# HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Authorities and communities

Hertfordshire LEADS, Growth and Infrastructure Unit, Environment and Infrastructure,
Hertfordshire County Council, County Hall, Hertford, SG13 8DE
ecology@hertfordshire.gov.uk

Mark Peacock
Planning Department,
Welwyn Hatfield Borough Council,
The Campus, Welwyn Garden City,
Herts AL8 6AE

Ask for: Simon Richards
Tel: 01992 588483

Date: 30/09/2021

Dear Mark

**Application:** Demolition of existing buildings and erection of 14 dwellings.
**Address:** Wells Farm Northaw Road East Cuffley Potters Bar EN6 4RD
**Reference** 6/2020/3451/MAJ

Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:

A Preliminary Ecological Appraisal by babec Ecological Consultants (report date March 2021) Identified the need for further surveys relating to bats, reptiles and great crested newts. These have now been completed By Jones & Sons Environmental Sciences using suitable methodologies, sufficient survey has been applied to allow the LPA to assess the presence and required mitigation for these species.

Bats
The roost potential for bats was assessed as part of the Preliminary Ecological Appraisal and further activity surveys carried out by Jones & Sons Environmental Sciences The findings of these surveys are described in an interim report (July 2021) and final report (24 August 2021). These concluded that the existing buildings housed a variety of different kinds of roost for a number of species of bat. Specifically, a hibernation roost for a pipistrelle species in the warehouse (building C/E); day roosts for pipistrelles in the office (building B); and a day roost for brown long eared bats in the stable block (building F). These roosts will be lost to the development to mitigate for which a suitable strategy has also been outlined. With this information in place, I consider the LPA has sufficient information on bats for determination.

The Preliminary Ecological Appraisal by babec also identified some trees with potential as bat roost the majority of these were outside the development boundary but three T4, T3, and T9 as numbered within that report lie within the red line boundary. These were assessed as having low suitability if these require removing, they should be soft felled in line with the Bat Conservation trust Guidelines.

Great Crested Newts

A survey by Jones & Sons Environmental Sciences (report date 27 September 2021) established that the presence of a small population of great crested newts within the garden pond P2. This will be destroyed by the development and it is proposed that the existing population is translocated to an adjoining area. This area will be made suitable for the translocated population by the creation of two new ponds, and improvement of the terrestrial habitats and existing field pond in this area. This mitigation strategy is sufficient to allow the LPA to meet its legal requirements in regard of this European Protected Species in the context of this existing application.

It is acknowledged that for the works relating to the destruction of the existing bat roosts and great crested newt habitat a licence from Natural England will be required I have no reason to consider these will not be provided.

Reptiles

A population of slow worms and grass sakes was identified during a reptile survey by Jones & Sons Environmental Sciences (report date, 25 June 2021) in a field adjacent to the application site. In order to mitigate any harm to these protected species the field in which they are found is proposed to be improved to the benefit of these species. I have no reason to doubt the effectiveness of these measures if fully implicated.

Other protected species

The Preliminary Ecological Appraisal identified habitats within the existing site which could either attract or provide shelter for hedgehogs, badgers and nesting birds. A range of different national legislation requires the protection of these species. Precautionary measures have been recommended to safeguard these species which I support and advise should be followed in full.

Habitats

A number of hedgerows (PH1, PH3 and PH-1) were identified as priority habitats are being retained by the proposals. The majority of the site is buildings and hard standing and the loss of remaining habitats can be suitably mitigated for by appropriate landscaping.

