

# HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Authorities and communities

Environmental Resource Planning, Hertfordshire County Council  
County Hall, Hertford, Herts, SG13 8DN  
[ecology@hertfordshire.gov.uk](mailto:ecology@hertfordshire.gov.uk)  
Tel: 01992 555220

Mr David Elmore  
Senior Development Management Officer  
Development Management (Planning)  
Welwyn Hatfield Borough Council  
The Campus  
Welwyn Garden City  
Hertfordshire  
AL8 6AE

Ask for: Anita Parry  
Tel: 01992 556149  
Date: 17/05/2018

Dear David,

**Application Reference: 6/2018/0804/FULL**

**Proposed development at: The Spinney High Road Essendon Hatfield AL9 6HT**

**Proposal: Erection of 3 dwellings (1 x 3-bedroom and 2 x 4-bedroom) following the demolition of existing buildings**

Thank you for consulting Hertfordshire Ecology on this application. I apologise for the delay with this reply.

The application site includes a residential dwelling and large garden with outbuildings in a rural location close to mixed habitats including grasslands, woodlands and scattered trees, scrub, ponds and ditches. The grounds themselves include mixed semi-natural woodland, introduced shrubs, bare ground, amenity grassland, species-poor hedgerows, hardstanding and scattered trees. Essendon Golf Course lies adjacent to the property to the east, and a Local Wildlife Site known as 'Pasture W. of Essendon Place' lies 100m to the west. All these habitats will provide suitable foraging and commuting opportunities for bats and there are records of them roosting in buildings nearby.

I am pleased to see two ecological reports have been submitted with this application;

- *Primary Ecological Appraisal, by The Ecology Consultancy, March 2018.*
- *Bat Survey Report, by Jones & Sons Environmental Sciences Ltd, February 2018.*

Primary Ecological Appraisal

The 2018 Appraisal updates a previous report from February 2016.

A minor error in both reports is the mention in the Summary on page 2 of the nearest non-statutory Local Wildlife Site (LWS) being 'St Mary's Church, Essendon' 200m to the south west of the site – this LWS is in fact about 670m to the north / north-west of the site; and the nearest LWS is actually 'Pasture W. of Essendon Place' which is about 100m to the west of the site.

There are a number of trees within the application site and the majority of mature trees are proposed for retention. I welcome the proposal to replace the loss of significant trees (identified in the Tree Report) on a one-for-one basis.

Native planting is proposed within the soft landscaping scheme.

### Badgers

No badgers were seen during the survey; however the site has potential to support them. Badgers are highly mobile and it is possible that they will move into the development area with any time lapse. Consequently, to safeguard any extant badgers I recommend a pre-construction walk-over survey of the site and 30m of adjacent land (access permitting) is undertaken prior to any vegetation clearance and this be secured by **Condition of Approval**:

*“Prior to commencement of the development (including site clearance), a Badger walk-over survey shall be carried out and details including an assessment of the impact of the proposed development and any appropriate mitigation measures to alleviate such impacts shall be submitted to the Local Planning Authority for written approval. The location of any protective fencing around setts / commuting routes should be marked on a plan and also submitted to the Local Planning Authority for approval. All works shall then proceed in accordance with the approved scheme of mitigation.*

*Reason: To ensure that protected species (Badgers) are safeguarded”.*

### Bats

The 2018 Bat Survey Report updates a previous report from May 2016. In 2016, the house and 7 trees were identified to have low to moderate potential to support roosting bats and further surveys were recommended to determine their use by bats, and to provide appropriate mitigation to safeguard them if present and affected. During a nocturnal survey in May 2016, no bats emerged from the house and it was considered unlikely for a roost to be present. The updated daytime inspection of the house in 2018 found no evidence of roosting bats again. However, the property has deteriorated since 2016 and additional potential roosting features are now present. Recommendation is made for an up-to-date dusk emergence survey to be undertaken during the appropriate bat activity season.

Until the follow-up survey is carried out, the Local Planning Authority (LPA) does not have enough information regarding the impact of the proposals on bats. However, the 2018 bat report provides an Outline Mitigation Strategy with appropriate measures to deal with the presence of roosting bats, minimise potential impacts, and ensure the local population is maintained. With this strategy in place, I consider this report has enough information to enable the LPA to fully consider the impact of the proposal on bats, i.e. to satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2017 prior to determination.

