

Application: 25/02547/FP

Location : Land to the south and east of Senuna Park, Station road, Ashwell

Updates to the committee report for the meeting on 16/04/26

1.0 Therfield SSSI

- 1.1 Following the publication of the report, it has been brought to the case officer's attention by Cllr May that the application site is within the 5.8km zone of importance for the Therfield Heath SSSI. Unfortunately, this was missed when the application was registered due to an error with the constraints map system, which has since been updated. Both Natural England and the Conservators of Therfield Heath have been consulted on the application.
- 1.2 A response has been received from the Therfield Heath Conservators', which is attached to this update. In summary, this is seeking a S106 contribution of £680.00 (plus indexation) per dwelling, which is £24,480.00 (plus indexation) under the Therfield Heath SSSI Mitigation Strategy to be put towards the 'signage and web initiative' programme. At this time, this has been put to the applicant for his review and agreement, and the amended recommendation to the application, as set out below, allows for this to be agreed by delegation to the Development and Conservation Manager.

2.0 Ashwell Parish Council Sports Pavilion

- 2.1 Further to the committee report, there is no update on this matter. The applicant has agreed to pay towards the sports pavilion but the amount is still not agreed. The recommendation of the application allows for this matter to be agreed by delegation to the Development and Conservation Manager.

3.0 HCC Growth and Infrastructure

- 3.1 An updated response dated 10/04/26 has been received, which is attached to this update. This sets out that the previous response was based on an incorrect dwelling mix, and as a result, the contributions sought have been decreased. Therefore, the figures set out in the committee report at paragraphs 3.6 and 4.3.30 are no longer correct. The previous and new figures are: (NB all are to be indexed linked to BCIS 1Q2024 plus BCIS regional Factor for education):

Contribution	As set out in the report	New amount sought
Secondary education towards the expansion of Knights Templar Secondary School, Baldock	£439,126.00	£342,425.00
SEN education	£63,760.00	£59,919.00
Childcare contribution towards increasing the capacity of 0-2 year old child care	Not sought	£7,681.00

Childcare contribution towards increasing the capacity of 5-11 year old child care at Ashwell Primary School	£643.00	£504.00
Library service towards increasing the capacity at Baldock Library	£10,630.00	£10,127.00
Youth Service Contribution towards increasing capacity through resource requirements to support the delivery of youth work	£7,250.00	£6,111.00
Waste Service – recycling centre	£7,609.00	£7,249.00
Waste Service – Transfer station	£10,641.00	£10,138.00
Fire and Rescue Service	£15,451.00	£3,229.00 (indexed linked to BCIS 2Q2025).
Sustainable Transport	£354,996.00	No change - £354,996.00

3.2 Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

3.3 At the time of writing this update, the applicant has not agreed these revised figures. An update on this will be provided at the meeting.

4.0 Place Services Ecology

4.1 An updated response from Place Services has been received, dated 09/04/26. This has not changed the recommended conditions, which are recommended at BNG2 below, and at conditions 8, 10, 11 and 12 in the committee report.

5.0 BNG Conditions

5.1 There is an error in the report as the BNG conditions have not been published in the committee report. The two conditions are:

5.2 BNG1:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

*(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>). Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

5.3 BNG2:

A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- o initial enhancements, as set in the HMMP, have been implemented; and*
- o habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- o the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- o a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

6.0 Revised recommendation

6.1 Paragraph 6.1 of the report states:

6.1 That planning permission be GRANTED subject to the following resolutions:

- 1. The receipt of a no objection response from the LLFA and the imposition of any conditions delegated to the Development and Conservation Manager;*
- 2. The agreement of the sports pavilion payment delegated to the Development and Conservation Manager;*
- 3. The completion of a S106 legal agreement for the HoTs as set out above and the inclusion of the sports pavilion contribution, all indexed linked;*
- 4. An extension of time as required to address the above; and*
- 5. The conditions and informative as set out below:*

