

**EAST HERTFORDSHIRE DISTRICT**

**APPLICATION FOR ENVIRONMENTAL MITIGATION BUNDS AND HABITAT  
CREATION ON LAND CONTIGUOUS WITH THE A10 BY-PASS AT WADESMILL,  
HIGH CROSS AND COLLIERS END, HERTFORDSHIRE.**

*Report of the Director of Environment*

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Local Member: D Beatty

**1. Purpose of the report**

To consider planning application number 3/0760-01 for the construction of environmental mitigation bunds on land contiguous with the proposed A10 Wadesmill, High Cross and Colliers End by-pass using spoils and soils from the construction of the by-pass. The proposal also includes a change in the use of a parcel of land from agriculture to a wildlife habitat area to include planting and the formation of a pond/wetland area.

**2. Summary**

2.1 The line of the proposed A10 by-pass starts from the north of Ware and will reconnect with the existing A10 at Puckeridge. The proposed programme of operations is scheduled to last for a period of 24 months, with proposed site preparation works commencing in March 2002 and the completion of restoration (excluding aftercare) in Spring 2004.

2.2 The proposals under consideration are in addition to the by-pass scheme that has already received approval. The proposal comprises of four distinct parts. From north to south these are:

- an environmental bund including landscape planting at Dowsetts Farm, Colliers End using 10,000 cubic metres of surplus subsoils (hereafter referred to as the Dowsetts Farm bund);
- the creation of a wildlife habitat area including planting and the formation of a pond/wetland area requiring the importation 3,500 cubic metres of clayey glacial material at Dowsetts Farm, Colliers End (hereafter referred to as Plashes habitat area) to provide for the translocation of ecological interests encountered during the construction of the by-pass. It would also provide additional buffer planting between Plashes Wood SSSI and the by-pass;

- environmental bunds and ground shaping, including landscape planting at Sutes Farm, High Cross using 19,000 cubic metres of surplus subsoils (hereafter referred to as the Sutes Farm bund);
- an environmental bund including landscaping on the Youngsbury Estate, Wadesmill using 72,000 cubic metres of surplus subsoils (hereafter referred to as the Youngsbury bund).

2.3 It is proposed that the bunding areas would be planted with native woodland species.

2.4 Due to the application relating to the construction of the A10 by-pass, no additional traffic movements would arise on the public road system. The proposed hours of operation would be 0700-1900 Monday to Friday and 0700-1300 on Saturdays.

2.5 All four sites lie within a Landscape Conservation Area, and are in the rural area beyond the Green Belt. One public right of way would be affected.

2.6 The consideration of this application involves balancing the benefits of the various parts of the proposed development, in terms of waste minimisation, reduction of lorry movements on the public highway, and increased screening, landscaping and habitat creation adjacent to the by-pass, against any dis-benefits or harm arising from the proposals. Dis-benefits would be in the form of harm to existing nature conservation interests and the longer term landscape change that would result from the proposals.

### **3. Conclusions**

3.1 The report concludes that the Director of Environment should be authorised to grant planning application 3/0760-01 relating to additional bunding at Dowsetts Farm, Sutes Farm and Youngsbury, together with the change of use of land to form a habitat/wildlife area adjacent to Plashes Wood subject to:

(i) planning conditions to include the following matters:

- revision of the final levels of Youngsbury bund at the northern and southern ends;
- the provision of steps on the section of the Youngsbury bund that will be used as part of the diversion of Thundridge Footpath 49 if the footpath diversion cannot be realigned around the foot of the bunding;
- soil stripping handling and replacement;
- hours of working;
- restricting commencement of the works until direct access is available from within the boundary of the A10;
- aftercare provisions.