The Outline Bat Mitigation Strategy can be modified if necessary once the results of the follow-up survey are known. I advise the outstanding survey is secured by **Condition of Approval** and I can suggest the following wording:

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HERTFORDSHIRE COUNTY COUNCIL,  
DACORUM BOROUGH, EAST HERTFORDSHIRE DISTRICT, HERTSMERE BOROUGH, NORTH HERTFORDSHIRE DISTRICT, ST ALBANS DISTRICT, THREE RIVERS DISTRICT, WATFORD BOROUGH, WELWYN HATFIELD BOROUGH

*“Prior to the commencement of the development, a dusk emergence survey should be undertaken during May – August inclusive to determine with confidence whether bats are roosting and, should this be the case, the outline bat mitigation strategy should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.*

*Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.”*

It is acknowledged that if bats are found to be roosting, suitable mitigation measures must be carried out under the legal constraints of European Protected Species (EPS) licence obtained from Natural England. I have no reason to believe that a licence will not be issued.

The other buildings were considered to be unsuitable for roosting bats and can be demolished with no further consideration for bats.

Bat flight activity was recorded in the grounds. However, no confirmed tree roosting sites were identified although a notable veteran oak was assessed as supporting high potential for roosting bats. Consequently, this veteran oak should be retained within the development proposals. The condition of the veteran tree has deteriorated since 2016 and in the event that removal or tree survey is proposed, an inspection by a bat ecologist will be required. Also, a row of Lime trees should also be retained if possible. A Silver birch (T54) will require an inspection prior to removal. In relation to this, the following **Condition** should be added to any approval:

*“Prior to the removal or significant pruning of the veteran oak tree and/or the row of Limes trees, a bat tree survey of those trees should be undertaken and the results submitted to and approved in writing by the Local Planning Authority, and if bats are found then no works to the trees should take place until appropriate mitigation measures have been submitted to and approved by the LPA and shall subsequently be implemented.*

*Reason: In the interest of protected species and their habitats”*

### External lighting

Any external lighting scheme should be sympathetic to bats and roost/nest sites and an **Informative** is listed at the end of this response.

### Great crested newts

No breeding ponds will be impacted by these proposals; however suitable terrestrial habitat has been identified within the application site. The closest pond was identified to be about 200m to the north-west, separated by a main road. Whilst it is generally acknowledged that small numbers of Great crested newts have been known to range significant distances (1km) to colonise new ponds, research undertaken by English Nature (now Natural England) indicates that most Great crested newts travel within 50-100m from their breeding pond, and if suitable contiguous semi-natural habitat is present. Therefore in this instance, rather than pond surveys, I consider it more appropriate to adopt a

precautionary approach to the development works with the adoption of Reasonable Avoidance Measures and consequently an **Informative** is suggested at the end of this response.

### Hedgehogs

Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. An **Informative** is listed at the end of this response.

### Biodiversity enhancements

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree and hedge planting, fruit tree/orchard planting, wildflower area, etc. I am pleased to see that some of these have been suggested by the ecologists. These should be considered at an early stage to avoid potential conflict with any external lighting plans.

### Informatives

Based on the information in the ecology reports and the above, I advise the following Informatives are also added to any permission granted:

For Dormouse:

*“Vegetation should be cleared outside the sensitive dormouse hibernation period (November – May). In the unlikely event that dormouse are found, all works must stop and advice sought from a suitably qualified and experienced ecologist.”*

For breeding birds:

*“The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.”*

For Great crested newts, reptiles and hedgehogs:

*“Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians (including Great Crested Newts) to cross. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Clearance of vegetation should be undertaken progressively towards boundaries to allow any animals present to escape to contiguous areas of retained habitat. Caution should be taken when moving building materials or debris piles as any sheltering animals could be impacted on. If a reptile or hedgehog is found, it should be moved carefully out of harm's way. In the unlikely event that a Great crested newt is*

*found, works must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist.”*

For invasive species:

*“If rhododendron, a Schedule 9 invasive plant, is to be removed or pruned as part of the development proposals, consideration should be given to prevent legal infringement under the Wildlife & Countryside Act (1981).”*

Trenches and pipes:

*“Any steep sided holes left open overnight during the course of construction works should be equipped with a mammal ladder (a reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to prevent entrapment. This is particularly important if holes fill with water. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent badgers becoming trapped.”*

External Lighting:

*“Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.”*

I trust these comments are of assistance.

Yours sincerely,

Anita Parry  
Ecology Advisor  
Hertfordshire Ecology