been identified including harm to the openness of the Green Belt considering a new building would be erected within the Green Belt.

5.3.30 The development has the potential to result in some additional harm through visual impact and some short term impact on existing flora and fauna. Such harm can be reduced by the proposed new planting and the package of mitigation measures set out in the Ecological Impact Assessment.

5.3.31 In terms of the historic environment, archaeological work carried out on the site has demonstrated that the development is unlikely to have any significant impact on archaeological remains.

5.3.32 The development would allow for the reopening of the water pumping station which would be used to supply clean water to the Hitchin area and increasing water resilience whilst reducing the dependence on imported water from the Grafham area. It is considered that substantial weight can be attributed to this benefit.

5.3.33 The tilted balance in favour of granting planning permission as set out in paragraph 11 d) of the NPPF is not engaged in this instance as the site lies within the Green Belt and therefore paragraph 11d (i) applies. In this case however it has been demonstrated that very special circumstances exist which outweighs the harm by reason of inappropriateness in my judgement.

5.3.34 The development would increase water resilience within the district that would prevent future potential water shortages and the reliance upon importing water to the Hitchin Area. It is considered therefore that the adverse impacts of the proposals are limited and would be significantly and demonstrably outweighed by the benefits when assessed against the policies set out in the NPPF as a whole and that planning permission should be granted.

Other Issues:

5.3.35 The previous 20/00507/FP application was deferred at planning committee held on the 15th November 2020. It is considered that the reasons for deferral have been addressed by the current application.

- 5.3.36 HCC Highways are no longer raising an objection to the development subject to the inclusion of appropriate conditions and informatives.
- 5.3.37 The Environment Agency water extraction licence has been provided by the applicant. See appendix 1 below. The Environment Agency regulate extraction and this is not a material planning consideration. The Local Planning Authority do not regulate water extraction and planning permission cannot be refused on this basis.
- 5.3.38 An update from Herts Ecology is currently being sought and members will be updated on the night of committee should any further comments be received. Ecology are not raising an objection to the application, but have raised concerns on which clarification is being sought. The comments (see appendix 2) made by Ecology have been noted. Hydrology issues are not a material planning consideration and biodiversity net gain is not a reason for refusal as Herts Ecology confirm. Other comments made by Ecology can be conditioned if appropriate.
- 5.3.39 Other issues raised at planning committee included the method that is used to transport water from Grafham Water to the site. The agent has confirmed that the water is piped across existing water networks.

Conclusion

- 5.3.40 That planning permission be granted subject to the planning conditions as set out below.

Alternative Options

None applicable

Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

6.0 Legal Implications

- 6.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

7.0 Recommendation

- 7.1 That planning permission be **GRANTED** subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to commencement of the development hereby permitted (save for the access improvement works) the vehicular access indicated for improvement on drawing number 196112_PLN_SI_3.1_A shall be upgraded and widened to a minimum width of 5.0 metres wide and provided with kerb radii as shown on general arrangement drawing number IWP10 025 - IWS - 000 - XX - DR - M 013; to be reconstructed and tied in with over lapping layers bonded level with the adjacent carriageway in accordance with the Hertfordshire County Council industrial access construction specification for the first 12.0 metres as measured back from the near channel edge of the adjacent carriageway. To the local Planning Authority's satisfaction.

Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan.

5. Prior to the first occupation of the development hereby permitted visibility splays as shown on the visibility splay plan number 196112_PLN_VIS_6.1 measuring 2.4 metres x 145 metres to both directions shall be provided to each side of the access where it meets the highway and such splays shall always thereafter be maintained

free from any obstruction between 600mm and 2.0 m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan

6. (A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

7. (B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

8. (C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

9. If, during development, previously unsuspected contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

10. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration

systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with NPPF paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

11. Prior to the commencement of the development hereby permitted, details of any external lighting, including security lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of nature conservation.