## **1. Description of the site and proposed development**

- 1.1 The line of the proposed A10 by-pass will run from the north of Ware and will reconnect with the existing A10 at Puckeridge.
- 1.2 The proposals under consideration are in addition to the by-pass scheme that has already received approval. The proposal comprises of four distinct parts that all use surplus excavation materials arising from the by-pass construction. From north to south these are:
- an environmental bund including landscape planting at Dowsetts Farm, Colliers End using 10,000 cubic metres of surplus subsoils (hereafter referred to as the Dowsetts Farm bund);
  - the creation of a wildlife habitat area including planting and the formation of a pond/wetland area requiring the importation 3,500 cubic metres of clayey glacial material at Dowsetts Farm, Colliers End (hereafter referred to as Plashes habitat area);
  - environmental bunds and ground shaping, including landscape planting at Sutes Farm, High Cross using 19,000 cubic metres of surplus subsoils (hereafter referred to as the Sutes Farm bund);
  - an environmental bund including landscaping on the Youngsbury Estate, Wadesmill using 72,000 cubic metres of surplus subsoils (hereafter referred to as the Youngsbury bund).
- 1.3 The proposed programme of operations is scheduled to last for a period of 24 months. This is based on the current proposals for the construction of the by-pass with proposed site preparation works commencing in March 2002 and the completion of restoration (excluding aftercare) in Spring 2004.
- 1.4 It is proposed that the bunding areas would be planted with native woodland species. The planting would be maintained by the Highway Agency's contractor for a period of five years after which the maintenance of the planting would become the responsibility of the landowners under an off-site planting agreement which they would be required to enter into.
- 1.5 Within the Plashes habitat area a wetland/pond area would be formed using material excavated from the adjacent area of cut on the by-pass site. The purpose of the habitat area is to provide for the translocation of ecological interests encountered during the construction of the by-pass. It would also provide additional buffer planting between Plashes Wood SSSI and the by-pass.
- 1.6 Due to the application relating to the construction of the A10 by-pass, no additional traffic movements would arise on the public road system. The proposed hours of operation would be 0700-1900 Monday to Friday and 0700-1300 on Saturdays.
- 1.7 All four sites lie within a Landscape Conservation Area, and are in the rural area beyond the Green Belt. The Sutes Farm bund is adjacent to the Sutes Wood Wildlife Site. The Youngsbury bund is adjacent to another Wildlife Site and is virtually all

within the Grade II\* registered park or garden of Special Historic Interest. Plashes Wood Site of Special Scientific Interest is in close proximity to the habitat creation area.

- 1.8 One right of way would be affected by this proposal. Footpath 49 at Youngsbury Estate runs south from North Drive then east towards Youngsbury House. It is proposed to divert this footpath as part of the by-pass scheme to run along North Drive, across the new bridge and then along the bund on the eastern side of the by-pass to rejoin the existing footpath.

## **2. Consultations and representations**

- 2.1 East Herts District Council (Planning) – Do not object to the proposals at Dowsetts Farm, Sutes Farm or land adjacent to Plashes Wood. Concern is raised at the alterations, extent of bunding and potential loss of landscape features within the Youngsbury Estate as the area is registered as a Grade II\* park/garden of special historic interest in East Hertfordshire.
- 2.2 East Herts District Council (Environmental Health) – Do not anticipate that there are any additional environmental controls necessary that have not already been proposed.
- 2.3 Standon Parish Council – State that they have no adverse comments on the planning application.
- 2.4 The County Council as Highways Authority – No objection to the proposed development. Recommends that any consent should be subject to conditions restricting commencement of the works until direct access is available from within the boundary of the Wadesmill, High Cross and Colliers End by-pass. In addition that the movement of material shall cease upon the opening of the by-pass to public traffic.
- 2.5 Environment Agency – No objection in principle to the proposed development provided a condition requiring details of surface water control is submitted and approved prior to the development commencing.
- 2.6 English Nature – Advise that the proposed works will not affect Plashes Wood SSSI and have no other comments.
- 2.7 English Heritage - Comments yet to be received.
- 2.8 Herts and Middlesex Wildlife Trust – In principal have no major concerns to the development.
- 2.9 Hertfordshire Biological Records Centre – Raise some concerns regarding the loss some trees along the edge of the ancient woodland where the Youngsbury bund would go. Concern that the proposed Sutes bund would over-shade and eventually destroy the vegetation along the western margin of the Sutes Wood Wildlife site. The impact on local hydrology and impact on the SSSI needs to be considered in more detail in relation to the Plashes habitat area proposal.

