

PLANNING CONSULTATION BY BROXBOURNE BOROUGH COUNCIL

**FULL PLANNING APPLICATION FOR THE ERECTION OF A 5,650 SQM
INDUSTRIAL / WAREHOUSE BUILDING, SERVICE YARD AND PARKING
INCLUDING ACCESS ONTO RATTY'S LANE. REF 07/22/0844/F.
LAND AT RATTY'S LANE HODDESDON, HERTFORDSHIRE, EN11 0RF**

Presented by Head of Planning

SUMMARY

This is an application for an industrial warehouse building (Class B2/B8) within a designated employment area located outside but adjacent to the Regional Park south of Ratty's Lane. The site is also designated as a Local Wildlife Site (LWS). The application includes a scheme of ecological mitigation and enhancement to compensate for the impact of the proposal on the LWS, which has degraded over the years. The Council's advisers on biodiversity the Herts Middlesex Wildlife Trust (HMWT) have highlighted the need for further work in relation to Biodiversity Net Gain (BNG) calculations to inform the ecological mitigation. Further detail on the proposed landscape boundary treatment alongside the Lee Navigation towpath is also required as this will help to screen the development from the Park and improve the waterside wildlife corridor. Therefore whilst it is recommended that in principle no objection be raised to the proposed development, this should be subject to the provision of suitable ecological mitigation and habitat creation, informed by the BNG process, a substantial planted buffer along the eastern boundary of the application site and details on lighting and management. A contribution is also sought to habitat enhancement works within the adjoining areas of the Regional Park as compensation for further loss to the LWS.

RECOMMENDATIONS

- Members Approve:
- (1) the Authority offers no objection in principle to the proposed development provided that:
 - (a) the development provides suitable ecological mitigation and habitat uplift informed by the Biodiversity Net Gain process, both within the application site and on the adjacent land to the south in order to establish a viable Local Wildlife Site and achieve a net gain in biodiversity as required by the Local Plan

policy;

- (b) a detailed habitat and landscape management plan is produced for the delivery and maintenance of the Local Wildlife Site, to be approved by the HMWT as ecological advisers to the Council;
- (c) a substantial buffer of native tree and shrub planting is provided and maintained along the eastern boundary of the application site, with a minimum width of 8m to be secured via a management agreement, this should include taller planting stock (10% to be min height 175cm) to achieve more immediate screening effect;
- (d) a lighting strategy is provided and designed in accordance with the 'Institute of Lighting Professionals (2018), Bats, and Artificial Lighting in the UK Guidance Note 08/18', this should ensure that the eastern edge of the site is maintained as a dark wildlife corridor;
- (e) a financial contribution via a Section 106 agreement is allocated for habitat enhancement works within the adjoining area of the Regional Park to compensate for the further erosion of the Local Wildlife Site in accordance with the Schedule attached as Appendix B; and
- (f) further detail is provided as to the treatment of land adjoining the towpath adjacent to the site entrance so as to improve the quality and amenity of the towpath and clarify whether access onto and from the towpath is to be provided for the public as well as employees.

DESCRIPTION OF APPLICATION SITE INCLUDING SITE HISTORY

- 1 The application site is located on the eastern part of the Hoddesdon Employment Area and sits outside but adjacent to the Regional Park. This area is also designated as a Local Wildlife Site (LWS), please refer to the plan at Appendix A to this report. To the east the site is bordered by the River Lee Navigation and its towpath, a public right of way, footpath 059. This is set within a well wooded corridor with the wider open spaces and water body of the Glen Faba area of the Regional Park beyond. To the north lies Ratty's Lane, the main access to the site, and the Hoddesdon Advanced Thermal Treatment Plant. To the west is the Biogen Energy Plant with further employment areas and industrial units to the south.
- 2 The application site plan as submitted encompasses an area of approximately

3.17 ha although it is the land on the larger northern portion of the site which will accommodate the proposed built development (red line area approx. 2.36ha identified as the application site). The site extends into the smaller southern portion 'the southern area' (shaded blue on the plan at Appendix A) via a narrow pinch point and this land is also in the applicants' ownership.