6.2 The updated recommendation for this application is that planning permission be GRANTED subject to the following resolutions:

1. The receipt of a no objection response from the LLFA and the imposition of any conditions delegated to the Development and Conservation Manager;
2. The agreement of the sports pavilion payment delegated to the Development and Conservation Manager;
3. The agreement of the Therfield Heath SSSI mitigation strategy payment delegated to the Development and Conservation Manager;
4. The completion of a S106 legal agreement for the HoTs as set out above in this update note with the inclusion of the sports pavilion and Therfield Heath SSSI mitigation strategy contribution, and the affordable housing contribution as set out in the committee report all indexed linked;
5. An extension of time as required to address the above; and
6. The conditions and informative as set out in the committee report with the addition of the BNG conditions as set out above.

The Conservators of Therfield Heath and Greens

The Therfield Regulation Trust
c/o Royston Golf Club, Baldock Rd, Royston, SG8 5BG
Registered Charity No. 277881
Chair: Clive Hall



THERFIELD
HEATH
& GREENS

Monday, 13 April 2026

By Email only to

anne.mcdonald@north-herts.gov.uk

planning.control@north-herts.gov.uk

Dear Anne MacDonald

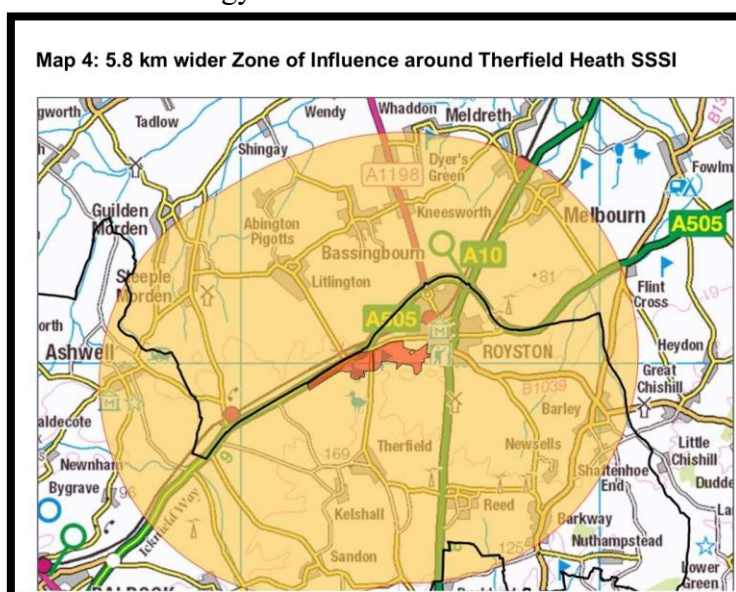
25/02547/FP : Residential development of 36 dwellings (Land to the South And East Of Senuna Park Station Road Ashwell).

S106 and the Therfield Heath SSSI Mitigation Strategy

We wrote to Mr Nigel Smith on Tuesday, 24 February 2026 as the Conservators of Therfield Heath and Greens (hereinafter 'we') were concerned that the Conservators, and indeed, Natural England, had not been consulted about this planning matter even though it seems to fall within the 5.8 km Outer Zone of Influence of the Therfield Heath SSSI mitigation strategy (which is itself a material planning consideration). We did not see the letter on the portal but I made sure to refer to the correct planning reference as above.

Clearly it is disappointing that we have not had a reply to our letter and NHC have still not extended us the opportunity of a consultation. However, that is perhaps a matter that Mr Smith, NHC planning department, Natural England and we can discuss another time. We note this is going to the planning committee on Thursday 16 April 2026. **Please ensure that this letter is circulated to all committee members before the planning committee meeting** and placed on the public portal.

