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Contact: Chloe Weingarten
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Date: 19/02/2024

Dear David,

Application: Outline planning application with all matters reserved except for primary means of access for up to 150 C2 (extra care) dwellings, ancillary community facilities, landscaping, and access from Coopers Lane Road.
Address: Former Hook Estate and Kennels, Coopers Lane Road/Firs Wood Close, Northaw EN6 4BY
Application No: **6/2023/2418/OUTLINE**

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

☒ Further information required prior to determination.

Summary of Advice:

- **Great crested newt license needed: Either a DDL or mitigation license.**
- **CEMP condition including mitigation for the following: nesting birds (specifically the Schedule 1 firecrest), reptiles, veteran trees and LWS's).**
- **Sensitive lighting scheme condition.**
- **Badger license may be required depending on whether the setts are still active and require closure.**

- **Ground Level Tree Inspection (GLTA) is required for all trees listed on table 3 of the Arboricultural Report proposed for either removal or at risk for disturbance/damage.**
- **Biodiversity Gain Plan accompanied by a Habitat Management and Monitoring Plan condition.**

Documents:

1. Landscape illustrative Masterplan (August 2022).
2. Arboriculture Report (May 2023).
3. Protected Species Report-Amphibians (September 2022).
4. Habitat and Detailed Botanical Survey Report (September 2022).
5. Protected Species Report-Bats (September 2022).
6. Technical Note: Biodiversity Net Gain (October 2023).
7. Breeding Bird Report (September 2022).
8. Protected Species Report-Dormouse (September 2022).
9. Ecological Impact Assessment (November 2023).
10. Preliminary Assessment of Invertebrate Potential (September 2022).
11. Biodiversity Metric Tool
12. Protected Species Report-Reptiles (September 2022).

Comments:

The site along with the surroundings are ecologically important, which is largely owed to the number of Local Wildlife Sites (LWS). Hook Wood, an area of ancient woodland is adjacent to the western boundary, and Fir and Pond Woods Nature Reserve is to the south. Five other LWS are partially within the red line boundary of the application site including Hook Lane, Woodland SW of Northaw Brook Pastures, Northaw Brook Pastures, Grassland by Hook Copse and Hook Copse. We do not object to the prospect of this development since the LWS which fall within the red line boundary are proposed for enhancement and retainment. However, as this is an ecologically sensitive site, the below issues will need addressing.

A range of ecological documents have been submitted by Aspect Ecology in support of the application.

Great Crested Newts (GCN): A range of surveys have been undertaken in relation to GCN from 2019-2021 whereby GCN are confirmed to be present in P2, P3 and P5. It was concluded that P3 is supportive of a medium sized population of GCN, and P2, a low population. The population was not confirmed in P5 due to only 20% of the pond being accessible, however it was estimated that P5 could potentially hold at least a medium population.

With the evidence of GCN present in each of these ponds, and the surrounding suitable terrestrial habitat, it was concluded that the site is likely to support a metapopulation of GCN, and this species is a significant ecological feature on site.

Since three ponds on site have GCN presence, they will be utilizing the terrestrial habitat on site, and the amphibian survey document has confirmed that they will likely

be using it to move between ponds. Some of this habitat will be lost, specifically the scrub and ruderal vegetation, and the three ponds on site are confirmed to have great crested newts present. Although mitigation in the form of a Precautionary Working Method Statement is suggested in the EcIA, I consider the clearance of terrestrial habitat risks an offence being committed. **Consequently, I advise that a great crested newt licence from Natural England is required to deliver this development.** However, due to the age of the surveys, I consider it unlikely that a license will be obtained. Updated surveys will likely be required to determine the most recent population estimates, as this information will inform the mitigation strategy that accompanies a license from Natural England.