- 3 The site is currently vacant and consists of areas of scrub vegetation, hedges and trees, and overgrown ponds of varying sizes. Trees are more abundant in the southern portion of the site around the ponds and along parts of the eastern boundary where there is a mix of tree planting and self-set trees species of varying quality and ages. Within the site large areas have been cleared leaving open rough ground; it is understood this was required to remove asbestos from historical industrial activities. Electricity pylons and overhead power lines run through the site from north to south.

4 **Site History**

In March 2012 Hertfordshire County Council granted permission (ref. 7/0510 - 10) for a Sustainable Energy Facility (SEF) comprising an Advanced Thermal Treatment Facility (ATT) and an Anaerobic Digestion (AD) facility to enable the treatment of various type of waste, together with the creation of an eco-zone comprising landscaping, ecological enhancement and flood attenuation ponds on land at Ratty's Lane, Hoddesdon, Hertfordshire. The entire 6 ha application site was at that time designated as a County Wildlife Site (now known as Local Wildlife Sites) and the development as permitted included the creation of a 3.7ha Eco-zone to ensure part of the County Wildlife site would be set aside for the protection, management and enhancement of priority habitats and species. It should be noted that the current application site covers almost the same area (total area of the site both the northern and southern parts is 3.17ha) as this Eco-zone.

- 5 The Authority had concerns in respect of the SEF application and the intrusion of development into the Eco-zone and sought the inclusion of conditions to cover these matters. In particular a Section 106 agreement was sought to cover the provision of a detailed scheme for sustainable management of the retained "Ecological Zone" area, and contributions of £100,000 for habitat management works on Glen Faba and the River Lee focussing on otters and water voles (Ref ULV/45/10). The Authority received an 'Ecology Contribution' of £75,000 allocated by the County Council for ecological improvements in the vicinity of the site and this funded reedbed works at Glen Faba completed in 2019. Separately Herts and Middlesex Wildlife Trust (HMWT) received £125,000, towards the costs of surveying, assessing and reporting of Local Wildlife Sites.
- 6 The Eco-zone was intended to be kept in a favourable condition with a 20 year management plan to ensure it was restored and maintained. Condition 13 of the permission required the approval of a Management Agreement prior to the commencement of development, to provide for the future management of the Eco-Zone. It is understood the HMWT were also commissioned to undertake a management plan for the eco-zone but were unable to proceed with this due to the fact they were denied access to the site.

DESCRIPTION OF DEVELOPMENT

7 **Layout, Scale and Materials**

The applicant proposes the erection of a new 5,650sqm industrial warehouse building (Class B2/B8) central to the northern section of the site with associated

- service and storage yards and parking. Storage yards will accept deliveries, store goods and deal with wider dispatch mainly using HGVs. Vehicle and pedestrian access will be from Ratty's Lane in the north. Amenity areas, tree and shrub planting are proposed throughout the site and Sustainable Urban Drainage measures are included by way of attenuation storage.
- 8 The main central industrial storage warehouse will have a maximum height of approximately 15m to the ridge from ground level and 14m approx. to the eaves. The lower office element, or northern wing offers two floors and is approximately 10m in height. The southern wing housing the plant and ancillary uses is the same height.
 - 9 The scheme will be of a steel frame construction with insulated metal cladding panels. The elevations are broken up through the use of two contrasting panels with the main shed in horizontal long-span white grey panel, further broken up by vertical grey cladding panels. The low pitch roof has dark grey finish for its edges and accessories. The northern accommodation wing will be clad in the vertical grey cladding with horizontal strip windows to the office space and full height glazing screens to the entrance. The southern wing will be clad in vertical grey cladding.
 - 10 The main service and parking yard sits behind or to the west of the building. A number of access points are included in this elevation of the main shed for HGV deliveries and general access. The remainder of the site to the north is indicated as yard space. No built development is shown on the southern area beyond the pinch point other than a roadway for maintenance vehicles although the landscape plan indicates planting, habitat enhancements and pond works.
 - 11 **Access and Parking**
Access along Ratty's Lane using the existing entrance into the site from the northern boundary is to be retained and improved to cater for all vehicles, cyclists and pedestrians. It will be widened to allow for HGV access and a 3m wide shared footway/cycleway will be created leading south to the warehouse. At this entrance point the applicant proposes to provide access to the River Lee Navigation towpath. The scheme allows for 56 car parking spaces, plus 5 disabled parking spaces, 15 light goods vehicle spaces, 16 cycle spaces, 1 side loading and 4 rear loading HGV parking bays.
 - 12 **Landscaping**
It is proposed to retain existing landscaping where possible generally in the north eastern corner of the site adjacent to the site entrance and on the southern part of the south area close to the site boundary. A number of trees and tree groups are to be removed in line with the recommendations of the Arboricultural Report, both close to the site entrance and along the eastern boundary of the site. A Landscape Plan is included as part of the application and this proposes new planting to be concentrated along the eastern boundary to create a 2m wide green corridor and buffer with new native tree and hedge planting of varying sizes.
 - 13 In the southern area existing remaining woodland is to be enhanced through the planting of further native deciduous trees. Alongside this a large proportion of the southern area (circa 8345sqm) is proposed as open mosaic habitat with areas of bare ground and shallow depressions to create pools at times of high rainfall. The southernmost pond is to be retained and planted