- 2.10 The Garden History Society - Concern raised that the height of the proposed Youngsbury bund combined with the overall height of the planting once matured will result in a wall like boundary to the narrow parkland valley to the south east of the bund. Concern also regarding the narrow section of bunding at the southern most section of the Youngsbury bund and other planting in relation to the main drive of the estate that has recently been included within the boundary of the registered site.
- 2.11 In conclusion the Society is concerned, that contrary to good conservation practice, this application proposes significant change to a landscape of historic importance apparently without the justification of a comprehensive historic landscape assessment. Given the damage to the registered site that will occur in the building of the road they state it is vital those mitigation measures themselves do not cause further, avoidable damage. Advise therefore to refuse consent to the present application or defer it pending the above assessments and justification.
- 2.12 Hertfordshire Gardens Trust – Comment on the proposal in relation to the proposed bunding within the Youngsbury Estate. Request that a professional historic landscape consultant be appointed to undertake an historic landscape survey and impact assessment to inform the extent and type of mitigation. They therefore hope that consent for the present application will not be given until such historical assessments are made. In particular concern is raised regarding the size of the bund in sections and the possible enclosure effect of the Parkland that could occur when planting matures. Recognition is given to the need for such mitigation against noise and visual intrusion from Youngsbury House.
- 2.13 Rights of Way Section – Comment that in relation to the diversion of Thundridge Footpath 49 that would go over part of the Youngsbury bund, steps are provided up and down both slopes of bund to the Authority’s specification and acceptance. Suggest if possible that the footpath should be diverted as so as to remain on flat, even ground at the foot of the bund with appropriate drainage and surfacing.
- 2.14 Local representations – A total of 10 individual households were consulted on the various elements of the application. No responses have been received.

### **3. Planning Considerations**

- 3.1 The Development Plan for the area comprises the Hertfordshire Structure Plan Review 1991-2011 (April 1998), the Hertfordshire Waste Local Plan 1995-2005 (January 1999) and the East Hertfordshire Local Plan – Adopted Alterations (December 1999). The East Herts Local Plan (Second Review) is a material consideration in the determination of this application.
- 3.2 As described in paragraph 1.7 of this report the area of the Youngsbury bund has been registered as a Grade II\* park or garden of Special Historic Interest. Specific government guidance regarding historic parks and gardens is contained in paragraph 2.24 of Planning Policy Guidance Note 15: Planning and the Historic Environment. This states that no statutory controls follow from the inclusion of a site in English Heritage’s Register but local planning authorities should protect registered parks and

gardens when determining planning applications. The effect of a proposed development on a registered park or garden is a material planning consideration and this will form part of the consideration of the Youngsbury bund proposal.

- 3.3 All four elements of the proposal involve the importation of naturally occurring material onto land. The three bund proposals can be described as land raising, whilst the Plashes habitat area involves the importation of infill material for engineering purposes. In respect of landraising proposals Waste Local Plan Policy 25 is relevant. This policy states that permission will only be permitted where it can be demonstrated that it will not give rise to unacceptable environmental and other effects and that it would result in landscape enhancement or other environmental benefit.
- 3.4 As the proposal consists of four distinct parts, this report will analyse each part separately detailing the benefits against any disbenefits or harm that may arise. A judgement will then be made as to whether the proposals are acceptable or not and this will then form part of the conclusions as to whether permission should or should not be granted.

