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Contact: Chloe Weingarten
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Date: 20/11/2024

Dear David,

Application: Outline planning application for development of employment land (flexible use B2, B8, E(c) and E(g)), informal open space, associated works and infrastructure including a new access from A507, with all matters reserved except for access.
Address: Land South Of A507, West Of A10 Buntingford
Application No: **3/24/1255/OUT**

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

☒ Further information required prior to determination.

Summary of Advice:

Results of the 2024 surveys should be submitted **prior to determination** – with emphasis on the GLTA, bat activity surveys, and GCN surveys.
CEMP **Condition** with additional mitigation included relating to priority habitats (adjacent woodland), reptiles, birds, and badgers.
Pre-commencement check for badgers and barn owls is required – secured by **Condition.**
Lighting Design Strategy **Condition.**
Biodiversity Enhancement Plan **Condition** – enhancements for barn owls, other nesting birds, and bats.

Sufficient information relating to BNG.

Supporting documents

Biodiversity Net Gain Assessment: Design Stage – CSA Environmental (June 2024).
Biodiversity Metric (CSA Environmental).
Ecological Impact Assessment (CSA Environmental; June 2024).
Biodiversity Survey – Appendix document.

Comments

The site comprises predominantly arable fields, with hedgerows, individual trees, and small areas of woodland, scrub, and other neutral grassland present. Another area of woodland is also present at the southern boundary of the site. We have no in principle objections to the proposed development.

A UK Habitat Classification survey was undertaken in December 2023 by CSA Environmental. Whilst December is not an ideal time to undertake botanical surveys, given the nature of the habitats on site, I do not consider this a constraint.

Habitats and bats: A small area of woodland is included in the site boundary, which was assessed to be "other broadleaved woodland". There is also another woodland present to the southern boundary of the site, which is listed on historic maps, however is not listed on the ancient woodland inventory. The botanical survey results confirmed that there are three veteran oak trees present within this adjacent woodland, albeit the woodland flora was not deemed to be indicative of ancient woodland (<10 indicator species present). This woodland was assessed to be lowland mixed deciduous woodland, which is a priority habitat listed on S41 of the NERC act (2006).

Currently no assessment has been undertaken on the site's potential for roosting and foraging bats. As it stands, the report indicates that these surveys were to be carried out in the 2024 season, however there is no evidence that these have been completed. One tree proposed for removal (outlined in the baseline habitat map) looks to be appropriate for roosting bats. Therefore, the proposals should not be approved until a Ground Level Tree Assessment (GLTA) has been undertaken on this tree, and any further trees identified to be suitable for bats which are to be removed.

Furthermore, given the presence of veteran trees adjacent to the site and the scale of the development, I also advise that the proposals should not be approved without the bat activity surveys being carried out to ensure that appropriate mitigation can be provided for any bats that may be disturbed/affected by the development.

Given the presence of a priority habitat adjacent to the site, **I advise that a Construction Environmental Management Plan (CEMP) should be submitted as a Condition of approval.** The CEMP should include the following:

Pollution (dust) control measures which should include the erection of protective fencing to ensure no negative impact on the adjacent woodland at the southern boundary.

A 15m buffer should be implemented from the works boundary to the adjacent woodland.
Risk assessment of potentially damaging construction activities.
Identification of "biodiversity protection zones".
Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
The location and timing of sensitive works to avoid harm to biodiversity features.
The times during construction when specialist ecologists need to be present on site to oversee works.
Responsible persons and lines of communication.
Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Lighting*: Given the high-value foraging and roosting habitat adjacent to the site, prior to the works commencing, a lighting design strategy for bats shall be submitted to and approved in writing by the LPA. This should accurately identify the features/areas of interest, describe levels of illumination prior to, during, and post-development, and should be shown in suitable contour plans and charts so that it can be clearly demonstrated that that lit areas will not compromise existing use. Proposed lighting should accord with best practice (Bats and Artificial Lighting at Night 08/23) and maintained accordingly. No further external lighting should be added unless agreed with the LPA. These proposals should also be accompanied by a statement by an ecologist on how it achieves these goals.*

Badgers: A main badger sett was confirmed offsite in W4 which has c. 20 sett entrances, and a partially used badger sett was located within W2, which is adjacent to the site. The hedgerows and woodlands (on site and offsite) were deemed suitable for badgers. Mitigation is included in s5.43 of the EcIA which refers to a pre-construction badger survey, covering excavations, monitoring of works area, and night working**. I advise that this mitigation should be included in the already Conditioned CEMP, and the pre-construction badger survey should also be secured by Condition.**

Water vole and otter: The channel and banks were deemed to be suitable for both water voles and otters, and it is stated in the report that surveys were to be undertaken in 2024, however these surveys have not been conducted. Given the proximity of the appropriate habitat to the site, I do not consider otters and water vole are a constraint to the development.