with appropriate native aquatic species suitable for Great Crested Newt (GCN) habitat. The administrative northern wing of the industrial building will include a green/brown roof (circa 511sqm) and the parking bays on the eastern side of the warehouse will be grasscrete.

14 Ecology

The application is accompanied by an Ecological Impact Assessment. This describes the site as “an unmanaged Local Wildlife Site, which had been recently partially cleared..” It found the site to be of moderate ecological value with GCN presence confirmed on site and good quality bird nesting habitat and some low suitability bat roosting trees also identified on site.

15 A series of ecological mitigation, compensation and enhancement measures are to be incorporated into the scheme including translocation of GCN under EPSML licence from the northern development area to a restored pond in the southern part of the site. Other damp areas and ponds (2no to be created) are to be accommodated within the landscape proposals. Also proposed are improvements to the grassland habitat conditions by planting with native species, construction of refuge and hibernacula for reptiles, amphibians and invertebrates and construction of an artificial badger sett to support badgers within the local area. Vegetation clearance works are to be carried out outside bird nesting season and precautionary methods to be adopted for vegetation clearance and felling of trees.

16 Enhancement measures include the use of native species in order to enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals. The exact nature of the enhancement measures are to be guided by the BNG calculation. However the BNG assessment identified a loss of 1.84 units (7.41%) so an off-site contribution is proposed. This to be secured to deliver an overall 10% net gain through the Section 106 agreement.

17 Lighting and Flood Risk

The applicant has not included any details on lighting but recognises the need for an appropriate lighting scheme, sympathetic to the sites location that minimises pollution. It is proposed that this matter be dealt with via an appropriate condition.

18 The site is located within Flood Zones 2 and 3 as defined by the Environment Agency and vulnerable to fluvial flooding from the River Lea and surface water flooding. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. Hydraulic modelling shows that the majority of the site is in Flood Zone 1. All developed areas of the Site in Flood Zone 1 and 2 are to be raised above 200mm, with the finished floor level of the building raised at least 300mm above the flood level.

POLICY CONTEXT

19 Local Plan

The application site has a dual notation and is designated in the Broxbourne Local Plan 2018 – 2033 as both part of Employment Area ED2 and as a Local Wildlife Site (Policy NEB1 and NEB2). Policy ED2 ‘Employment Areas’ states that designated Employment Areas are:

“reserved for employment use and other uses which support, or are wholly compatible with, the designation”.

Within these areas the Council welcomes proposals for redevelopment and intensification of sites for uses within the B1 and B2 use classes with flexible floorspace capable of adaption.

- 20 **Policy NEB1 General Strategy for Biodiversity** expects development proposals to apply the mitigation hierarchy of avoidance, mitigation and compensation and that proposals should result in net gains to biodiversity wherever possible. It also states that the Council will seek the creation of new networks of biodiversity, as well as the extension, enhancement and active management of existing sites. **Policy NEB2 Wildlife Sites** states under 'Locally designated sites of wildlife value'

V. Development on, or which negatively affects, a Local Wildlife Site or Local Nature Reserve, as shown on the Policies Map, will not be permitted unless:

- (a) local development needs significantly outweigh the nature conservation value of the site; and
- (b) the development provides appropriate avoidance or mitigation, and as a last resort compensation measures to offset any detriment to the nature conservation interest on the site.

