



MACGREGOR-SMITH LIMITED

PLOT 5100,
HATFIELD BUSINESS PARK,
HERTFORDSHIRE

Ecological Assessment

January 2019
8210. EcoAs.vf

COPYRIGHT

The copyright of this document remains with Ecology Solutions. The contents of this document must not therefore be copied or reproduced in whole or in part for any purpose without the written consent of Ecology Solutions.

PROTECTED SPECIES

This report contains sensitive information relating to protected species. The information contained herein should not be disseminated without the prior consent of Ecology Solutions.

CONTENTS

1	INTRODUCTION	1
2	SURVEY METHODOLOGY	2
3	ECOLOGICAL FEATURES	4
4	WILDLIFE USE OF THE SITE	6
5	ECOLOGICAL EVALUATION	9
6	PLANNING POLICY CONTEXT	14
7	SUMMARY AND CONCLUSIONS	17

PLANS

PLAN ECO1	Site Location and Ecological Designations
PLAN ECO2	Ecological Features

PHOTOGRAPHS

PHOTOGRAPH 1	Semi-improved grassland
PHOTOGRAPH 2	Disturbed Ground
PHOTOGRAPH 3	Hardstanding
PHOTOGRAPH 4	Amenity Planting

APPENDICES

APPENDIX 1	Information downloaded from Multi-Agency Geographic Information for the Countryside (MAGIC) website
------------	---

1. INTRODUCTION

1.1. Background

1.1.1. Ecology Solutions was commissioned in January 2019 by Macgregor-Smith Limited on behalf of Arlington, to complete an ecological assessment of Plot 5100, Hatfield Business Park, Hertfordshire (see Plan ECO1). Hereafter referred to as the site.

1.1.2. The site is proposed for a new car showroom with associated infrastructure.

1.2. Site Characteristics

1.2.1. The site is located within the Hatfield Business Park. The site is surrounded by existing units and infrastructure associated with the business park.

1.2.2. The site consists largely of semi-improved grassland. There are some areas of, amenity planting and hardstanding within the site.

1.3. Ecological Assessment

1.3.1. This document assesses the ecological interest of the site as a whole. The importance of the habitats within the site is evaluated with due consideration given to the current guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM)¹.

1.3.2. The likely effects arising from the development proposals are identified and, where appropriate, mitigation measures are recommended so as to safeguard any significant existing ecological interest within the site.

1.3.3. The site has been previously been subject to a Phase 1 habitat survey by Ecology Solutions in 2015 and 2017. An Ecological Assessment ²was subsequently written for Plot 5000 (the plot to the immediate west of the site) which included Plot 5100 within the study area, this report is referenced within this document were considered beneficial.

¹ CIEEM (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*. Chartered Institute of Ecology and Environmental Management, Winchester.

² Ecology Solutions. 7305, *Ecological Assessment, Plot 5000, Hatfield Business Park, Hertfordshire March 2017*.

2. SURVEY METHODOLOGY

2.1. The methodology utilised for the survey work can be split into three areas, namely desk study, habitat survey and faunal survey. These are discussed in more detail below.

2.2. Desk Study

2.2.1. In order to compile background information on the site and the surrounding area, Ecology Solutions contacted Hertfordshire Environmental Records Centre (HERC).

2.2.2. Information received is referenced within this report and illustrated where appropriate on Plan ECO1.

2.2.3. Further information on designated sites from a wider search area was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC)³ database. This information is reproduced at Appendix 1, and where appropriate illustrated on Plan ECO1.

2.3. Habitat Survey

2.3.1. Habitat surveys were carried out in January 2019 in order to ascertain the general ecological value of the land contained within the boundaries of the site, and to identify the main habitats and associated plant species present. Habitat surveys have also been undertaken in August 2015 and March 2017.

2.3.2. The site was surveyed based around extended Phase 1 survey methodology⁴, as recommended by Natural England, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail.

2.3.3. Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified.

2.3.4. All the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent at different seasons. The survey work was undertaken outside the optimal period for Phase 1 and botanical surveys, although given the habitats present and the species evident at the time of survey, together with having the previous Phase 1 reports, one of which was completed within the optimum survey period, it is considered an accurate assessment of the habitats present has been made.

³<http://www.magic.gov.uk>

⁴Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council, reprinted JNCC, Peterborough.

2.4. Faunal Survey

- 2.4.1. Obvious faunal activity, such as birds or mammals observed visually or by call during the course of the survey was recorded. Specific attention was paid to any potential use of the site by protected species, priority species (formerly referred to as BAP species), or other notable species.
- 2.4.2. In addition to general observations of faunal activity, specific surveys were undertaken for the potential presence of bats and Badger *Meles meles* within and adjacent to the site.
- 2.4.3. Experienced ecologists following established best practice and guidance issued by Natural England undertook the fauna surveys. Details of the methodologies employed are given below.

Badgers

- 2.4.4. Ecology Solutions undertook a survey of Badger activity across the site and adjacent areas in January 2019.
- 2.4.5. The survey was extended to cover adjacent land of up to 30 metres away from the site, where possible, within habitat considered suitable for Badgers. This was considered necessary as any potential impacts that the development may have upon Badgers setts located within adjacent habitat would also have to be considered:
- 2.4.6. Evidence of any Badger activity was identified in the following ways:
 - Identification of Badger setts on the basis of their size and location;
 - Inspection of spoil heaps for footprints or discarded hair;
 - Presence of dung pits or latrines;
 - Presence of well-used mammal pathways; and
 - Presence of other indications of Badger activity including signs of foraging or hair caught in fences.

