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**Date:** 04/01/2024

Dear Ashley,

**Application:** Outline permission for the erection of 14 dwellings, with all matters reserved except for access.

**Address:** Brookmans Park Golf Club Golf Club Road Brookmans Park Hertfordshire AL9 7AT.

**Application No:** [6/2023/1221/OUTLINE](#)

### **ECOLOGICAL IMPLICATIONS**

Thank you for consulting this office on the above application.

#### **Overall Recommendation:**

- There is currently insufficient information to determine this application in respect of ecology.** If approved, a Biodiversity Gain Plan must be provided as a condition. This should be fully informed by a completed Biodiversity Metric based upon appropriate ecological evidence related to UK Habitats.

Further conditions/informatives will be required in respect of lighting and protected species.

#### **Summary of Advice:**

- **No ecological survey or results have been submitted.**
- **Existing BNG document is illegible. An adequately completed metric should be submitted to demonstrate baseline score at least, and ideally demonstrate that BNG can be met.**
- **No trees with potential roosting features should be removed prior to further surveys.**
- **Sensitive lighting scheme condition.**
- **Reptile, nesting bird, and badger informative.**
- **A Biodiversity Gain Plan is required as a condition.**

#### Documents:

1. Biodiversity Net Gain Assessment
2. Habitat Map Extract
3. Full Common Reptile Survey

#### Comments:

**Overview:** The proposed development site comprises a former horse paddock, which is predominantly semi-improved grassland, with some bare ground, a small area of deciduous woodland, and scattered trees. Other than a previously withdrawn application, this application site has no previous planning history (Planning Statement for 6-2022-2049). Whilst the site as a whole does not appear to be of any particular ecological importance, no surveys were submitted to demonstrate this in support of the withdrawn application. However, what remains of the woodland has value for a range of species. There are a couple of trees with potential roosting features, however after observing current aerial images of the site, some of these already look to have been felled, whilst the habitat map appears to show large areas of bare ground, suggesting recent tree clearance.

**Notwithstanding this, we have no reason to object to the principle of the proposals for this outline application.**

A Preliminary Ecological Appraisal (PEA) was undertaken in 2018 but this did not relate to this site. No evidence of any PEA for this application site has been submitted, other than an extract of a habitat map which indicates most of the site is semi-improved grassland. **This map is wholly insufficient to adequately inform the existing ecology of the site and to support this outline application.**

**I suspect a PEA has been undertaken to inform the Habitat Map, and this must be submitted to properly enable the LPA to adequately consider the impacts of this proposal. If a PEA does not exist, the LPA should not determine this proposal until one has been completed and submitted.**

**Biodiversity Net Gain:** Screenshots of extracts from a biodiversity metric are provided in the document “Biodiversity Net Gain Assessment (14/12/2023)”, however this metric is completely illegible and insufficient to even demonstrate a baseline assessment, least of all demonstrate any BNG. Until the full metric is submitted to demonstrate – with supporting evidence from a PEA – what the baseline habitat is of the site, or furthermore, what BNG could be achieved onsite or offsite, the LPA has insufficient information to adequately consider ecology and BNG based upon the evidence submitted.

This means the proposals cannot be assessed against WHDC adopted Policy SADM 16 “*Proposals will be expected to maintain, protect, conserve, and enhance biodiversity, the structure and function of ecological networks, and the ecological status of water bodies. All development that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.*”

**Consequently, there is currently insufficient information to enable determination. At the very least, baseline information on the site and metric must be provided at Outline Stage as this represents formal planning permission if approved and it cannot be left to a Reserved matters application.**

**The excel version of the completed biodiversity metric should therefore be submitted for Hertfordshire Ecology to fully scrutinise and enable determination of the application.**

**Biodiversity Gain Plan:** If, however, the LPA is minded determining this application, in the event the application is approved, a Biodiversity Gain Plan should be secured by condition. This must be informed by an appropriate metric, supported by sufficient ecological evidence. This should demonstrate how UK Habitats have been determined, with appropriate evidence, as well as how 10% BNG can be achieved, consistent with Policy SADM 16. None of this information is presently available. Furthermore, if approved, the following advice relating to protected species should be followed.

**Bats:** There are scattered trees present which have suitability for bats (T2 and T1 displayed on the habitat map by Cherryfield Ecology). It is stated in the Arboricultural Report that T1 and W1 (5 no. Oak trees) are to be removed to allow for the development. **If these trees will be removed under the current landscape proposals, then further bat surveys are required to determine whether they are being utilized as an active roost.** As bats are classified as European Protected Species, **this information is essential before any tree removal takes place** to enable the LPA to consider the impact of the proposal on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

As 14 dwellings are proposed, this will likely be associated with supplementary external lighting which will transform a previously dark area into a well-lit, residential area. This will impact foraging and commuting nocturnal wildlife, and this should be addressed. **Consequently, I advise that a sensitive lighting scheme should be submitted either as a condition of this outline application, or by a reserved**

**matters application (if applicable) to ensure the site remains favourable for bats, and other nocturnal species. This lighting scheme should be secured by condition.** Condition wording is stated below.

*“No development should take place until a sensitive lighting scheme has been submitted to the LPA for approval. This scheme should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites”.*

**Reptiles:** Subsequent to the 2018 PEA, further reptile surveys were recommended, which were thus carried out by Cherryfield Ecology from June-September 2022. No reptiles were found during any of the visits, therefore it was concluded that reptiles were likely absent from the site at the time of the survey. From looking at photos of the site, the grass looks to be short. However, if the grass becomes overgrown, then this will represent an opportunity window for reptiles to colonise the site. **Accordingly, I advise the following informative is added to any permission granted:**

*“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 to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of habitat. Where any hedgerows, long grass or scrub are to be cleared, this work should be carried out in two phases. The first cut should be to >15cm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat. Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. If a reptile is found, then it should be allowed to move safely out of the way on its own accord to contiguous habitat remaining on, or adjacent to, site. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.*

**Nesting birds:** There is some nesting bird habitat on site in the form of the boundary vegetation, and scattered trees. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. **To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:**

*“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”.*

**Badgers:** Badger faeces was found on site during the reptile survey, indicating that badgers are utilizing the site for foraging/commuting, however no setts were observed. It is possible that badgers are using the site and have active setts in the adjacent woodland. However, I do not consider it likely that badgers will be adversely affected by the proposals, therefore, standard procedures such as a pre-commencement walkover and trench ramps where applicable should be provided and advised as an Informative. **I therefore advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.**

*“A precautionary working method should be implemented during construction, including any excavations to be covered overnight, or a ramp to be installed to enable any trapped animals to escape. Field margins on site should not be obstructed so any badgers can continue to access/exit the woodland. Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.”*

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.*