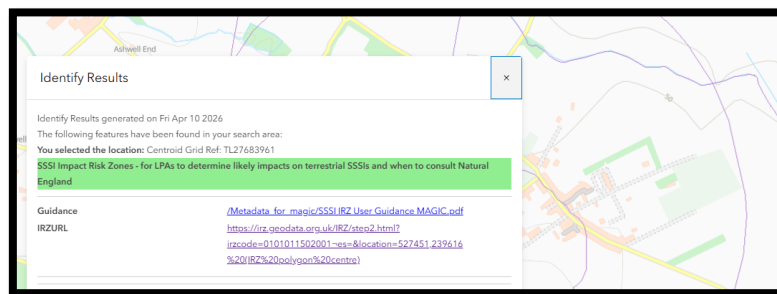
The development is of a size and proximity to Therfield Heath SSSI to trigger the Therfield Heath SSSI Mitigation Strategy from the NHC Local Plan 2022 (being within the 5.8km outer zone of influence). See extract from the strategy below.



Specifically the proposed development site (starting in the south east corner) is :

- Just under 4 km from Thrift Farm/Kings Ride the western edge of our SSSI; and
- Just under 5.6 km from our Therfield Road car park.

The SSSI site, and our car parking, will be a draw to potential new residents. Mitigation measures, we say, are required given the proximity as shown on the agreed/published strategy map. As mentioned before, we looked at the council's public planning portal and note that NHC do not appear to have consulted Natural England. Using MAGIC maps, and selecting the correct location, suggests to us that consultation with Natural England appears necessary for a development of this sort.



Given that it is our view that the Therfield Heath SSSI Mitigation Strategy is engaged, our letter to you today Monday 13 April 2026 is designed to ensure proportionate measures, in support of the Therfield Heath SSSI Mitigation Strategy, are put in place.

This is to ensure that all parties:

- you as the local planning authority;
- us as the Statutory body who manage SSSI; and
- Natural England who oversee the SSSI

all meet our respective obligations under s28(g) of the Wildlife and Countryside Act 1981 (ie *“to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest”*¹).

When the Therfield Heath SSSI Mitigation Strategy is engaged we are all aware of the advice within it ; and of the need for robust mitigation measures to be in place.

We all know that where the evidence, and required (and agreed) mitigation measures, are not in place then appeal cases show that Planning Inspectors do refer back to the **‘precautionary principal’** and have - on many occasions- refused permission because of the risk of an unmitigated harm to a SSSI site.

Given what we say above about the Therfield Heath SSSI Mitigation Strategy being engaged by this matter it is important that NHC has secured **‘agreed’** mitigation measures before considering granting planning permission. This is because planning conditions cannot retrospectively secure mitigation or evidence fundamental to the principal of development².

¹ s28(g) of the Wildlife and Countryside Act 1981

² It has been suggested that further assessment of potential impacts on the SSSI, could be secured by condition. However, the Guidelines for Preliminary Ecological Appraisal (CIEEM, Jan 2018) make clear that, in line with Government guidance, ecological surveys should normally be completed and any necessary measures to protect biodiversity identified before permission is granted. Moreover, **conditions can only be imposed in relation to Reserved Matters and cannot**

We draw to your attention that “*Developer Contributions*” supplemental planning document states at 8.3.3 (page 61) that contributions towards provision or projects within the SSSI [are]

to be delivered in agreement with Natural England and / or the Conservators of Therfield Heath.

Given the “*and/or*” it would read to us as if you need at the very least **our agreement** (you may wish to seek our agreement and that of Natural England if you prefer). As we have not been consulted or contacted about this matter there is – quite clearly - nothing on the table to which we can agree. Natural England do not appear to have been asked for their view either.

So this may be something of a quandary for the NHC planning committee meeting on Thursday 16 April 2026 : what agreement will be present at the meeting to deal with mitigation? As I say, the Conservators are happy to meet with NHC planning staff – as they were in February - when I wrote to NHC.