Bats

- 2.4.7. All trees within the site were assessed for their potential to support roosting bats. Features typically favoured by bats or evidence of past use by bats were sought, including:
 - Obvious holes, e.g. rot holes and old Woodpecker holes;
 - Dark staining on the tree, below the hole;
 - Tiny scratch marks around a hole from bats' claws;
 - Cavities, splits and or loose bark from broken or fallen branches, lightning strikes etc.; and
 - Very dense covering of mature ivy over trunk.
- 2.4.8. The site and features therein were also appraised for their likely value to foraging and dispersing bats.

3. ECOLOGICAL FEATURES

- 3.1. Habitat surveys were undertaken at the site in January 2019.
- 3.2. The following main habitat / vegetation types were identified within the study area during the surveys undertaken:

- Semi-improved grassland;
- Hardstanding; and
- Amenity planting.

- 3.3. The locations of these habitats are shown on Plan ECO2.

3.4. Semi-improved Grassland

- 3.4.1. Plot 5100 consists largely of semi-improved grassland that is subject to infrequent mowing (see Photograph 1). The plot is open to pedestrians / recreational walkers, and occasional bare earth is present where walkers have worn paths through the sward.
- 3.4.2. The area of grassland along the western boundary has been subject to some disturbance (see Photograph 2), caused from the development of the adjacent plot. These areas are beginning to be recolonised, however some bare earth is still present.
- 3.4.3. Species present within this area of grassland include Yorkshire Fog *Holcus lanatus*, Red Fescue *Festuca rubra*, Cocksfoot *Dactylis glomerata*, Annual Meadow-grass *Poa annua*, False Oat-grass *Arrhenatherum elatius*, Ribwort Plantain *Plantago lanceolata*, Creeping Cinquefoil *Potentilla reptans*, Common Ragwort *Senecio jacobaea*, Dovesfoot Cranesbill *Geranium mole*, White Clover *Trifolium repens*, Dandelion *Taraxacum officinale*, Hogweed *Heracleum sphondylium*, Birdsfoot Trefoil *Lotus corniculatus*, Knapweed *Centaurea nigra*, Common Field Speedwell *Veronica persica*, Yarrow *Achillea millefolium*, Daisy *Bellis perennis*, Teasel *Dipsacus sylvestris*, Sorrel *Rumex acetosa*, Spotted Medick *Medicago arabica*, Cleavers *Galium aparine*, Common Vetch *Vicia sativa subsp. segetalis*, Groundsel *Senecio vulgaris*, Spear Thistle *Cirsium vulgare*, Red Dead-nettle *Lamium purpureum*, Goosefoot *Chenopodium* sp., Mallow *Malva* sp., Shepherd's-purse *Capsella bursa-pastoris*, Red Bartsia *Odontites vernus*, Scentless Mayweed *Tripleurospermum inodorum*, Weld *Reseda luteol*, Mullein *Verbascum thapsus*,

3.5. Hardstanding

- 3.5.1. A small area of hardstanding is present in the east of the site (see Photograph 3).

3.6. Amenity Planting

- 3.6.1. Well-managed areas of amenity planting and trees are present along the southern and eastern boundaries of Plot 5100 (see Photograph 4). Species present include Dogwood *Cornus sanguinea*, Field

Maple *Acer campestre*, Oak *Quercus robur*, Snowberry
Symphoricarpos albus, Broom *Cytisus scoparius*, *Hebe* sp. and Pine
Pinus sp.

3.7. Background Records

- 3.7.1. No recent records of plant species were returned from the site or its vicinity.

4. WILDLIFE USE OF THE SITE

4.1. General observations were made during the surveys of any faunal use of the site with specific attention paid to the potential presence of protected species.

4.2. Badgers

4.2.1. No Badger setts or further field signs associated with this species were recorded within or immediately adjacent to the site.

4.2.2. Owing to the location of the site and its surrounding area it is not deemed to offer any reasonable foraging or dispersal opportunities for Badgers. Owing to the lack of suitable habitat around the site, the presence of Badgers is extremely unlikely.

4.2.3. Only two records from the last 10 years for Badger were returned by the data search. Both records were recorded in a location within the same 10km grid square as the site. Both records are for dead Badgers at the side of the road.

4.3. Bats

4.3.1. None of the trees associated with the site have developed any features that could support roosting bats. The neighbouring buildings offer no opportunities for roosting bats. The grassland may provide some very limited opportunities for foraging bats, however, the artificial lighting associated with the adjacent warehouses as well as the road running along the southern and eastern boundary may act as a deterrent for any foraging bats.

4.3.2. A total of 12 records for Common Pipistrelle *Pipistrellus pipistrellus* were returned by the desk study. The closest and most recent record for this species was returned in 2006 within the 1km grid square as the site. Nine records of Brown Long-eared Bat *Plecotus auritus* and three records of Noctule *Nyctalus noctula* were returned. The closest record for these species was returned in 2003 within a 1km grid square 0.3km west of the site at its closest point. An unidentified *Myotis Myotis* sp. was recorded in 2003 within a 1km grid square approximately 0.3km west of the site at its closest point.