Birds: 2023/2024 wintering bird surveys were conducted, with the results indicating that 40 species of bird are utilizing the site and its immediate surroundings. 20 of these species were priority species. Given the significant loss of 13.28ha of arable land, an Informal Open Space (IOS) is proposed to offset this loss. It was noted in the ecology report that certain species will still be displaced from the site because of the removal

of arable land, however because of the vast range of identical habitat in the vicinity, this was not considered to be significant.

Mitigation is included in s5.66-5.68 which includes habitat creation and enhancement measures which will offset any negative impact on wintering birds utilizing the site. Whilst this has been recommended to be secured by a LEMP, given that this application is subject to mandatory biodiversity net gain, I consider this will be sufficiently covered by the HMMP, therefore a LEMP is not deemed necessary.

I also advise the following should be included in the CEMP:

"*In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed*".

Four mature trees were identified to have suitable features for barn owls which are listed on schedule 1 of the Wildlife and Countryside Act 1981. Barn owls have additional protection whereby it is an offence to disturb them. The report states that no trees with features are to be removed. **Under no circumstance should any tree with features appropriate for barn owls be removed without further assessment.**

Given the potential loss of barn owl habitat, the report outlines (s5.79) that two artificial nesting boxes for barn owls should be included in the development plan. **I advise that this recommendation should be indorsed, and the location, type, and brand of box should be included in a Biodiversity Enhancement Plan, which should be secured by Condition.**

S580 also includes mitigation which refers to a pre-commencement check for barn owls. **I advise that this should be secured by Condition.**

Reptiles & GCN: The site provides limited opportunities for reptiles, and confirmatory surveys were to be undertaken in 2024. There is currently no evidence that these surveys have been completed. However, given the nature of the site, I do not consider these surveys are necessary. Mitigation is included in s5.86-5.93, which I consider to be sufficient to safeguard reptiles. **This mitigation should be included in the already Conditioned CEMP.**

Various waterbodies are present in the offsite woodland adjacent to the site, and six further waterbodies are present within the species dispersal range. The report outlines that there is a possibility of GCN being harmed as a result of the development, therefore surveys were to be undertaken in 2024. No evidence of surveys has been submitted, **therefore the survey results, along with any appropriate mitigation should be submitted to the LPA for approval.**

Enhancements: Ecological enhancements have been outlined in the ecology report (s5.104). **I advise that these enhancements should form part of the already**

Conditioned Biodiversity Enhancement Plan. No number of bat and bird boxes have been specified in the report, therefore I advise that at least **10 integrated bird boxes, and at least 10 integrated bat boxes** should be incorporated into the design of the buildings.

Other protected species: The ecology report mentions the need to undertake dormouse surveys. However, given the lack of records in recent years, it is assumed that the hazel dormouse is extinct from Hertfordshire. Therefore, no such surveys are necessary for this development.

Biodiversity Net Gain: This application is subject to mandatory biodiversity net gain.

The baseline habitat units stand at 27.78BU. The total net unit change for this group is 3.57BU which equates to a biodiversity net gain of 12.84%%, which is above the required 10% minimum. This net gain is owed to the creation of medium distinctiveness habitats such as other neutral grassland, mixed scrub, broadleaved woodland, and urban/rural trees. The habitats described in the baseline also correspond to the baseline habitat map, and I am pleased to see the area of open space with associated tree planting assigned at the western part of the site.

The baseline hedgerow units stand at 5.75BU. The total net unit change for this group is 1.17BU, which equates to a net gain of 20.46%. The net gain is owed to the enhancement of 0.77km of native hedgerow and 0.14km of native hedgerow with trees from moderate to good condition. The condition change is owed to creating a more species-rich hedgerow by infill planting.

I consider the proposed BNG is sufficient to advise determination of the application. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition.

The claims for BNG for this site would be considered as ‘significant’ net gain. This is because of the creation of medium distinctiveness habitats and the enhancement to medium distinctiveness habitats. In this instance the LPA are advised to secure this significant net gain for the respective habitat units via legal agreement whether through an S106 agreement or conservation covenant.

Given that BNG for this site is significant, if the LPA were minded to grant permission, a Habitat Management and Monitoring Plan (HMMP) should be added as a Condition of approval. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

I trust these comments are of assistance,

Regards,

Chloe Weingarten
Assistant Ecology Advisor, Hertfordshire LEADS

Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.