### **3.5 Dowsetts Farm Bund**

- 3.5.1 This forms a relatively minor extension to an existing bund that already forms part of the existing by-pass design. The area is undulating and quite generally open in form. It is currently in agricultural use. The proposal would be constructed from 10,000 cubic metres of surplus subsoils arising from the by-pass.
- 3.5.2 Benefits – The disposal of 10,000 metres of surplus spoil adjacent to the by-pass would result in a total of around 1,334 standard lorry movements being taken away from the local public highway network if the material was to be disposed off site. The bund would aid the screening of road traffic from views from the east, which would be further enhanced by the proposed planting.
- 3.5.3 Disbenefits – The gradients of the bund are approximately 1 in 3 and such an artificial landform in an undulating landform would be incongruous.
- 3.5.4 Summary – Despite the proposed landform being incongruous in the local landscape it forms an extension to a section of bunding that will be constructed as part of the by-pass construction. The proposed landform would therefore be contiguous with this permitted landform.

### **3.7 Plashes habitat area**

- 3.7.1 This area is currently in agricultural use and forms a rectangular piece of land between a section of the by-pass and Plashes Wood SSSI. The proposal here is to create a wetland habitat, utilising the existing Barwick Tributary as a feed. It is estimated that this part of the scheme will require some 3,500 cubic metres of clayey glacial material to be imported from the main scheme earthworks to supplement the cut to fill works in creating the wetland area.
- 3.7.2 Benefits – The proposal would provide an area of ecological interest between Plashes Wood and the proposed road. It would also allow for possible translocation areas near

to existing habitats. There are no objections to the proposals from either English Nature or the Environment Agency who advise on the impacts on Plashes Wood SSSI and drainage of the Barwick Tributary respectively. The disposal of 3,500 metres of surplus spoil adjacent to the by-pass would result in a total of around 466 standard lorry movements being taken away from the local public highway network if the material was to be disposed off site.

3.7.3 Dis-benefits – Loss of 2.6 hectares of arable agricultural land.

3.7.4 Summary – The engineering works would involve a change of use not only compatible with the Plashes Wood SSSI but would create a desirable habitat area suitable for the translocation for any protected species found along the route of the by-pass.

### **3.8 Sutes Farm bund**

3.8.1 The bunding proposed in this area consists of three parcels of land. Two of these are to the east of the by-pass and consist of small parcels of land between the by-pass and Sutes Wood, which is a Wildlife Site. The area to the west of the by-pass forms a lateral extension to a bund that already been approved as part of the by-pass scheme. The proposal would be constructed from 19,000 cubic metres of surplus subsoils arising from the by-pass.

3.8.2 Benefits - The disposal of 19,000 metres of spoil adjacent to the by-pass would result in a total of around 2,534 standard lorry movements being taken away from the local public highway network if the material was to be disposed off site. The creation of two small parcels of land between the by-pass and Sutes Wood would be unlikely to be viable for agriculture and would likely to become fallow. This proposal will be planted with native species so that in time it would complement the existing Sutes Wood. The proposed additional bunding with its extended outer slope also provides for an improved landform than that currently in place.

3.8.3 Disbenefits – There has been concern that the proposed bunding would overshadow the ancient woodland at Sutes Wood, however, the gradients of the bunding nearest to Sutes Wood are shallow and in this instance the landform would not be an overbearing neighbour.

3.8.4 Summary – This part of the proposal has various benefits whilst any potential disadvantage is mitigated through the design of the landform.