4.4. Hedgehogs

4.4.1. No evidence of Hedgehog *Erinaceus europaeus* was recorded by Ecology Solutions. The habitats on site are thought to offer some suitable opportunities for foraging and dispersal.

4.4.2. No recent records for this species were returned by the data search.

4.5. Other Mammals

4.5.1. Small mammal burrows were recorded in the grass bank along the northern boundary of the site during the previous survey undertaken by Ecology Solutions in 2017. It is likely that unprotected common

and widespread small mammals use the site. There is no evidence of any protected small mammals present within the site.

- 4.5.2. No records of any European protected mammal species such as Otter *Lutra lutra* or Dormouse *Muscardinus avellanarius* were returned from the search area. It is therefore considered that these species are absent from the immediate area and would not present a constraint to a proposed development at the site. One record of Water Vole *Arvicola amphibius* was returned, dating from 1987; however, the site is devoid of habitats suitable for this species.

4.6. Birds

- 4.6.1. A House Sparrow *Passer domesticus* and Starling *Sturnus vulgaris* were recorded within the hedgerow just off site to the north, during the 2019 survey.
- 4.6.2. Magpie *Pica pica*, House Sparrow, Blackbird, Chaffinch *Fringilla coelebs* and Robin *Erithacus rubecula* were recorded within the site and Carrion Crow *Corvus corone* and an unidentified Pigeon *Columba* sp. were noted flying over the site during the 2017 survey.
- 4.6.3. There is no evidence to suggest that the site is of any particular ornithological interest. However, the areas of amenity planting could provide some nesting opportunities, whilst the grassland provides some foraging opportunities for locally present birds.
- 4.6.4. Several records for species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) were returned by the data search. These species include Barn Owl *Tyto alba*, Fieldfare *Turdus pilaris*, Redwing *Turdus iliacus*, Crossbill *Loxia curvirostra*, Quail *Coturnix coturnix*, Hobby *Falco subbuteo*, Red Kite *Milvus milvus*, Kingfisher *Alcedo atthis*, Green Sandpiper *Tringa ochropus*, Greenshank *Tringa nebularia*, and Black-tailed Godwit *Limosa limosa*.
- 4.6.5. Records for Fieldfare, Redwing, Hobby, Barn Owl *Tyto alba*, Quail *Coturnix coturnix*, Kingfisher *Alcedo atthis*, Black-tailed Godwit *Limosa limosa* and Red Kite have been returned from the same 1km grid square as the site. The most recent records date from 2013.
- 4.6.6. The closest records for Green Sandpiper and Greenshank were recorded approximately 0.6km north of the site in 2013.
- 4.6.7. A single record for Crossbill *Loxia curvirostra* were returned by the data search. This record dates from 2012 and was recorded within a 1km grid square approximately 0.6km south east of the site at its closest point.

4.7. Reptiles

- 4.7.1. No reptiles were observed during the survey work undertaken. The grassland present is of a tussocky nature which is favoured by common reptiles.

- 4.7.2. A reptile survey according to current survey methodology was undertaken by Ecology Solutions in 2017. No reptiles were recorded during these targeted surveys across the site confirming the likely absence of this partially protected group. Given these survey results, and the continued isolation of the site from further suitable habitat preventing any likely colonisation during the interim, reptiles are still considered to be absent from the site.
- 4.7.3. No records of any reptile species from the past 20 years were returned as part of the desk study.

4.8. **Amphibians**

- 4.8.1. There are no waterbodies present on site. The closest waterbody is located within the school approximately 110m west of the site. Given that the area is broadly isolated from any other suitable amphibian habitat by the business park and residential development, it is considered that this pond is unlikely to have been colonised by Great Crested Newt *Triturus cristatus* since its creation within the last 10 years.
- 4.8.2. No recent records of any amphibians, including Great Crested Newt, were returned by the data search exercise.

4.9. **Invertebrates**

- 4.9.1. Given the habitats present it is likely that the site supports a range of common and widespread invertebrates, but there is no evidence to suggest that any more notable or scarce species would be present.
- 4.9.2. Two notable species were recorded in the locality of the site. The closest Small Heath *Coenonympha pamphilus* records refer to a location approximately 0.5km west of the site in 2010. The most recent Small Heath record is of up to three individuals approximately 0.9km southwest of the site in 2013. A White-letter Hairstreak *Satyrrium w-album* record from 2011 refers to a location approximately 1.1km south of the site.

5. ECOLOGICAL EVALUATION

5.1. The Principles of Ecological Evaluation

- 5.1.1. The guidelines for ecological evaluation produced by CIEEM propose an approach that involves professional judgement, but makes use of available guidance and information, such as the distribution and status of the species or features within the locality of the project.
- 5.1.2. The methods and standards for site evaluation within the British Isles have remained those defined by Ratcliffe⁵. These are broadly used across the United Kingdom to rank sites so priorities for nature conservation can be attained. For example, current Sites of Special Scientific Interest (SSSI) designation maintains a system of data analysis that is roughly tested against Ratcliffe's criteria.
- 5.1.3. In general terms, these criteria are size, diversity, naturalness, rarity and fragility, while additional secondary criteria of typicalness, potential value, intrinsic appeal, recorded history and the position within the ecological / geographical units are also incorporated into the ranking procedure.
- 5.1.4. Any assessment should not judge sites in isolation from others, since several habitats may combine to make a site worthy of importance to nature conservation.
- 5.1.5. Further, relying on the national criteria would undoubtedly distort the local variation in assessment and therefore additional factors need to be taken into account, e.g. a woodland type with a comparatively poor species diversity, common in the south of England, may be of importance at its northern limits, say in the border country.
- 5.1.6. In addition, habitats of local importance are often highlighted within a local Biodiversity Action Plan (BAP). The Hertfordshire BAP has been considered as part of this assessment and are referenced where relevant.
- 5.1.7. Levels of importance can be determined within a defined geographical context from the immediate site or locality through to the international level.
- 5.1.8. The legislative and planning policy context are also important considerations and have been given due regard throughout this assessment.