12. Prior to the commencement of the development hereby permitted full details of all landscaping proposed within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the rural character and visual amenity of the landscape.

13. Condition 13 to be recommended by Herts Ecology.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Appendices:

1. Environment Agency Variation of a Full Licence to Abstract Water

Licence Serial No:

6/33/13/*G/0011

Please quote the serial number in all correspondence about this licence



VARIATION OF A FULL LICENCE TO ABSTRACT WATER

Pursuant to section 51(2) Water Resources Act 1991 the Environment Agency ("the Agency") varies this licence held by:-

Affinity Water Limited
Tamblin Way
Hatfield
Hertfordshire
AL10 9EZ

("the Licence Holder")

Company registration number:

XXXXXXX

This varied licence authorises the Licence Holder to abstract water from the source of supply described in the Schedule of Conditions to this varied licence and subject to the provisions of that Schedule. The variation is effective from the date shown below and shall remain in force until revoked.

Signed

Date of variation02 November 2020

Team Leader

Date effective02 November 2020

Environment Agency
Permitting and Support Centre
Water Resources Team
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

Date of original issue..... ..21 November 1966

The licence should be kept safe and its existence disclosed on any sale of the property to which it relates. Please read the 'important notes' on the cover to this licence.

Note: References to "the map" are to the map which forms part of this licence.
References to "the Agency" are to the Environment Agency or any successor body.

SCHEDULE OF CONDITIONS

1. SOURCE OF SUPPLY

- 1.1 Underground strata comprising of Chalk at OUGH, Hitchin, Hertfordshire.

2. POINT OF ABSTRACTION

- 2.1 At National Grid Reference TLXXXXX XXXXX marked 'A' on the map.

3. MEANS OF ABSTRACTION

- 3.1 A well not exceeding XX metres in depth and XXX millimetres in diameter with a submersible pump.

4. PURPOSE OF ABSTRACTION

- 4.1 Public water supply.
4.2 Augmentation of the River Oughton.

5. PERIOD OF ABSTRACTION

- 5.1 All year.

6. MAXIMUM QUANTITY OF WATER TO BE ABSTRACTED

- 6.1 For the purpose of public water supply:

272.8 cubic metres per hour
6,547 cubic metres per day
1,659,323 cubic metres per year

at a rate not exceeding 75.8 litres per second.

- 6.2 For the purpose of augmentation of the River Oughton:

18.8 cubic metres per hour
450 cubic metres per day
164,250 cubic metres per year

at a rate not exceeding 5.2 litres per second.

- 6.3 The aggregate quantity of water authorised to be abstracted for the purpose of augmentation of the River Oughton under this licence and under licence serial number 6/33/13/*G/0009 shall not exceed:

1,000 cubic metres per day
365,000 cubic metres per year

SCHEDULE OF CONDITIONS (continued)

- 6.4 The aggregate quantity of water authorised to be abstracted under this licence for the purpose of public water supply and augmentation of the River Oughton shall not exceed:

272.8 cubic metres per hour
6,547 cubic metres per day
1,659,323 cubic metres per year

at a rate not exceeding 75.8 litres per second.

Note: an hour means a period of 60 consecutive minutes, a day means any period of 24 consecutive hours and a year means the 12 month period beginning 1 April and ending 31 March.

7. MEANS OF MEASUREMENT OF WATER ABSTRACTED

- 7.1 (i) The Licence Holder shall use one meter for each separately identified purpose to measure quantities of water abstracted.
- (ii) No abstraction shall take place unless the Licence Holder has installed any meters required in (i) above.
- (iii) The Licence Holder shall position and install the meters in accordance with any written directions given by the Agency.
- (iv) The Licence Holder shall maintain, replay or replace any meters to ensure that accurate measurements are recorded at all times.
- (v) The Licence Holder shall retain all evidence of the repair of the meters or replacements including evidence of current certification for inspection by the Agency for 6 years.