- 21 **Local Plan Policy NEB4: 'Landscaping and Biodiversity in New Developments'** seeks to ensure proposals for new development submit details on how existing landscaping will be protected, enhanced and integrated into the development. Connections to biodiversity features and habitat networks outside of the site should be made, particularly through the use of a strong landscape framework and green infrastructure to strengthen and widen wildlife corridors. Landscaping schemes should maximise their benefits to biodiversity by using locally appropriate native species wherever possible.

- 22 **Policy W1: Improving the Quality of the Environment** states that:

"I. The Council will resist any development which has an adverse impact on river channel stability or quality and the potential to significantly damage wildlife habitats;" and

"IV. A landscaped buffer strip of an appropriate size should be maintained alongside all main rivers and ordinary watercourses."

Buffer strips, which set development back from the edge of a river or stream, are considered an essential element in making space to allow natural processes to take place and for wildlife habitats.

- 23 **Park Development Framework**
Park Development Framework (PDF) Strategic Policies address development outside the Regional Park boundaries. **Policy E2** states:

"E2: Development proposed on sites either within or outside the Park which could adversely impact on its amenity will be resisted or planning obligations sought in line with other policies within this Plan".

Policy D3 contains the following guidance:

"D3: Work in partnership with riparian councils to ensure that the design and layout of new development on sites both within the Regional Park and adjacent to its boundary:

- a) enhances the Park avoiding detrimental impact on its ecological and

heritage assets;"

- 24 Park Development Framework (PDF) Area Proposals (7.A.3 Wetland Park Central and North: Glen Faba and Roydon) for the Glen Faba area of the Regional Park adjacent to the application site, seek to maintain the current positive conservation management status of the Glen Faba Local Wildlife site and undertake habitat improvements. Access to nature and improved pedestrian and cycle access generally for informal recreation is sought to enable circular routes using the existing routes alongside the River Lee Navigation and River Stort.
- 25 The Authority's Landscape Strategy identifies the strong framework of trees surrounding the River Lee Navigation as important in terms of shielding the Park from the industrial and urban development outside the Park on its western boundary. This mature framework of trees (within the Park and on its boundary) contributes to the sense of relative tranquillity and naturalness within the Glen Faba area of the Park. Any new development should fit within and respond to the established landscape framework of trees and vegetation and not erode or fragment it or result in loss of mature vegetation.

PLANNING APPRAISAL

- 26 **Principle of Development**
The application proposal is for an employment use – expected to provide circa 50 full time jobs following construction - located within a designated Employment Area outside but adjacent to the Regional Park. In this respect the proposal would be considered acceptable. However the application site is also designated as a Local Wildlife Site and retains some ecological value. The principle issues of relevance to the Authority are considered to be impacts on the ecology, in particular of the adjacent Park area, visual impacts in relation to visitor amenity and recreational use of the Park and the need for further detail on access between the site and the towpath.
- 27 **Ecology**
The application site is a designated a LWS and despite its lack of management and the clearance of vegetation across part of the site is considered to be of moderate ecological value. It will therefore contribute to some extent to the ecology and nature conservation value of the adjoining Park areas particularly in relation to the waterway corridor where existing trees and vegetation along the eastern boundary, and within the southern portion of the site, contribute to the wooded nature of the River Lee Navigation corridor and the network of linked waterside spaces further within the Park.
- 28 However as the LWS has degraded due to lack of management and recent clearance works the planting and habitat improvements proposed as part of the application – in the north corner of the site, along its eastern boundary and on the southern part around the existing pond – will improve the value of the site and its contribution to the wider biodiversity of the area, even within the reduced area available. These mitigation measures will need to be secured by conditions should the Council decide to grant permission and a mechanism for their long term management secured.
- 29 These improvements would need to meet the requirements of the NPPF and the Local Plan policy by providing suitable mitigation and compensation and provide a measurable net gain in biodiversity. Currently the BNG assessment has

identified a loss of 1.84 units (7.41%). It is understood that the HMWT who advise BBC on ecological matters are querying the current assessment and the baseline used for calculations and are seeking corrections to the metric. Their calculations give a total net loss of 2.31 units or 9.19%. Under the Environment Act 2020 a 10% unit increase is considered to be the minimum to deliver a net gain. A revised BNG calculation is to be provided by the applicant to address these concerns.