5.2. Habitat Evaluation

Designated Sites

- 5.2.1. **Statutory Designations.** There are no statutory designated sites of nature conservation interest within or adjacent to the site.

⁵Ratcliffe, D. A. (1977). *A Nature Conservation Review: the Selection of Study areas of Biological National Importance to Nature Conservation in Britain*. Two Volumes. Cambridge University Press, Cambridge.

- 5.2.2. The nearest statutory designated site is that of Howe Dell Local Nature Reserve (LNR) which is located approximately 1.8km to the southeast of the site (see Plan ECO1). The LNR is sufficiently removed and buffered from the site as to be unaffected by the proposed development.
- 5.2.3. Sherrardspark Wood Site of Special Scientific Interest (SSSI) is located approximately 4.3km north of the site at its closest point, beyond agricultural land, residential development, the River Lea and a golf course (see Plan ECO1). Sherrardspark Wood SSSI is designated for its significant area of mature Sessile Oak *Quercus petraea* high forest, a habitat rare in lowland England, and also contains a diverse flora and important invertebrate habitat.
- 5.2.4. The site falls within Impact Risk Zones associated with the Sherrardspark Wood SSSIs such that Natural England consider potential development within this zone has the potential to impact the SSSI in some way. However, the development types considered of potential risk at this distance from the SSSIs are limited to applications for uses such as aviation, pig and poultry farming and industrial combustion.
- 5.2.5. **Non-statutory Designations.** There are a number of non-statutory designated sites in the vicinity of the site, although none are present either within or adjacent to the boundaries of the site (see Plan ECO1). The nearest non-statutory designation is Home Covert and Round Wood Local Wildlife Site (LWS), approximately 1km west of the site at its closest point. Home Covert and Round Wood LWS is designated for its ancient and semi-natural broadleaved woodland.
- 5.2.6. Given the scale and type of proposed development it is considered that all locally present non-statutorily designated sites are sufficiently removed from the site as not to be affected either directly or indirectly by the proposed development.

Habitats

- 5.2.7. The habitats within the site are of negligible intrinsic ecological interest and their loss to facilitate the proposed development would be of no significance.
- 5.2.8. It is recommended that new landscape planting associated with the proposed development include a high proportion of native species of known wildlife value.

5.3. Faunal Evaluation

Bats

- 5.3.1. **Legislation.** All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"). These include provisions making it an offence to:

- Deliberately kill, injure or take (capture) bats;
- Deliberately disturb bats in such a way as to:-
 - (i) be likely to impair their ability to survive, to breed, or to rear or nurture their young, or to hibernate or migrate; or
 - (ii) affect significantly the local distribution or abundance of the species concerned;
- Damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

5.3.2. While the legislation is deemed to apply when bats are not in residence, Natural England guidance suggests that certain activities such as reroofing can be completed outside sensitive periods when bats are not in residence provided these do not damage or destroy the roost.

5.3.3. The words deliberately and intentionally include actions where a court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that was not the primary purpose of the act.

5.3.4. The offence of damaging (making it worse for the bat) or destroying a breeding site or resting place is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

5.3.5. Licences can be granted for development purposes by an 'appropriate authority'. In England, the 'appropriate authority' is Natural England (the government's statutory advisors on nature conservation). European Protected Species licences permit activities that would otherwise be considered an offence.

5.3.6. European Protected Species licences are available from Natural England in certain circumstances, and permit activities that would otherwise be considered an offence.

5.3.7. In accordance with the Habitats Regulations the licensing authority (Natural England) must apply the three derogation tests as part of the process of considering a licence application. These tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. the favourable conservation status of the species concerned must be maintained.

5.3.8. Licences can usually only be granted if the development is in receipt of full planning permission.

- 5.3.9. **Site Usage.** None of the trees associated with the site have developed any features that could support roosting bats. The neighbouring buildings offer no opportunities for roosting bats. The grassland may provide some limited opportunities for foraging bats, however, the artificial lighting associated with the adjacent warehouse as well as the road to the north and east is likely to reduce the viability for foraging bats. It is not considered that any locally present bat species that could utilise the site for foraging would be reliant on the foraging opportunities to maintain their favourable conservation status.
- 5.3.10. **Mitigation / Enhancements.** It is recommended that existing vegetation on the boundaries be retained and bolstered wherever possible. Furthermore, the lighting scheme for the proposed development should have due regard to the potential presence of foraging and commuting bats with efforts taken to reduce light spill.