### 3.9 Youngsbury bund

- 3.9.1 This is the largest of the three bunds and would be constructed from 72,000 cubic metres of surplus subsoils arising from the by-pass. The bund would run along the eastern side of the by-pass from Youngsbury Drive in the south to North Drive to the north. Some of the area of the proposed bund is a Wildlife Site whilst the majority is within a Grade II\* Registered park or Garden of Special Historic Interest in East Hertfordshire listed by English Heritage. The approved by-pass scheme does allow for some bunding although most of the road along the length of the proposed bund would appear to be within a cutting.
- 3.9.2 Benefits - The disposal of 72,000 metres of surplus spoil adjacent to the by-pass would result in a total of around 10,400 standard lorry movements being taken away from the local public highway network if the material was to be disposed off site. The proposal would also result in a significant area of new native woodland and the felling of around a third of the leylandi conifer belt that has been planted by the landowner along the east of the proposed by-pass. The applicant has demonstrated that the bund would also screen views of high-sided traffic from Youngsbury House although it is likely that existing vegetation would already achieve this. The bund may also provide additional noise attenuation and increase the tranquillity of the Park, however this has not been stipulated as a reason for or quantified as a reason for the form of the bund.
- 3.9.3 Disbenefits – The design of the Youngsbury bund results in gradients of around 1 in 3 on each side for the entire length of the bund. This would result in a landform that in the context of the gradients of the surrounding land would be artificial and man made in appearance. This would be particularly so at either end of the bund where the landform would not blend into existing deciduous woodland. The height of the bund from the outer ground level does vary but in places it is 7 metres in height and could be somewhat overbearing given the proposed gradient.
- 3.9.4 Summary – The volume of construction derived subsoils which would be used to construct the bund would minimise waste at source and may otherwise have to be taken off site to an approved landfill site. This would require around a total of 10,400 lorry movements to and from the site on the public highway. There are additional benefits from the new planting and felling of some of the leylandi tree belt planted by the landowner to screen the by-pass. Although the height and gradient of the bund is judged as being unnatural and could result in a sense of enclosure, this already exists with the mature leylandi planting. In order to achieve more natural gradients whilst still producing the height of the bund that would eliminate views of traffic from Youngsbury House more of the parkland area would be required for the bunding. This would be inappropriate, as it would encroach further into the Parkland that includes more woodland and secondary planting. However, in order to integrate the bund more sympathetically into the local landscape revisions should be made to the final level design of both the northern and southern sections of the bund and the applicant has agreed to these revisions in principle. As stated above, the proposed bund would eliminate views of traffic from Youngsbury House and its construction would offer the opportunity for the owner of the Park to remove inappropriate planting that has been undertaken in the Park as a defensive measure against views of the road.

## 4. Conclusions

- 4.1 This report concludes that, on balance of the material considerations and in relation to the relevant development plan policies, the proposals in respect of additional bunding at Dowsetts Farm and Sutes Farm, together with the change of use of land to form a habitat/wildlife area adjacent to Plashes Wood, are acceptable in their current form and would result in other environmental benefits sufficient to allow the grant of permission.
- 4.2 In respect of the proposed bund at Youngsbury it is considered that the benefits of the scheme in terms of waste minimisation, protecting views from Youngsbury House and the benefit of substantial native woodland together with the removal of alien leylandi planting are considered sufficient to allow the grant of planning permission. It is acknowledged that the bund has steeper gradients than would ideally be used, however, to reduce gradients of the bund more of the parkland and woodland would be required. In addition, any enclosure effect that may result from the bunding may enable the restoration of those parts of the Parkland that have been inappropriately planted in order to provide a screen between the by-pass and Youngsbury House. However in order to integrate either end of the bunds into the local landscape, revisions to the submitted plans should be required.

## **5. Financial Implications**

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees of the financial implications that may arise from a decision of the Committee.
- 5.2 If a planning application is refused or is not determined within a specific period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget provisions. However, a major public inquiry may give rise to significant costs for which there is no specific budget provision. If the County Council refuses an application without reasonable planning grounds on which to base its decision, it may be liable to pay the costs of the applicant in contesting the appeal.

### *Background material used by the author in compiling the report*

Planning Application ref. 3/0760-01

Consultation responses and representations received in response to Planning Application ref. 3/0760-01

Hertfordshire Structure Plan Review 1991 to 2011 (adopted April 1998)

Hertfordshire Waste Local Plan 1995- 2005 (adopted January 1999)

East Hertfordshire Local Plan – Adopted Alterations (December 1999)

East Herts Local Plan (Second Review) December 2000

Design Guide for Environmental Barriers (Section 5) - Volume 10 of the Design Manual for Roads and Bridges, Highways Agency (July 1994)

Planning Policy guidance Note 15 – Planning and the Historic Environment (September 1994)