

**EXTRAORDINARY CABINET
2 NOVEMBER 2022**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: THERFIELD HEATH SSSI MITIGATION STRATEGY

REPORT OF: IAN FULLSTONE, SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: CLLR RUTH BROWN, EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

To consider a Mitigation Strategy for the Site of Special Scientific Interest (SSSI) at Therfield Heath. To approve the strategy for use in planning decisions to mitigate against the additional recreational pressures on Therfield Heath SSSI.

2. RECOMMENDATIONS

- 2.1. That, subject to the approval of the Local Plan by Full Council, the Therfield Heath SSSI Mitigation Strategy is approved as a material consideration for the purposes of determining planning applications in Royston and the surrounding area.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To provide a mechanism through which to negotiate mitigation measures to address recreational impact on the Therfield Heath Site of Scientific Interest (SSSI) and fulfil the Council's Statement of Common Ground with Natural England.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None. The Council has signed a Statement of Common Ground with Natural England to prepare a mitigation strategy for Therfield Heath prior to the adoption of the Local Plan. Natural England are a prescribed body under the statutory Duty to Cooperate which the Council has a legal duty to demonstrate cooperation with as part of the plan-making duties.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Council hosted a workshop in July 2018 with key stakeholders to discuss the issues around Therfield Heath SSSI. The key stakeholders included local councillors, Natural England, the Therfield Heath and Greens Conservators, Hertfordshire County Council, Royston Town Council, landowners and Cambridgeshire County Council.

- 5.2. Subsequently, both Natural England and the Therfield Heath and Greens Conservators have been involved in the development of the final strategy.
- 5.3. The Executive Member for Planning and Transport and Deputy have been kept up to date with progress on the strategy at regular briefings. The Executive Member for Environment and Leisure has also been briefed.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision, which has not been notified to the public in the Forward Plan. It is not possible to defer consideration of this decision for the reasons set out in the Notice of Reasons for Urgency – Key Decision, dated 10 October 2022, attached as Appendix A. The Chairman of the Overview and Scrutiny Committee has been informed and agreed, the notice of the recommendation has been available at the Council Offices in Gernon Road, Letchworth for three clear working days prior to the date of this meeting.

7. BACKGROUND

- 7.1. Natural England identifies and designates Sites of Special Scientific Interest. Sites are designated for their biological, geological and / or physiographic interest.
- 7.2. Therfield Heath was first notified as a SSSI IN 1953 and last amended in 1984. The designation features include the chalk grassland habitat and the specific grasses, flowers and insects associated with it. The Heath also supports a wide range of other species although these are not specifically mentioned in the [citation](#).
- 7.3. As owners of the site, the Conservators of Therfield Heath and Greens must take [reasonable steps](#) to conserve and enhance the special features of the SSSI.
- 7.4. The submission version of the Local Plan proposed a number of allocations for residential development in and around Royston. In response, Natural England made a number of [representations](#) expressing concern about the proposed developments and the potential impact on Therfield Heath SSSI from the additional recreational pressures.
- 7.5. During the Local Plan Examination, the Council agreed with Natural England to prepare a mitigation strategy for the Therfield Heath SSSI prior to the adoption of the Local Plan and signed a [Statement of Common Ground](#) in which it was agreed that a mitigation strategy would be prepared and agreed prior to the adoption of the Local Plan.
- 7.6. The planning circumstances in Royston have changed throughout the Examination. Planning permission had been granted on a number of the proposed allocations and these have subsequently been removed from the Local Plan prior to receiving the Inspector's Report. During this time, it was unclear whether a mitigation strategy would be required as a direct consequence of the Local Plan, however, a mitigation strategy will provide a framework to secure S106 contributions from development and guide future expenditure to help maintain the SSSI.

8. RELEVANT CONSIDERATIONS

- 8.1. The Council has been working with Natural England and the Conservators of Therfield Heath and Greens to produce a mitigation strategy for the Therfield Heath SSSI. An

initial workshop was held with key stakeholders in July 2018 to discuss the issues that might need to be addressed through the strategy.