Hedgehogs

- 5.3.11. **Legislation.** Hedgehog is a species of principal importance for the conservation of biodiversity under Section 41 (England) of the NERC Act 2006.
- 5.3.12. The NERC Act 2006 requires the Secretary of State to:
- ...take such steps as appear... to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any published under this section, or...promote the taking by other of such steps.**
- 5.3.13. **Site Usage.** No evidence of Hedgehogs was recorded during the survey work undertaken. The habitats on site are thought to offer good opportunities for foraging and dispersing Hedgehogs. The tall ruderal vegetation and small wooded belt provide some very limited hibernation potential for this species.
- 5.3.14. **Mitigation and Enhancement.** It is recommended that ground cover be cleared outside the winter hibernation period (October to April inclusively) or checked for this species as part of the clearance works. The landscape scheme should include a range of native species which will continue to offer foraging and dispersal opportunities for this species. Furthermore, in accordance with good practice principles it is recommended the boundaries of the site remain permeable for Hedgehogs to allow for continued access and dispersal.

Birds

- 5.3.15. **Legislation.** All birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981. It is an offence to:
- Kill, injure or take any wild bird intentionally;
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - Take or destroy an egg of any wild bird.

- 5.3.16. For certain bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981, it is an offence to intentionally or recklessly disturb any wild bird listed on the Schedule while it is nesting or is at (or near) a nest with eggs or young or disturb the dependent young of such a bird.
- 5.3.17. **Site Usage.** No notable species were recorded on site; however, House Sparrow and Starling were recorded within the hedgerow immediately off-site. The amenity planting provide limited nesting opportunities for common bird species. The grassland provides some limited foraging opportunities for locally present bird species.
- 5.3.18. **Mitigation and Enhancements.** As a precaution to avoid a possible offence, it is recommended that any tree felling or removal of suitable nesting habitat be undertaken outside the breeding season (which is typically March to July inclusive) or checked for nesting birds by an ecologist immediately prior to removal.
- 5.3.19. New planting undertaken as part of the proposed development should include native species. This would offer new foraging and nesting habitats for a variety of birds.

6. PLANNING POLICY CONTEXT

6.1. Planning policy for development in Hatfield is administrated at two levels, nationally through the National Planning Policy Framework (NPPF) and locally through the saved policies of the adopted Welwyn Hatfield District Plan and the emerging Local Plan including the Core Strategy. Any development proposals would need to reflect the policies contained within these documents.

6.2. National Policy

National Planning Policy Framework

6.2.1. Guidance on national policy for biodiversity and geological conservation is provided by the NPPF, published in March 2012 and revised on 24 July 2018. It is noted that the NPPF continues to refer to further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system provided by Circular 06/05 (DEFRA / ODPM, 2005) accompanying the now-defunct Planning Policy Statement 9 (PPS9).

6.2.2. The key element of the NPPF is that there should be “*a presumption in favour of sustainable development*” (paragraphs 10 to 11). It is important to note that this presumption ‘*does not apply where development requiring Appropriate Assessment because of its potential impact on a habitats site is being planned or determined*’ (paragraph 177). ‘Habitats site’ has the same meaning as the term ‘European site’ as used in the Habitats Regulations 2017.

6.2.3. A Government consultation is currently underway to address the difficulty presented by paragraph 177 in light of the People Over Wind case, which is considered further below. Paragraphs 39 to 42 of the consultation paper⁶ are as follows:

“39. Following the ruling of the European Court of Justice on case C323/17 (People over Wind, Peter Sweetman v Coillte Teoranta), we propose to make one additional clarification to national planning policy.

“40. The effect of the ruling is that appropriate assessment of habitats impacts is required in plan-making and decision-making whenever there is a potential impact on a habitats site, regardless of any mitigation measures proposed.

“41. One of the measures which the National Planning Policy Framework takes to protect habitats sites is to disengage the presumption in favour of sustainable development where there is potential for harm to these sites. However the judgment means that sites with suitable mitigation are now excluded from the application of the presumption, which was not the intention of the policy.

“42. To rectify this we propose to amend paragraph 177 of the Framework to make clear that the presumption is disapplied only

⁶ Ministry of Housing, Communities and Local Government (2018). *Technical consultation on updates to national planning policy and guidance*. HMSO, London.

where an appropriate assessment has concluded that there is no suitable mitigation strategy in place. The revised paragraph would read:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that there will be no adverse effect from the plan or project on the integrity of the habitats site.”

- 6.2.4. Hence the direction of Government policy is clear; that is, the presumption in favour of sustainable development is to apply in circumstances where there is potential for an effect on a European site, if it has been shown that there will be no adverse effect on that designated site as a result of the development in prospect.
- 6.2.5. A number of policies in the NPPF are comparable to those in PPS9, including reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 170).
- 6.2.6. The NPPF also considers the strategic approach that Local Authorities should adopt with regard to the protection, maintenance and enhancement of green infrastructure, priority habitats and ecological networks, and the recovery of priority species.
- 6.2.7. Paragraphs 174 to 176 of the NPPF comprise a number of principles that Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments; provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for; applying the protection given to European sites to potential Special Protection Areas (SPA), possible Special Areas of Conservation (SAC), listed or proposed Ramsar sites and sites identified (or required) as compensatory measures for adverse effects on European sites; and the provision for the refusal for developments resulting in the loss or deterioration of ‘irreplaceable’ habitats – unless there are ‘wholly exceptional reasons’ (for instance, infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.
- 6.2.8. National policy therefore implicitly recognises the importance of biodiversity and that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits can, in certain circumstances, be obtained.

