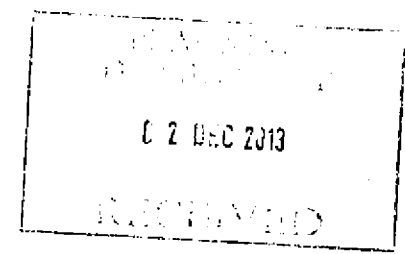


SD MP



From: Odette Carter [mailto:odette.carter@hwmwt.org]
Sent: 02 December 2013 09:21
To: Planning
Subject: FW: Comments for application S6/2013/2275/MA (Park Farm Equestrian Centre, Northaw Road West)
Attachments: Park Farm Equestrian Centre, Northaw Road S620132275MA.docx



FAO Mr M Peacock

Dear Mr Peacock,

Planning ref: S6/2013/2275/MA
Location: Park Farm Equestrian Centre, Northaw Road West, Northaw, EN6 4NT
Description: Retention of 8 floodlights, manège and 4 stable buildings

Please find attached a response to the above planning application on behalf of Herts & Middlesex Wildlife Trust.

Please do not hesitate to get in touch should you have any questions.

Kind regards,

Odette Carter
Planning and Policy Officer

Herts and Middlesex Wildlife Trust
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www.hertswildlifetrust.org.uk

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28th November 2013

Welwyn Hatfield Borough Council
Case Officer: Mr M Peacock
Your ref: S6/2013/2275/MA
planning@welhat.gov.uk

Dear Mr Peacock,

Planning ref: S6/2013/2275/MA
Location: Park Farm Equestrian Centre, Northaw Road West,
Northaw, EN6 4NT
Description: Retention of 8 floodlights, manège and 4 stable buildings

Thank you for consulting Herts & Middlesex Wildlife Trust.

The application relates to retention of floodlighting, in a rural location with farm land, grassland, hedgerows, rivers, and woodland habitats in the surrounding area. Bats and other wildlife are likely to be active in the environment.

Whilst it is recognised that floodlighting is required for safety and security reasons in certain locations, lighting schemes should be designed to avoid adverse impacts on local wildlife and ecological connectivity. It is particularly important to limit harmful lighting in rural locations and near to connective features of the landscape, including water courses, woodland edges and hedgerows.

The environmental and ecological impact of the current lighting arrangement should be reviewed to ensure that adverse effects are avoided and minimised as far as possible.

Guidance in the Bat Conservation Trust's advice note on bats and lighting in the UK (BCT, 2008) and BCT's 'Statement on the impact and design of artificial light on bats' should be followed in designing a suitable lighting arrangement.

The impact of floodlighting can be minimised through:

- Using the minimum amount of light needed for safety;
- Using timers to control the duration of illumination;
- Limiting use of lighting to certain times of year, where the impact on bats is less significant;
- Making lighting as directional as possible, avoiding uplighting and reducing light spill, including by angling luminaires appropriately and using shields, cowels or louvers if appropriate;
- Minimising the height of lighting columns;



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Chief Executive: Jane Durney



Hertfordshire & Middlesex
Wildlife Trust Limited is registered
in England No 816710 at the
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President
Sir Simon A Bowes Lyon, KCVO

- Using less harmful types of lamp (ie. those with lower UV output). LED or low-pressure or high-pressure sodium are preferable to mercury or metal halide lamps.

REASONS:

- *Lighting can adversely impact the natural environment and nocturnal species such as bats*
- *All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.*
- *Various bat species are also NERC section 41 species of principle importance, subject to due consideration as outlined in Paragraphs 84 and 85 of ODPM Circular 06/2005 to PPS9, the CROW Act (2000) (section 74) and the NERC Biodiversity Duty.*
- *Development proposals should contribute towards the protection and recovery of priority species populations, in accordance with paragraphs 84 and 85 of ODPM circular 06/2005, paragraph 117 of the National Planning Policy Framework and sections 40(1) and 40(3) of the NERC Act 2006.*
- *The NPPF states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on nature conservation.*

Details of relevant wildlife legislation and planning policy and guidance are given at the end of this email.

Please don't hesitate to contact me should you wish to discuss this matter further.

Yours sincerely,

Odette Carter
Planning and Policy Officer

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 Middlesex**

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Appendix – Relevant Policy and Legislation

NPPF

The National Planning Policy Framework sets out that planning should function to achieve sustainable development, which includes contributing to "Moving from a net loss of biodiversity to achieving net gains for nature", in line with the objectives of the Natural Environment White Paper 2011.

The NPPF paragraph 109 sets out that the planning system should "**contribute to and enhance** the natural and local environment by... **minimising impacts on biodiversity** and providing **net gains** in biodiversity where possible... including by establishing coherent ecological networks that are more resilient to current and future pressures."

Bats and lighting

According to the NPPF, "by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

ODPM circular 06/2005 to PPS9

The National Planning Policy Framework, published in March 2012, replaced the preceding suite of Planning Policy Statements and guidance notes, including PPS9 – *Biodiversity and Geological Conservation*. The **government circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System**, has been retained and **remains as valid guidance** for local planning authorities on decisions affecting protected species and designated nature conservation sites, among others. The circular can be accessed [here](#).

The External Review of Government Planning Practice Guidance ('Taylor Review', report published December 2012), concluded that the advice within circular 06/2005 is necessary, but needs updating and could be streamlined. The circular has been recommended by the committee for retention until it is replaced by revised guidance. The report considers it a priority for the government to update the biodiversity guidance to reflect legal requirements and NPPF policy.

BAP priority habitats and species

Paragraph 84 of ODPM Circular 06/2005 to PPS9 states, "The potential effects of a development, on habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP) and by Local Biodiversity Partnerships, together with policies in the England Biodiversity Strategy are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions."

Paragraph 85 highlights the duties to conserve biodiversity conferred by Section 74 of the Countryside and Rights of Way Act 2000 and PPS9 (now the NPPF), for local authorities "to promote the taking of steps by others to further the conservation of the habitat types and species of principle importance for biodiversity" (ie. BAP habitats and species), including through their planning function.

Protected species

Paragraph 98 states, "The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat."

Paragraph 99 continues, "It is essential that the presence or otherwise of protected species [where there is a reasonable likelihood of them being present and affected], and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances."

Paragraph 116 confirms that, when dealing with cases where a European protected species may be affected, the planning authority has a statutory duty under regulation 9(5) of the *Conservation of Habitat and Species Regulations 2010* to have regard to the requirements of the Habitats Directive in the exercise of its functions. The paragraph continues, "Planning authorities should give due weight to the presence of a European protected species on a development site ... and this may potentially justify a refusal of planning permission."

The NERC Act (2006) Biodiversity Duty

Section 40(1) of the Natural Environment and Rural Communities Act (*NERC Act*) places a direct statutory duty to conserve biodiversity on all public authorities:

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Section 40(3): conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

A list of habitats and species of principle importance to the purpose of conserving biodiversity was drawn up, largely based on the UK Biodiversity Action Plan priority habitats and species, as required by section 41. The list can be viewed [here](#).

Section 41(3): the Secretary of State must take such steps as appear to him to be reasonably practicable to further the conservation of the living organisms and types of habitats included in the list of species of principal importance. He is further required to promote the taking by others (such as public bodies) of such steps to further the conservation of the statutory priority species.