As we all recognise Therfield Heath SSSI is a very important greenspace both locally and nationally. These much-needed contributions, via s106, are directed by our volunteers and staff to sustain this important SSSI reserve. It is worth reflecting on the importance given to the local SSSI sites within the current North Herts Local plan. I think paragraph 4.162 is the most pertinent point :

*“Whilst there are no biodiversity sites designated at the European level in the District, for example Ramsar sites, Special Areas of Conservation or Special Protection Areas, there are a number of nationally designated sites. **Strict protection and control will be applied to all national designations in accordance with the conservation of Species and Habitats Regulations (2010).** These designations include six Sites of Special Scientific Interest (SSSIs) as shown on the Policies Map and eight designated Local Nature Reserves (LNRs).” (my emphasis)*

When it comes to strict protections under the Conservation of Habitats and Species Regulations 2017 the Conservators are, of course, a competent authority within the meaning of regulation 7.

Therfield Heath SSSI Mitigation Strategy Benchmarks

Under the strategy the developer is expected to fund measures to mitigate the impact on the SSSI of housebuilding. The benchmark (see page 44 of the strategy) focussed on the Ivy Farm 3 development (Feb 2019) which is within the 1.9km inner zone of influence.

In summary the benchmark establishes that a development in the inner 1.9km zone should provide:

- On-site high quality SANG at or above 8 ha per 1000 population
- £1000 (indexed) per dwelling for “management measures” to mitigate the impact on the SSSI of housebuilding
- A capital contribution towards facilities on or near the Heath, (the benchmark was £100k for the development)

Presently there is no benchmark for the outer 5.8km zone. However, the strategy considers the impacts within this outer zone as being 4/7 of those in the inner zone (the inner zone producing an average of 14 visits as per § 2.2.9 and the outer zone only 8 as per § 2.2.11).

retrospectively secure evidence or mitigation fundamental to the principle of development (our emphasis) see planning appeal APP/D0840/W/24/3354604 from December 2025.

The strategy also recognises that given the nature of the outer zone being more rural it would not expect to drive any SANG requirement. In this zone the only contributions are likely to be financial.

Using the 4/7 proportion the benchmark figure in Feb 2019 would be **£570 per dwelling (to which you must add the required indexation)**. Accordingly, as at Q1 2025 the indexation increased the benchmark to about £1190 per dwelling for the inner zone and £680 per dwelling for the outer zone.

Each s106 agreement should recalculate the indexed figure based on the date of the agreement. Within NHC the team handling these sums know this calculation. The above therefore is an example of how indexation would work from 2019 to 2025. Clearly the calculation will be redone to the correct date were NHC to seek to agree mitigation measures with us.

S106 from this development

The Conservators' view is that it is appropriate to request a payment per dwelling at a value that is proportionate to 4/7 of the inner zone strategy benchmark (and **indexation**).

No capital or SANG provision is being sought from this development based on it being rural and in the outer zone. An indicative figure after indexation to Q1 2025 is, as we say, £680 per dwelling. Clearly this sum will be revised to Q2 2026, or later depending on the date of agreement.

The strategy also asks that funding be directed at specific projects. This can be tricky to achieve when there is a delay between initiatives on the SSSI and payments coming on stream, so the Conservators would like to suggest a project (with a fall back should that project for whatever reason not go ahead or should the money not be on stream at the right moment to fund it).

Target Initiative and Fall back

Recently the Conservators have begun a feasibility study that will lead to a Signage and Website project focussing on increasing visits to our Greens in Therfield. One of the barriers to the general public using the Greens in Therfield (rather than Therfield Heath SSSI) is a lack of understanding of where they are, and what facilities and experiences they offer to visitors.

This project is intended to plan, monitor and drive visitor interest in the Greens as an alternative to Therfield Heath SSSI. In some cases we expect this project to spin off other funding requirements for car park spaces etc. The focus of this spend will be on Signage and accessible website information so we can build on existing routes set up and waymarked by Therfield Parish Council.