6.3. Local Policy

Welwyn Hatfield District Plan (2005)

- 6.3.1. The District Plan was adopted in April 2005. The majority of the policies were saved in April 2008 following the direction of the Secretary of State. The District Plan saved policies will be replaced

in time by the Local Plan. Of the saved policies five are considered pertinent to nature conservation and development.

- 6.3.2. Policy R11 is a general biodiversity policy requiring development to maintain or improve the biodiversity value of the site post development where possible.
- 6.3.3. Policies R13, R14 and R15 are associated with the protection of both statutory and non-statutory designated sites, and ensuring that any consented development will not have a detrimental effect on the value of sites.
- 6.3.4. Policy R17 is associated with the protection of trees, woodlands and hedgerows within the district, with development sought to retain and protect these features where possible.

Welwyn Hatfield Local Plan (Draft 2016)

- 6.3.5. The Local Plan is currently under consultation and has yet to be adopted but will cover the borough until 2032. The following policy have been submitted for consultation and is relevant to this report.
- 6.3.6. Policy SADM 16 is associated with the protection and enhancement of biodiversity, ecological networks and water bodies, as well as ensuring that the boroughs natural landscape is conserved and enhanced.

6.4. Discussion

- 6.4.1. It is considered that no features of ecological value shall be affected directly or indirectly by the development proposals. It is therefore considered that the scheme accords with the policies pertinent to ecology and nature conservation matters at all relevant administrative levels.

7. SUMMARY AND CONCLUSIONS

- 7.1. Ecology Solutions was commissioned in January 2019 by Macgregor-Smith Limited on behalf Arlington, to complete an ecological assessment of Plot 5100, Hatfield Business Park, Hertfordshire.
- 7.2. The site is proposed for a new car showroom with associated infrastructure.
- 7.3. A previous extended Phase 1 habitat survey of the site was conducted in 2015 and 2017 by Ecology Solutions.
- 7.4. There are no statutory designated sites of nature conservation interest within or adjacent to the site. The nearest statutory designated site is that of Howe Dell Local Nature Reserve (LNR), located approximately 1.8km to the southeast of the site. The LNR is sufficiently removed and buffered from the site as to be unaffected by the proposed development.
- 7.5. There are a number of non-statutory designated sites in the vicinity of the site, although none are present either within or adjacent to the boundaries of the site. The nearest non-statutory designation is Home Covert and Round Wood Local Wildlife Site (LWS), approximately 1km west of the site at its closest point. Home Covert and Round Wood LWS is designated for its ancient and semi-natural broadleaved woodland. It is considered that all locally present non-statutorily designated sites are sufficiently removed from the site as not to be affected either directly or indirectly by the proposed development.

Habitats

- 7.6. The site was subject to extended Phase 1 habitat survey in 2015, 2017 and most recently in January 2019. The habitats within the site are of negligible ecological interest and their loss to facilitate the proposed development would be of no significance.
- 7.7. It is recommended that new landscape planting associated with the proposed development include a high proportion of native species.

Protected Species

- 7.8. **Badgers.** No evidence of Badgers were recorded within or immediately adjacent to the site. The location of the site and the surrounding area is not deemed to offer any reasonable foraging and dispersal opportunities for Badgers. Owing to the lack of suitable habitat around the site, the presence of Badgers is extremely unlikely.
- 7.9. **Bats.** None of the trees associated with the site have developed any features that could support roosting bats. The site is likely to offer some limited opportunities for foraging bats but given the nature of the habitats present it is not likely to support a large assemblage of species, nor be of such importance to support the favourable conservation status of any local bat population.
- 7.10. **Hedgehogs.** No evidence of Hedgehogs were recorded during the survey work undertaken. The habitats on site are thought to offer good