- 30 To compensate for the further erosion of the LWS it is also considered appropriate to seek S106 contributions for habitat improvement projects within the adjoining areas of the Regional Park. These projects have not been designed to contribute to any biodiversity net gain calculation as this is a separate matter. Details of the relevant projects are included in the schedule of projects at Appendix C.
- 31 The treatment of the eastern boundary of the site alongside the Lee Navigation and the Park should also be reviewed as part of the wider ecological and landscape plans to ensure a substantial buffer of native tree and shrub planting can be established and a functioning wildlife habitat secured. The buffer planting should include taller planting stock (10% to be min height 175cm) to help achieve a more immediate screening effect. This would help to maintain the continuity of the waterside wildlife corridor and to buffer the Park from the built form and associated activities within the application site. The location of the industrial warehouse and associated parking and access brings the built footprint close to this buffer area in the middle of the site. Further detail on the width of the buffer area is needed – as a minimum it should be 8m wide but ideally this should be wider as appropriate to enable a sustainable wildlife corridor. Broxbourne Borough Council Local Plan policy W1 considers buffer strips as essential along the water's edge to provide sufficient space "to allow natural processes to take place and for wildlife habitats".
- 32 A lighting strategy will be important in terms of biodiversity and will need to be conditioned should the Council be minded to grant consent. This should be designed in accordance with the 'Institute of Lighting Professionals (2018), Bats, and Artificial Lighting in the UK Guidance Note 08/18'. Any lighting should be kept to a minimum and not illuminate the waterside buffer planting or the southernmost part of the site so as to maintain a dark wildlife corridor alongside the towpath and Navigation. This is particularly important given the proximity of the access road to the proposed buffer.
- 33 **Visual Impacts**
The proposed industrial warehouse will be visible to users of the towpath both prominent above and in views through the boundary fencing to the site. It will however sit and be viewed as part of the employment area which already consists of a number of large industrial style shed structures. The Rye House Power Station is also clearly visible as part of the views experienced as people move along the towpath. Similarly in the more distant views across Glen Faba lake it may be visible alongside the other buildings within the employment area through gaps in the tree line.
- 34 Clearly the provision of an appropriate buffer along the eastern edge of the application site will be important in screening views for visitors walking and cycling along the towpath and boating on the Navigation. It is therefore essential that a sufficiently wide buffer is provided and maintained both for biodiversity reasons and for the amenity improvements it will deliver for users of

the Park. This would be in accordance with the Authority's landscape strategy guidelines.

35 Access Issues

Ratty's Lane lies outside the Park and is not promoted as an access link into the Park. It is a poor quality but busy access road, with no pavements, servicing employment uses with regular HGV movements. The availability of public access onto and from the towpath for pedestrians and cyclists is unclear. Various fences and a barrier across the road are present at the eastern end of Ratty's Lane where it terminates in an area of hardstanding currently used for informal parking including a storage container. This area also lies outside the current application site, although appears to be in the ownership of the applicant. It is not clear from the details submitted with the application how access onto the towpath will be secured or whether there will be a gated access provided for employees only. Further detail is required, the land adjoining the towpath needs to be addressed to protect the quality and amenity of the towpath, regularise its use and potentially allow for public access for cyclists if this can be achieved safely.

36 Conclusion

The proposed development is appropriate in terms of the Employment Area designation. It seeks to provide ecological mitigation and enhancements to compensate the impact of the proposal on the LWS and includes a landscape boundary treatment to address the waterside wildlife corridor. The Council's advisers on biodiversity the HMWT have highlighted shortcomings with the current BNG calculations which are being revised. The outcome of this work will influence the type and extent of habitat mitigation and compensation required and may lead to changes in the current ecological mitigation proposed. Therefore whilst it is recommended that in principle no objection be raised to the proposed development this should be subject to the provision of suitable ecological mitigation and habitat uplift, informed by the BNG process, in order to establish a viable Local Wildlife Site and achieve a net gain in biodiversity as required by the Local Plan policy. Section 106 contributions for habitat improvement projects within the adjoining areas of the Regional Park at Glen Faba will also be sought to compensate for the further erosion of the LWS.

