

Date: 31 May 2011  
Our ref: 23710  
Your ref: N6/2010/3120/DC3

ENGLAND

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**BY EMAIL ONLY**

Dear Mrs Smith,

**Planning consultation:** Additional documents: Redevelopment of site to provide a wet play area, adventure play areas, an educational play area, high ropes attraction, changing huts, education room, cafe and toilet facilities. Alterations to Stanb

**Location:** Splashlands, Stanborough Road, WGC

Thank you for your consultation dated and received on 12 May 2011.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This application is in close proximity to Sherrardspark Wood SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites. It appears that Natural England has been consulted on this proposal to offer advice on the impact on protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that the following European protected species may be affected by this application: bats and reptiles.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners.

We have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

#### **How we used our standing advice to assess the bat and reptile surveys and mitigation strategies**

We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i). Working through the flowchart we reached box 3. Permission could be granted (subject to other constraints). Consider requesting enhancements.

We used the flowchart on page 7 of our Standing Advice Species Sheet - Reptiles beginning at box (i). Working through the flowchart we reached box 5. Accept the findings, consider requesting biodiversity enhancements for reptiles (eg creation of habitat linkages) in accordance with PPS9 and and Section 40 of the NERC Act. Permission can be granted.

For future applications, or if further survey information is supplied, you should use our standing advice to decide if there is a 'reasonable likelihood' of protected species being present and whether survey and mitigation requirements have been met.

If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case, please contact us on the number above.

This advice is given to help the planning authority determine this planning application. On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of bats and reptiles and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

Yours sincerely



Miss Kathryn Kelsall  
Customer Service Consultation Team

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<sup>1</sup> Unless protected by Schedule 1 of the Wildlife & Countryside Act 1981 (as amended).