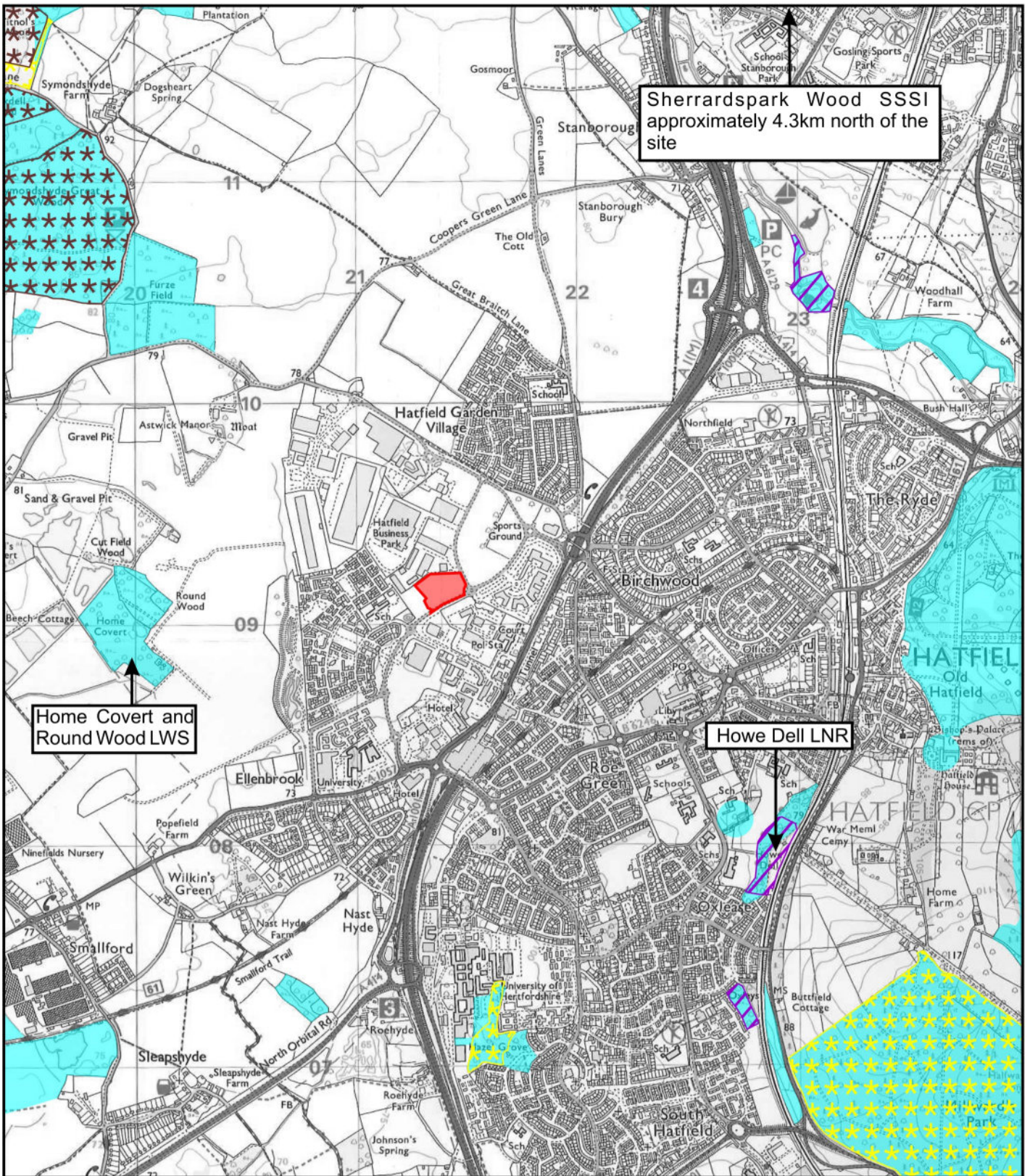
opportunities for foraging and dispersing Hedgehogs. The areas of amenity planting provide some limited potential for hibernating Hedgehog. It is recommended that ground cover be cleared outside the winter hibernation period (October to April inclusively) as a precaution or subject to checks during this timeframe. The landscape scheme should include a range of native species which will continue to offer foraging and dispersal opportunities for this species. Furthermore, it is recommended the boundaries of the site remain permeable for Hedgehogs to allow for continued access and dispersal.

- 7.11. **Birds.** A limited assemblage of common bird species was recorded during the 2019 and 2017 surveys. There is no evidence to suggest that any notable species would be present on site. Where it is necessary to remove vegetation, it is recommended that this be undertaken outside of the breeding season (March to July inclusive) or checked for nesting birds by an ecologist immediately prior to removal. New planting undertaken as part of the proposed development should include native species. This would offer new foraging and nesting habitats for a variety of species.
- 7.12. **Reptiles.** The grassland present on site is of a tussocky nature which is favoured by reptiles. A detailed reptile survey was undertaken in 2017 across Plot 5000, which adjoins Plot 5100. No reptiles were recorded during this survey effort and confirmed the absence of this group from land synonymous with that within the site. Given the results of this survey and the continued isolation of the site reptiles are considered likely to be absent from the site.
- 7.13. **Amphibians.** There are no waterbodies present on site. The closest waterbody is located within the school approximately 110m west of the site. Given that the area is broadly isolated from any other suitable amphibian habitat by the business park and residential development, it is considered that this pond is unlikely to have been colonised by Great Crested Newt since its creation within the last 10 years.
- 7.14. **Invertebrates.** Given the habitats present it is likely that the site supports a range of common and widespread invertebrates, but there is no evidence to suggest that any more notable or scarce species would be present. The inclusion of new landscape planting will new and continued resources for invertebrates.
- 7.15. In conclusion, it is considered that there is no overriding ecological constraint to the development of the site and, following the recommendations in this report, it is considered that the relevant policy requirements will be met. The proposals accord with planning policy with regard to nature conservation at all administrative levels.

PLANS

PLAN ECO1

Site Location and Ecological Designations



Sherrardspark Wood SSSI approximately 4.3km north of the site

Home Covert and Round Wood LWS

Howe Dell LNR

KEY:

-  SITE LOCATION
-  LOCAL NATURE RESERVE (LNR)
-  LOCAL WILDLIFE SITE (LWS)
-  ANCIENT AND SEMI-NATURAL WOODLAND
-  ANCIENT REPLANTED WOODLAND



8210: PLOT 5100,
HATFIELD BUSINESS PARK,
HERTFORDSHIRE

PLAN ECO1: SITE LOCATION AND
ECOLOGICAL DESIGNATIONS

PLAN ECO2

Ecological Features



KEY:

-  SITE BOUNDARY
-  AMENITY PLANTING
-  SEMI-IMPROVED GRASSLAND
-  HARDSTANDING



8210: PLOT 5100,
HATFIELD BUSINESS PARK,
HERTFORDSHIRE

PLAN ECO2:
ECOLOGICAL FEATURES

PHOTOGRAPHS

PHOTOGRAPH 1: Semi-improved Grassland



PHOTOGRAPH 2: Disturbed Ground



PHOTOGRAPH 3: Hardstanding



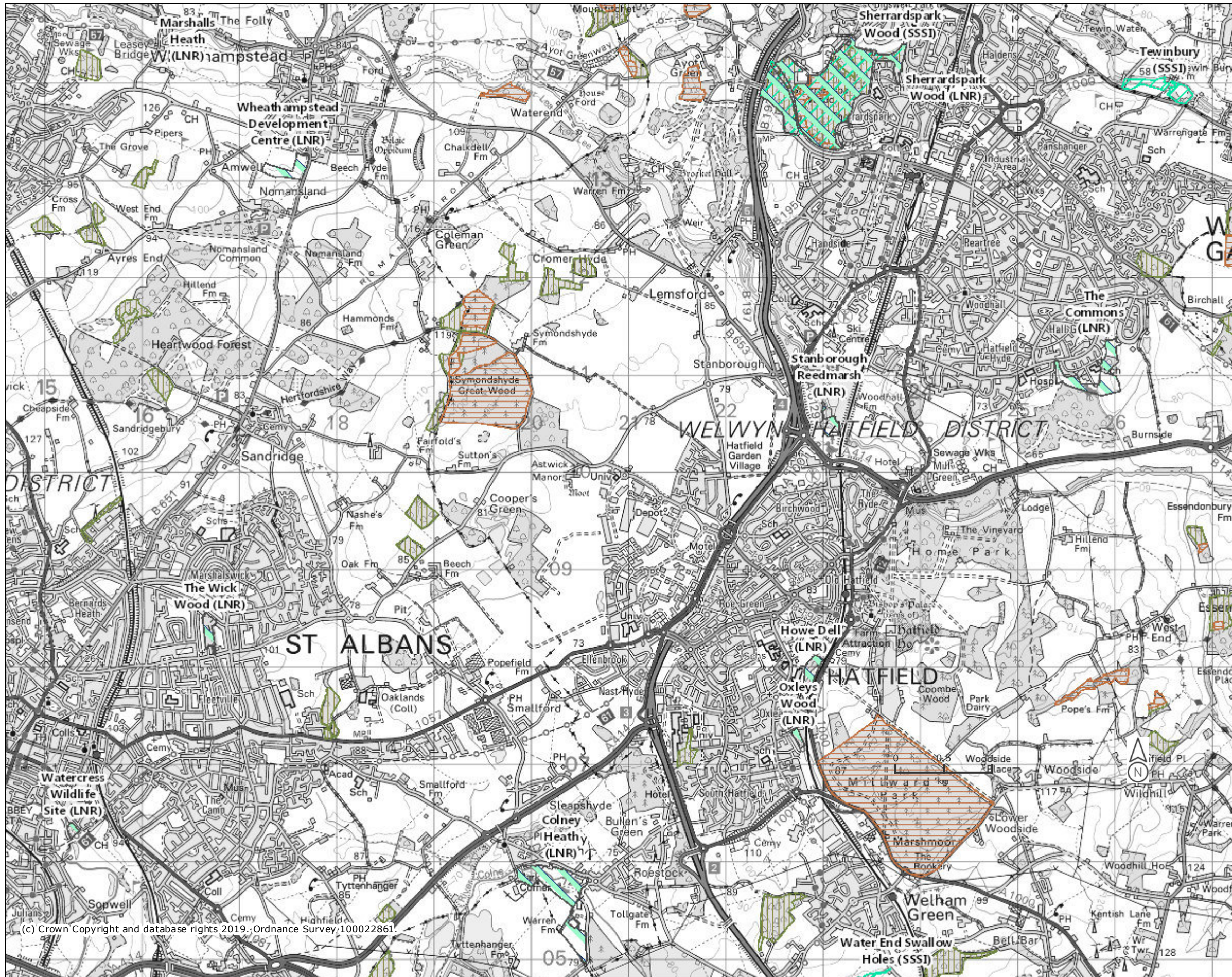
PHOTOGRAPH 4: Amenity Planting











APPENDICES

APPENDIX 1


Information downloaded from Multi-Agency
Geographic Information for the Countryside (MAGIC)



Legend

-  Local Nature Reserves (England)
-  National Nature Reserves (England)
-  Ramsar Sites (England)
-  Sites of Special Scientific Interest (England)
-  Special Areas of Conservation (England)
-  Special Protection Areas (England)
- Ancient Woodland (England)**
-  Ancient and Semi-Natural Woodland
-  Ancient Replanted Woodland

Projection = OSGB36
 xmin = 510900
 ymin = 204800
 xmax = 531000
 ymax = 214800



Map produced by MAGIC on 31 January, 2019.
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.



ecology solutions

ecology solutions ltd • cokenach estate • barkway • royston • hertfordshire • SG8 8DL
t 01763 848084 e east@ecologysolutions.co.uk w www.ecologysolutions.co.uk

e c o l o g y s o l u t i o n s f o r p l a n n e r s a n d d e v e l o p e r s