ENVIRONMENTAL IMPLICATIONS

37 These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

38 There are no financial implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

39 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966 (the Park Act). The Park Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.

40 The Park Act enables the Authority to make representations to the local

planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 41 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 42 There are no equality implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

Planning Application consultation from Broxbourne 7 Sept 2022
Borough Council

PREVIOUS COMMITTEE REPORTS

ULV	ULV/45/10	Planning Consultation by Hertfordshire County Council. Land at Ratty's Lane, Hoddesdon, Hertfordshire. Proposed sustainable energy facility (SEF) comprising an advanced thermal treating facility (ATT) and anaerobic digestion (AD) facility to enable the composting and treatment of co-mingled or source Separated municipal and commercial and industrial waste, together with the creation of a wharf and eco-zone comprising landscaping, ecological enhancement and flood attenuation ponds	23 09 10
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APPENDICES ATTACHED

Appendix A	Plan of the application site
Appendix B	Plan showing elevations and perspective views
Appendix C	Project Schedule of habitat improvement projects at Glen Faba

LIST OF ABBREVIATIONS

LWS	Local Wildlife Site
BNG	Biodiversity Net Gain
HMWT	Herts & Middlesex Wildlife Trust
SEF	Sustainable Energy Facility
ATT	Advanced Thermal Treatment Facility
AD	Anaerobic Digestion
GCN	Great Crested Newt
PDF	Park Development Framework
EPSML	European Protected Species Mitigation Licence
the Park Act	Lee Valley Regional Park Act 1966