8. RECORDS

- 8.1 The Licence Holder shall take and record readings of the meters specified in Condition 7.1 at the same time each day during the whole of the period during which abstraction is authorised or as otherwise approved in writing by the Agency.
- 8.2 The Licence Holder shall send a copy of the record required by Condition 8.1 or summary data to the Agency within 28 days of 31 March or within 28 days of being so requested in writing by the Agency.
- 8.3 Each record shall be kept and be made available during all reasonable hours for inspection by the Agency for at least 6 years.

9 FURTHER CONDITIONS

- 9.1 Within two working days of being notified by the Agency that the level at Oughton Head Spring as measured by the Agency at its gauge board at National Grid Reference TL16121 29906 is equal to or below 57.54 metres Above Ordnance Datum (Newlyn) the Licence Holder shall make a continuous release of augmentation water of not less than 50 cubic metres per day into the River Oughton at National Grid Reference TL16121 29906 marked 'Q' on the map, unless the Agency notifies the Licence Holder in writing that augmentation is not required and that augmentation should cease.

Licence Serial No:	6/33/13/*G/0011
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SCHEDULE OF CONDITIONS (continued)

- 9.2 The Licence Holder shall cease augmentation when notified in writing by the Agency that the groundwater level as measured by the Agency at its observation borehole at Lilley Bottom National Grid Reference TL 15690 22761 is greater than 94 metres Above Ordnance Datum (Newlyn), or such other level as may be agreed in writing by the Agency.
- 9.3 Augmentation shall only take place in accordance with Condition 9.1 while the Licence Holder is abstracting water for public water supply under this licence and/or licence serial number 6/33/13/*G/0009 at OFFS.

ADDITIONAL INFORMATION

Note: the following is provided for information only. It does not form part of the licence.

REASONS FOR CONDITIONS

The abstraction is required to be metered to demonstrate compliance with the terms of the licence and to provide information on actual water usage for water planning purposes.

IMPORTANT NOTES

Metering

The Agency will have regard to its Abstraction Metering Good Practice Manual (or equivalent guidance) in directing any of the following; where the meters should be located or how they should be installed; whether the meters measure accurately, and/or are properly maintained; whether it is necessary to require repair or replacement of the meters.

XX

Oughton Transfer Level

The River Oughton water level of 57.54mAOD (Newlyn) as measured Oughton Head Spring is referred to as the Oughton 'Transfer Level'.

Link with OFFS Licence

The groundwater level measured by the Agency at Lilley Bottom observation borehole, referred to in Condition 9.2 of this licence, also triggers the cessation of discharge of augmentation water to the River Oughton as authorised under licence 6/33/13/*G/0009 (OFFS). This licence should therefore be read in conjunction with the OFFS licence.

Levels at Lilley Bottom borehole

A review of the groundwater level referred to in Condition 9.2 can be proposed by either the Agency or Licence Holder if evidence indicates that an alternative level gives better protection to the water environment.

If this were found to be the case and the Agency and Licence Holder were to agree upon a revised groundwater level that also accords with the Water Resource Management Planning cycle, a temporary change can be made in writing, with an agreed effective start and end date, though the Licence Holder would need to make a formal application to vary the licence if any

Licence Serial No:	6/33/13/*G/0011
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agreed change to the groundwater level is to be made permanent.

For any proposal to temporarily change the groundwater level referred to in Condition 9.2, the Licence Holder should provide details in writing to:

Email: IEP_ANG_Central@environment-agency.gov.uk

Licence History

Licence S/N	Issue date	Expiry date	Summary of changes
6/33/13/11	21/11/1966	-	Licence first granted to Lee Valley Water Co.
6/33/13/11	31/03/1994	-	Three Valleys Water Plc succeed to the licence
6/33/13/G/0011	01/07/2009	-	Veolia Water Central Ltd. succeed to the licence
6/33/13/G/0011	14/11/2012	-	Affinity Water Ltd. succeed to the licence
6/33/13/G/0011	02/11/2020	-	NPS/WR/33625. RSA licence variation to include augmentation of the River Oughton.