Alternatively, as this site is in the amber zone for GCN District Level Licensing (DLL), the development can otherwise take place under a district level license, whereby an impact assessment and conservation payment certificates should be submitted to the LPA **prior to determination.**

Consequently, I advise that a mitigation license should be applied for, which should be informed by updated surveys, or alternatively, the work can commence under a district level license. It should be noted that survey data is generally reliable for 12-18 months, therefore the timings of the updated surveys should be considered to ensure they are still in date when applying for a mitigation license.

Nesting birds: Surveys were carried out from April-June 2021 by Aspect Ecology, whereby the site was surveyed for the presence of breeding birds. 49 species of bird were observed on site during the three survey visits. 31 of these were likely to be breeding, and 10 considered to be potentially breeding. Firecrest, which is listed on Schedule 1 of the Wildlife and Countryside Act 1981, was recorded on site and was considered to be breeding, and Cuckoo which is a priority species was also recorded on site. However, due to the location in which the firecrest was spotted, it was assumed that its territory was located within the Firs Wood and Ponds LWS, which I do not dispute. Schedule 1 birds have additional protection during the breeding season whereby it is also offence to intentionally disturb them. **The below mitigation will replace the need for a license to be obtained, since a significant amount of nesting bird habitat will be lost to the development.**

Consequently, I advise that no vegetation removal should take place within the nesting period, and the nesting bird mitigation below should be incorporated in a Construction and Environmental Management Plan (CEMP) which should be secured by condition. Condition wording below.

CEMP: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. 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.

Nesting birds: No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reptiles: Reptile surveys were undertaken in 2021, whereby 3 grass snakes, and one slow worm were located on site. As these surveys are almost three years old, and considering that most of the site is undisturbed, a larger population of reptiles could possibly colonise the site before the work commences.

Consequently, the Precautionary Working Method Statement in Appendix G of the Ecological Impact Assessment (EIA) relating to site controls to be applied should be incorporated into the already conditioned CEMP to ensure no reptiles are harmed.

Badgers: During Aspect Ecology surveys in 2021, three badger setts were located on site. Subsequently, further monitoring of these setts was undertaken by AAe during a site revisit from 26/01/2022-21/02/2022. It was concluded that Sett 1 (S1) was characteristic of a Subsidiary sett, and Sett 2 (S2), an Outlier sett. S3 was confirmed to be indicative of a rabbit rather than a badger, therefore further monitoring for this sett was deemed unnecessary. Badgers were observed on multiple occasions utilizing both S1 and S2, therefore indicating that these setts are active.

Given that the results of this site revisit are two years old, a further site re-visit prior to the works commencing will be required to determine whether these badger setts are still active. **If they are active and require closure, then a license will be required from Natural England for the works to legally proceed.** It should be noted that this site re-visit should be timed to ensure that when/if applying for a license, the updated data is no more than 18 months old.

If the setts are confirmed to be inactive, then the measures to minimise badger disturbance (s5.23 of the Ecological Impact Assessment document) should be incorporated into the already conditioned CEMP.

Bats: The buildings on site were all assessed to hold negligible potential for roosting bats, which I do not dispute. However, there are a number of semi-mature, mature, and veteran trees are on site, some of which will be lost to the proposals.

Bat activity surveys were conducted in 2021 by Aspect Ecology, whereby the site was concluded to have regular bat activity, including occasional activity from the rare Barbastelle species which is listed under Annex II of the Habitats Directive. Barbastelles predominantly roost in trees (particularly oaks), mostly in ancient woodlands. As Hook Wood ancient woodland is adjacent to the application site, it is possible that this species may exploit the veteran and/or mature trees for roosting on site as well.

As outlined in the Arboricultural Report, there are 137 trees on site, 21 of which are proposed for removal, 14 which are proposed to be retained but may be subject to damage, and 102 that are to be retained. Due to the number of trees on site, no detailed tree assessments relating to roosting bats has been undertaken.