River Lee Navigation

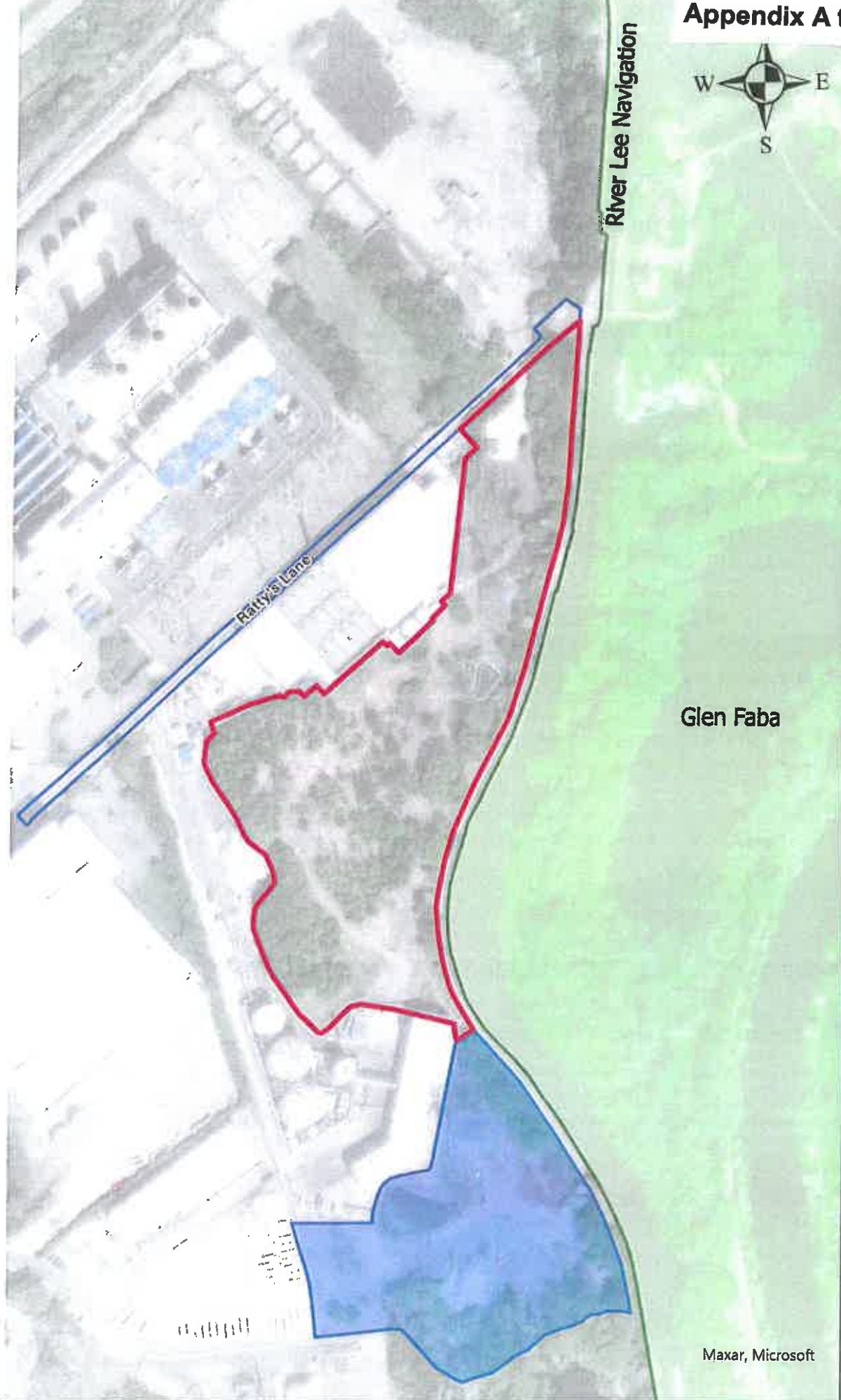
Ratty's Lane

Glen Faba

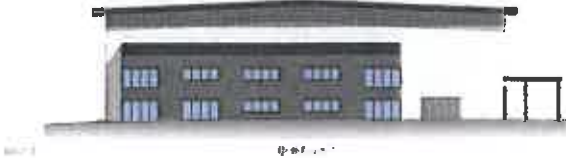
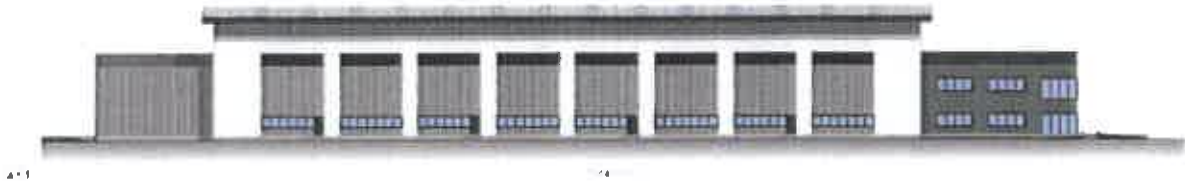
Maxar, Microsoft



-  Park Boundary
-  Application Site
-  Land associated with the current application
-  Southern Area & part of LWS to be improved



Appendix B Elevations and Perspective views of proposed Industrial warehouse.



Glen Faba Habitat Enhancements and Access Improvements Schedule

Project Number	Project	Project details	Cost
1	Scrub management for Nightingales and grassland restoration	Undertake rotational management on dense thickets to provide habitat for breeding Nightingale. Enhance grassland by selective scrub management to prevent further encroachment into the meadow. Rotational management of the sward by cutting and collecting to be implemented, some material could be used to create grass snake breeding mounds on site.	£10,000
2	Grassland restoration along western side of Glen Faba	Restore and enhance the grassland habitat, maintaining some scattered scrub habitat and preventing further encroachment by trees. Work would include annual flail cuts over a 5-year period to control bramble alongside annual meadow cuts on the grassland and removal of the self-sown trees on the west side of the grassland to provide a better edge structure/gradation.	£15,000
3	Reedbed creation	Reedbeds extend around much of the north and east bank of Stort Pit but there is potential to expand these along the northern bank. The removal of trees and reed planting would increase the priority reedbed on sites and assist in deterring the illegal swimmers.	£30,000
4	Reedbed creation	The banks of this area have become dominated with stands of willow which are shading out marginal vegetation. These trees could be removed and marginal reed and vegetation planted to enhance the lake edge habitats. The leading edge of the planted area would need to be protected from the significant fetch across the lake through the installation of pre-planted coir rolls. A footpath around the south of the main lake will be installed to link into existing path network.	£45,000
			£100,000

Glen Faba area showing location of projects