2. Hertfordshire Ecology Comments:

HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Authorities and communities

Hertfordshire LEADS, Growth and Infrastructure Unit, Environment and Infrastructure
Hertfordshire County Council, County Hall, Hertford, SG13 8DE
ecology@hertfordshire.gov.uk

Ben Glover
Development & Conservation
North Hertfordshire District Council,
PO BOX 10163, Nottingham, NG6

Ask for: Simon Richards

Date: 15/03/2022

Dear Ben

Application: Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.

Address: Oughton Head Pumping Station Hitchin Road Pirton Hertfordshire
Reference 21/02768/FP

Oughton Head Pumping Station Hitchin Road Pirton Hertfordshire
21/02768/FP case officer Ben Glover

Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:

Summary of advice:

- In sufficient information to assess the ecological value of the existing grasslands.
- The LPA should satisfy itself the application will not cause a negative impact on the hydrology of Oughton Head prior to determination.
- No requirement for further bat surveys.
- A method statement for clearing of vegetation is needed.
- Discretionary advice regarding measurable biodiversity net gain.

Comments

1. Reports: The following ecological reports support the application

- Ecological Impact Assessment by SLR Consulting Limited (report date 26/02/2020)

Further reports of relevance are the:

- Public Comment submitted date: Thu 04 Nov 2021
- HMWT Comment submitted date: Thu 17 Feb 2022

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CITY AND DISTRICT OF ST ALBANS, THREE RIVERS DISTRICT, WATFORD BOROUGH, WELWYN HATFIELD BOROUGH

2. **Bats:** The two buildings on site were assessed as having Low potential for roosting bats. Two trees which had their trunks obscured by ivy making it difficult to detect potential roost features and were also as a precaution were assessed as having low potential. However, these building and trees will not be affected by the proposal. The decommissioned fuel tanks base, which appears to be required to be removed to make way for the access road, was assessed as having negligible potential for bats.

3. **Other Protected Species:**

- **Reptiles:** The grassland within the field was described as tussocky in the ecological report, and grass snake has been recorded in the neighbouring Oughton Local Wildlife Site. Given the proportion of the site which will be affected by the proposal, I support the use of Risk Avoidance Measures as outlined in the section 6.5.2 of the Ecological Impact Assessment to safeguard any reptiles present.
- **Terrestrial mammals,** due vigilance relating to badgers and measures relating to the timing of clearance of vegetation to safeguard hedgehogs have been recommended.
- **Breeding birds:** The proposal requires the removal of a section of hedgerow and part of the adjacent grassland for which there is anecdotal evidence of its use by ground nesting species such as skylark. The survey of 29th January 2020 found two bird boxes on site one on a mature beech tree in the southwestern corner of the site. This should be unaffected by the proposal, however there is also a barn owl box on the eastern aspect of the pump with records of its active use. Barn owls have additional protection under schedule 1 of the Wildlife and Countryside Act which affords them protection against disturbance whilst nesting in addition to the basic level of protection given to all nesting birds. This box has been capped off and an alternative mounted on a pole within the adjacent grassland which has been successful in providing a replacement nesting site for barn owls. Measures to safeguard nesting birds and ensure that barn owls are not disturbed during the breeding season should form part of any approved application. General mitigation for nesting birds is included within the Ecological Impact Assessment.
- Since the mitigation for ground nesting birds, hedgehogs and reptiles all require controlled removal of the existing vegetation, I advise that a method statement is produced combining the proposes mitigation for nesting birds terrestrial mammals and reptiles, taking into account both the behaviour of ground nesting birds and activity periods for reptiles and hedgehogs. This should be secured by **Condition**.