As no trees have undergone inspections to determine their value to bats, **the LPA does not have sufficient evidence to suggest that bats are not roosting in the trees that are proposed for removal/disturbance**. Additionally, T125 is classified as a veteran tree (see Arboricultural Report s4.1) which will be subject to potential damage due to disturbance, therefore any bats roosting in this veteran tree may be adversely affected by the proposals.

Consequently, I advise that an appropriately qualified ecologist undertakes a Ground Level Tree Inspection (GLTA) prior to determination for all trees to be removed or potentially damaged through disturbance which are listed on Table 3 of the Arboricultural Report. Subsequently, if any trees exhibit roosting features appropriate for bats, depending on the impact, further bat surveys may be required.

Veteran trees: Veteran trees are an irreplaceable habitat in the UK, and any avoidable loss or damage to them should be considered as a reason for refusal. Under the current proposals, there are no plans to remove any of these trees, however T125, which was classified as a veteran tree in the Arboricultural Report (s4.1) may be subject to damage due to the proposals. To ensure the mitigation hierarchy is followed and the application is acceptable, **I advise that a method statement for the protection of all veteran trees on site should be prepared and submitted as part of the already conditioned CEMP.**

It should be noted that a sensitive lighting scheme will be required as a condition of approval to ensure that any supplementary lighting does not result in detrimental impacts on nocturnal wildlife. However, this lighting scheme should be informed by the further tree surveys to ensure that it aims to reduce light pollution on any of the possible roosting sites. Condition wording below.

A sensitive lighting scheme shall be submitted, which shall 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 and adjacent local wildlife sites to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Local Wildlife Sites (LWS): As the LWS's are proposed to be retained and enhanced, I do not consider that these represent a major constraint to the development. Furthermore, although some of the LWS are partially within the red line boundary, they are mostly a substantial distance away from the current location of the proposed dwellings**. I advise the following mitigation should be in place to ensure that these wildlife sites are not adversely affected by the proposals, and the following mitigation should form part of the CEMP.**

No development, demolition, earth moving shall take place or material or machinery brought onto the site until a 10m buffer zone (where possible) with protective fencing and warning signs have been erected on site to safeguard the following Local Wildlife Sites: Woodland SW of Northaw Brook Pastures, Northaw Brook Pastures, Hook Copse, Grassland by Hook Copse, and Hook Lane. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details. Under no circumstance should there be any detrimental impacts to these Local Wildlife Sites.

BNG: A Biodiversity Metric has been submitted which outlines the BNG proposed for the development, which is supported by a Technical Note: Biodiversity Net Gain Report (AAe). A habitat map has been included in this report (see Figures) which displays a broad habitat description but does not reference the distinguished habitats such as the type of scrub which have been differentiated in the metric.

The LWS's are proposed to be retained, albeit some of the tall ruderal/ephemeral has already been cleared which forms part of Hook Copse LWS. However, the meadow is proposed (see Landscape Illustrative Masterplan) across the whole site, which is in close proximity to the dwellings, therefore, I am uncertain as to whether this will be sustained at the target condition due to the high risk of recreational pressure.

The on-site baseline biodiversity units stand at 150.43 habitat units, 0 hedgerow units, and 1.10 watercourse units. The BU post-intervention are proposed to be 193.85 habitat units, 0 hedgerow units, and 1.10 watercourse units, which will result in an overall 28.87% biodiversity net gain. **I am satisfied that the development will result in a biodiversity net gain,** and I am pleased to see the plans to enhance the LWS's that may have been lacking overall management in recent years. **Consequently, I advise that a Biodiversity Gain Plan along with a Habitat Management and Monitoring Plan (HMMP) should be a condition of approval**. These will show how the habitats will be created and managed over the 30-year agreement.

Biodiversity Enhancements: As the site is currently undisturbed, the loss of foraging and commuting habitat will have a significant impact on certain species. I consider this should be compensated, and although BNG is already proposed, **I advise that the species-specific enhancements outlined in s5.34 of the EIA should form part of the final landscaping plan.**

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.