We believe this initiative will meet the requirements of NE and NHC in delivering the SSSI Mitigation Strategy and make a useful contribution to shifting some footfall away from the SSSI.

In the event that a fall back becomes necessary we would suggest the funds are logged against "Management Measures" which (as described in the strategy) will fund warden and other activities. To assist our cash flow, we would like you to stipulate that the funds come on stream when development commences.

In summary our recommendation is that funds are paid to the Conservators/Therfield Regulation Trust as follows :

*The developer commits to pay £680 (**plus indexation**) per dwelling in this development, for the “Signage and Web initiative (Greens)” via a s106. Payment to be made in full when development commences.*

If the development is delayed, or this initiative does not proceed, or too much time passes such that payment can no longer be linked to the initiative, then the same amount of S106 will go into the unallocated “Management Measures” fund to be assigned to another initiative via the NHC / NE process and / or to continue to fund the Warden roles as described in the strategy document.

The Conservators hope this meets with your expectation.

However, should it not, or should you think there are other factors to consider, we suggest a brief meeting involving yourself, ourselves and Natural England to understand what issues or other factors may be in play. The strategy promotes a collaborative and continuous review / improvement style approach and so such a meeting would be appropriate if one is needed.

We strongly suggest that **we all must meet** if any sum, other than the one we set out herein (being the benchmark + indexation), is to be presented as being appropriate, suitable, or up for agreement.

This SSSI and the wider Heath has a defined historic, cultural and natural importance to everyone in the neighbourhood.

These funds are vital for its survival.

Your sincerely,



Carol Fossick
Clerk to the Conservators of Therfield Heath
Clerk to the Trustees of the Therfield Regulation Trust

Cc Betsy Brown Natural England
Cc Sarah Clarkson Natural England
Cc Sarah Munro Natural England

Growth & Environment
Executive Director: Mark Doran



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 Council Offices
 Gernon Road
 Letchworth Garden City
 Hertfordshire
 SG6 3JF

Growth & Infrastructure Unit
 Hertfordshire County Council
 Postal Point: CHN114
 Farnham House
 Six Hills Way
 Stevenage, Hertfordshire SG1 2FQ
 www.hertfordshire.gov.uk

Respond to: growth@hertfordshire.gov.uk

10 April 2026

Dear Planning Officer

**Updated response by HCC’s Growth & Infrastructure Unit to 25/02547/FP
 Land South And West Of Senuna Park, Station Road, Ashwell**

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **36 dwellings** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	2	2
3	4	0
4+	20	0
Total	26	2

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	6
2	1	1
3	0	0
4+	0	0
Total	1	7

Trajectory						
Year	2026	2027	2028	2029	2030	2031
Units	36					

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Secondary Education Contribution towards the expansion of Knights Templar Secondary School, Baldock, and/or provision serving the development (£342,425 index linked to BCIS 1Q2024 and BCIS Regional Factor)

Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities in the North Herts Rural East Family Centre Reporting Locality and/or provision serving the development (£7,681 index linked to BCIS 1Q2024)

Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Ashwell Primary School and/or provision serving the development (£504 index linked to BCIS 1Q2024)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£59,919 index linked to BCIS 1Q2024 and BCIS Regional Factor)

Library Service Contribution towards increasing the capacity of Baldock Library and/or provision serving the development (£10,127 index linked to BCIS 1Q2024)

Youth Service Contribution towards increasing capacity through resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development (£6,111 index linked to BCIS 1Q2024)

Waste Service:

Recycling Centre Contribution towards increasing the capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development (£7,249 index linked to BCIS 1Q2024)

Transfer Station Contribution towards increasing capacity through the new Northern Transfer station and/or provision serving the development (£10,138 index linked to BCIS 1Q2024)

Fire and Rescue Service Contribution towards increasing the capacity through the expansion of Baldock Fire Station and/or provision serving the development (£3,229 index linked to BCIS 2Q2025)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Yours faithfully

Angela Simpkins
Growth & Infrastructure Officer