- 8.2. A number of more detailed discussions have taken place with Natural England, the Conservators and the Council during the preparation of the strategy. However, work on the strategy has been protracted as there have been a number of delays in receiving comments and responses from the stakeholders to be included in the final strategy. There were also delays in the Local Plan Examination which resulted in planning permission being granted on a number of the allocated sites and subsequently being removed from the Local Plan. During this time it was unclear whether a mitigation strategy would be required as a direct consequence of the Local Plan.
- 8.3. The Therfield Heath SSSI Mitigation Strategy (attached as Appendix B) sets out the details of the recreational pressures that can impact on the SSSI and the measures that could be used to help change those pressures in the future. This is the version of the Strategy that has been sent to Natural England and we are anticipating final comments from Natural England, a verbal update will be provided.
- 8.4. The Mitigation Strategy takes a combined approach of measures to mitigate the effects of additional recreational impacts from further development in Royston. A number of themes have been identified which the proposed measures fall into:
 - Education and management projects;
 - Planning requirements on developments in Royston and the surrounding area;
 - Policy and strategy measures to inform longer term considerations; and
 - Wider measures which will provide alternative recreation opportunities.
- 8.5. The Conservators and Natural England identified that “soft” management and education measures have a significant role to play in raising awareness of the Heath’s ecological importance. A warden has been employed on a part time basis to fulfil that role and is currently being funded through the Section 106 contributions which have already been secured. The action plan includes the continued role of the warden until 2031 in parallel with the end of the Local Plan period.
- 8.6. The action plan also includes provision for visitor facilities to be provided on the site and £100k has been secured through S106 monies as a contribution towards this. There is some debate between the Conservators and Natural England as how this might be achieved.
- 8.7. In terms of planning requirements on future developments in Royston and the surrounding area, the Strategy outlines that the Council will use the Fields in Trust open space standards as an absolute minimum for new developments and will seek to increase those standards on a case by case basis. The introduction of new open space standards for developments can only be made through the Local Plan, as this is assessed as part of the viability testing.
- 8.8. The Council has committed to preparing a number of new Supplementary Planning Documents which will be relevant to the implementation of this Strategy and ensure that any development schemes will be suitably designed and any contributions are secured towards the funding of other suitable mitigation measures on the Heath or wider area.

- 8.9. The Council will also be undertaking a programme of work to prepare the evidence base for the review of the Local Plan. These studies will set out a strategic overview of the functions and pressures on green space across the District and will provide the opportunity to better understand the key pressures at a local level. The long term arrangements for sport, recreation and green infrastructure provision will be a key consideration in the next review of the Local Plan.
- 8.10. The final theme addressed in the strategy focus on wider measures which can provide alternative recreation opportunities which might help to re-direct some recreational use of the Heath to the wider area. In particular, there are a number of projects listed in the action plan which centre on the provision, improvement and linking of footpaths which could provide alternative recreational routes.
- 8.11. Through discussions with Natural England, it has become clear that normally, Natural England would expect S106 contributions to be secured in perpetuity, i.e between 80 and 120 years. However, it is recognised that any of the measures set out in the action plan cannot be funded from the relatively modest scale of development already permitted or still proposed for allocation in the Local Plan for Royston over this period. The Mitigation Strategy does provide however, a comprehensive list of potential projects that any future S106 monies could be used for where appropriate.
- 8.12. The Mitigation Strategy will not be a static and it will require periodic review and updating to reflect changing circumstances. This could include changes to any Management Plan for the Heath prepared by the Conservators and Natural England, updates to other relevant plans and strategies and if projects are funded and implemented.

9. LEGAL IMPLICATIONS

- 9.1. The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended) (The Act). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 9.2. The legal framework for designating Sites of Special Scientific Interest is provided by the [Wildlife and Countryside Act 1981](#) (as amended). The decision to notify a SSSI is made by Natural England as the relevant nature conservation body.
- 9.3. The Conservators of Therfield Heath and Greens were set up by an Act of Parliament in 1896 and are the owners and managers of the Common Land at Therfield Heath which substantially overlaps with the SSSI designation (see Section 2). In addition to being the owners and occupiers of the Heath, the Conservators are also defined as a Section 28G body with duties under the Countryside and Wildlife Act, 1981.
- 9.4. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).

10. FINANCIAL IMPLICATIONS

- 10.1. There are no new financial implications from this report. Approval of the Strategy will enable the Council to negotiate and guide the expenditure of S106 contributions from

development schemes in respect of the mitigation measures required to reduce the impact of recreational pressures.

- 10.2. The costs of updating wider studies referenced in the report will be funded from approved budgets. In March 2021, Cabinet approved the reallocation of funding of £167,000 to support the preparation of supporting supplementary documents and associated that will be required alongside the Local Plan. In February 2022, Full Council approved funding of £300,000 over a five-year period to support early-stage work on the next review of the Local Plan.

11. RISK IMPLICATIONS

- 11.1. As part of the Local Plan Examination, the Council agreed with Natural England to prepare a Mitigation Strategy for the Therfield Heath SSSI prior to the adoption of the Local Plan. The adoption of the Local Plan is due to be considered by Full Council on 8 November 2022 and approval of the mitigation strategy will fulfil the Council's commitment in advance of this decision being taken.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no direct equality implications for this decision.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. The allocations for development in Royston included in the Local Plan have been assessed through the Sustainability Appraisal accompanying the Local Plan. The Mitigation Strategy has been prepared to ensure that the additional recreational impacts on the SSSI can be mitigated and maintain or improve the condition of the SSSI.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. None arising from this report.

16. APPENDICES

- 16.1 [Appendix A: Notice of Reasons for Urgency – Key Decision, 10 October 2022](#)
- 16.2 Appendix B: Therfield Heath Mitigation Strategy – October 2022

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18. BACKGROUND PAPERS

- 18.1 [Therfield Heath SSSI Citation](#)
- 18.2 [Representations received from Natural England, 30 November 2016](#)
- 18.3 [Statement of Common Ground between North Hertfordshire District Council and Natural England, November 2017](#)