4. **Habitats:** The Preliminary Ecological Appraisal and EIA identify the habitats within the existing water treatment works affected by the proposal as being an area of amenity grassland and a small section of hedgerow and a number of

shrubs. I have no reason to doubt the ecological reports assessment of these habitats.

The proposed new plant will result in the loss of an area of the adjacent field. This is described in the report as being agricultural grassland being made up mostly of common and widely distributed species but includes atypically for this type of habitat ox eye daisy. This habitat description is informed by a survey carried out in January 2020, a suboptimal season for botanical surveys, and is very different to a credible description submitted by a member of the public (see comments section on the application portal). This describes the grassland as being of greater and potentially Local Wildlife Site value. Photos available on Google Street View (image capture June 2009) also suggests the grassland is of greater botanical interest. Given this conflicting information and the suboptimal survey date, I advise there is insufficient information to allow the LPA to assess the ecological value of the habitats affected. Consequently, I advise the application should not be determined until it has been resurveyed at an optimal time. In addition, if the LPA is minded to seek a measurable biodiversity net gain from the application, consistent with government expectations and the strengthened Biodiversity duty placed on it by the Environment Act to conserve and enhance biodiversity. Then this survey will also be needed to inform the completion of a biodiversity metric. Mitigation for the loss of the proposed development site should include a management plan to prevent further deterioration of this grassland, which is described as becoming scrubby, and restore and conserve its botanical interest and suitability as a nesting site for species such as sky lark, which have been sighted on the site.

Local Wildlife Sites and Statutory Sites. The application site is nearby two Local Wildlife Sites: Oughton and Hitchin Road Verge (S. of Pirton) and Oughton Head Local Wildlife Site.

- Oughton and Hitchin Road Verge (S. of Pirton) Important calcareous road verges with ditches and mixed species hedgerows. This is located on the other side of the road from the pumping station and should be unaffected provided sensible precautions are followed, I advise the attachment of a **informative** with any consent given highlighting the need for this to be safeguarded.
- Oughton Head Local Wildlife Site this consists of the main area of common in the south-east and the Wildlife Trust nature reserve to the north. The common supports marshy grassland with fen and is one of the larger fen woodlands in Hertfordshire. The river itself supports aquatic plants of note, the remnant fen components are notable within the county. This site was previously designated as SSSI, a designation that was removed in 1974 because of the deterioration of the site due to drying out of the peat marsh and lack of water flow from the springs. It has been suggested but not demonstrated that this was due to extraction of ground water by the pumping station. This extraction I understand stopped in 2013 due to the nitrate content of the water. It is likely that this cessation benefitted the Local Wildlife Site. halting

Whilst the present application does not in its self-impact on the Local Wildlife Site, the proposed nitrate removal plant will allow further water

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extraction to take place. Without any other evidence to the contrary its not unreasonable to be concerned that the resumption of water extraction facilitated by this proposal, presumably under an existing extraction licence, will have a deleterious effect on the Local Wildlife Site.

Whilst the Ecological Impact Assessment acknowledges a potential indirect effect on the hydrology, the proposed mitigation measures only deal with pollution hazards. No evaluation of the potential affect of the recommencement of water extraction on the springs or wetland habitats of the Local Wildlife Site has been provided. Nor have any measures to prevent or mitigate for these potential affects been proposed.

Consequently, I advise in line with their updated duties under the Environment Act that the LPA should satisfy itself prior to determination that there will be no indirect negative affect on the Oughton Head Local Wildlife Site from this application

6. **Biodiversity Net Gain:** The application will unmitigated result in net loss of habitats, the Environment Act has increased the weight that should be given to measurable biodiversity net gain, although this will not become mandatory till 2023. I would consider it Reasonable for the LPA to expect this proposal to deliver a minimum of 10% biodiversity net gain, although as this is not mandatory its absence should not be used as a reason for refusal.

I trust these comments are of assistance,
Yours sincerely

Simon Richards
Ecology Advisor, Hertfordshire Ecology