Adjoining area

The field to the south west of the application site lies outside the red boundary.. However, this field is being recommended as the location for enhancements needed to deliver the mitigation required for both great crested newts and reptiles. These species have specific terrestrial habitat requirements that will need to be maintained by ongoing management as outlined in the relevant mitigation strategies. In the case of reptiles, this requires a Management plan for on going works to maintain their population. Similarly, the future sympathetic management of ponds and associated terrestrial habitat is a likely requirement of a NE licence. It is also noted that the suds features will require future maintenance both, to allow them to continue to function properly for flood protection and as part of the great crested newt mitigation strategy. It is therefore clear that some mechanism to ensure the appropriate management of this area is required and should be **secured through planning**. In our previous response it was suggested that this area provides an obvious opportunity for biodiversity enhancement. In response the applicant stated that as it lies outside

the development boundary, management of the area for biodiversity could not be guaranteed. Given the need for the management of this area for the above species there is no reason why the applicant could not choose to incorporate further biodiversity improvements within this area. Any future management of this area should take account of disturbance resulting from its close proximity to the development.

Landscaping

Given the nature of the existing site the proposed landscaping is likely to achieve adequate compensation for the habitats being lost. However, the scale of the development means that the onsite landscaping outside of the provision of private garden for the proposed dwellings is very limited in the amount of natural greenspace being created. Whilst I support the creation of a wildflower area, the impression of this given in the DAS needs to be balanced with an understanding of its actual scale and the difficulties relating to shading (as highlighted in HE previous response). Furthermore, I note that the retention of existing trees appears to leave no room for the proposed orchard trees near the site's frontage with Northaw Road East. In terms of the private garden space, to clarify HE previous comment, HE is not opposed to the sowing of these areas with a sward enriched with flowers for pollinators. However, it remains the case that the management of these areas remains outside of the control of planning and at the whim of the house owner. Given this I would not advise that they can make a meaningful contribution to any sustainable biodiversity net gain derived from the development. I welcome the proposals for the creation of a mixed native hedgerow the full biodiversity benefit of which can be realised only through appropriate management.

Biodiversity net gain and enhancements

My previous advice in relation to the need for a Landscape and Ecological Management Plan still stands and will serve to bring together in to one document the recommendations from the multiple ecological reports along with the applicant's biodiversity proposals. With regards to biodiversity net gain a version 3 of the metric has now been published by Natural England giving further weight to our previous advice relating to measurable net gain. Any metric produced should use this latest version.

Suggested Conditions

I advise these measures are secured by the following **Conditions** or similar:

Protected species

- The development should be carried out in accordance with the mitigation measures of the bat reports By Jones & Sons Environmental Sciences (report date 24 August 2021) and within the constraints of any relevant EPS licence

- The development should be carried out in accordance with the mitigation measures in the great crested newt report By Jones & Sons Environmental Sciences (report date 27 September 2021) and within the constraints of any relevant EPS licence

- The development should be carried out in accordance with the mitigation measures in the great crested newt report By Jones & Sons Environmental Sciences (report date 25 June 2021)

- The development hereby permitted shall be carried in accordance with the recommended ecological mitigation measures set out in approved Preliminary Ecological Appraisal by babec Ecological Consultants (report date March 2021).

- If any of the trees identified with low bat roosting potential (Preliminary Ecological Appraisal by babec Ecological Consultants, report date March 2021.) are proposed for removal, they should be soft-felled, where limbs are cut and left grounded over night to allow any bats to make their way out. In the event of bats or evidence of them being found, work must stop immediately, and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

  Reason: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

  <u>Landscape and Ecological Management Plan</u>

- No development shall take place (including ground works, site clearance etc) until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including, but not be limited to, those listed within Preliminary Ecological Appraisal by babec Ecological Consultants and the bat, great crested newt and reptile species survey reports by Jones & Sons Environmental Sciences. As a minimum the following specific information should be provided:
  1. Purpose and conservation objectives for the proposed works.
  2. Details of the number type and location of native-species planting, and/or fruit/nut tree planting.
  3. The areas to be sown or planted with specific seed mixes or specific species for biodiversity value.
  4. location of retained ecological features, location and type of any habitat boxes/structures to be installed.
  5. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure their sustained value to biodiversity for a minimum of 30 years.

  These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

I trust these comments are of assistance,
Yours sincerely

Simon Richards
Ecology Advisor, Hertfordshire Ecology