

HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Authorities and communities

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Clare Howe
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Welwyn Hatfield Borough Council,
The Campus, Welwyn Garden City,
Herts AL8 6AE.

Your Ref: 6/2021/0181/MAJ
Ask for: M J Hicks
Tel: 01992 556158
Date: 08/06/2021

Dear Claire

Application: Hybrid planning application comprising: Detailed Planning Application for 399 Private Rented Sector (PRS) dwellings and 153 dwellings (Class C3), 250 units of residential care accommodation for the elderly (Use Class C2) with associated communal facilities, 15,247m² of community and commercial hub (Use Classes E and F1) with associated cycling hub, car parking, access, landscaping, public art and other supporting infrastructure; and Outline Planning Application for up to 418 dwellings (Class C3) with all matters reserved except access.

Address: Former Shredded Wheat Factory Broadwater Road Welwyn Garden City AL7 1RR

Application No: 6/2021/0181/MAJ

Thank you for consulting Hertfordshire Ecology on the above application. I apologise for the delay in responding, but I would like to make the following comments:

1. The current proposals appear to increase the overall development footprint on this site due to increases in built development and changes in layout. The loss of greenspace is limited but not wholly insignificant, and it will, however, serve to reduce the biodiversity potential within the application site at least at ground level.
2. The current ecological interest of the site itself is essentially negligible, given that it has been cleared of everything other than the historic buildings. The previous use of the silos by peregrine falcon was addressed by making them unsuitable following provision of an alternative nest site in the southern half of the complex according to the agreed mitigation plan. Whilst this was considered in comments on 6/2021/0671/MAJ accordingly, I now have knowledge of the

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current position regarding peregrines and will provide further comments on this issue below.

3. There is unlikely to be anything more than a marginal change to ecological benefits on the site, although BNG itself was not previously addressed using a Biodiversity Metric. Most of the 'greenspace' resource appears to be provided by the green roofs, some of which appear to be publicly accessible as communal roof gardens. This may benefit biodiversity in respect of reducing disturbance to some roof greenspace, but it will be limited to species which can exploit non-ground level specialist habitat.

4. Most of the landscaping appears to be ornamental in nature, introducing a green veneer of vegetation within an otherwise heavily urban and designed environment. Whilst understandable, this does not reflect anything remotely related to the countryside or a natural aspect - which is apparently a principle of the development if, as it is suggested, it is to reflect original garden city aspirations. Certainly, more imaginative approaches could have reflected the agricultural associations of the original site – the arable farming or other food producing legacy, for example, or more use of the proposed native species of trees, shrubs and other plants. Giant sheep sculptures do not achieve this.

5. Is it practical to develop food-growing beds on roofs? Where do you put a compost heap? Watering? Gravel paths? These would generate considerable weight and be subject to considerable management limitations; I remain to be convinced these would be viable options without considerably more detail. Inaccessible green and brown roofs are in themselves described as being lightweight, so requirements for food growing would seem incompatible with this principle.

6. The proposed species-rich grassland is welcomed but will in practice contribute a very limited extent of biodiversity given the open space available within the site and will then be associated with the SUDS feature. The extent such grassland will be managed for any wildflowers as opposed to being heavily disturbed etc. given the public pressure associated with the whole site, is questionable.

7. The proposed biodiversity enhancements outlined within the landscape design statement are supported but appear very limited in terms of their contribution. Any opportunity to increase this would be supported. However, the establishment and ongoing management regimes are appropriate and acceptable.

8. I have reviewed the Ecological Assessment prepared by BMD (Oct 2020) and consider this to be an acceptable statement of the sites' existing ecology, building on previous surveys of the site. No habitats were considered to meet Priority Habitat status, all in largely poor condition and of site value only. No further surveys were considered necessary, and I have no reason to disagree with this view.

9. The Environmental Statement Vol 1 Main Text Ecology Chapter submitted with these proposals reflected the results of the updated ecological assessment. It identified no significant ecological interest other than the peregrines and negligible-low potential for bats. The site is of insignificant value for any other ecology, supporting little or no semi-natural habitat although this will recover if the site is left to recolonise following a period of inactivity.

10. The Ecology Report addresses the peregrines. I am aware that peregrines were successfully encouraged to use the previous artificial nest site on a purpose made steel tower in the south side of the factory complex following removal of suitable nesting conditions on the silos which were to be developed. Although a lack of breeding success was thought to be because the pair were too young to breed, the main point was that they were retained within the site. When development commenced within the south half of the site, this structure was removed and they returned to the original silo location where they successfully bred in 2020 and 2021. Clearly this is a major success and now constitutes the most significant ecological consideration for the site, notwithstanding its substantial significance for the county as a whole being one of only five known breeding pairs in 2021. The long-term conservation of the peregrine should be sought by the LPA, which is in any event a planning consideration given their importance at a county level and existing legal protection and status as a Schedule 1 species in the 1981 Wildlife and Countryside Act (as amended).

11. Proposed ecological mitigation measures as outlined in the ecological report are as follows:

11.1.1 Bats – a pre-works check and supervised renovation is proposed. Works will cease if bats are discovered and advice sought accordingly. Measures to reduce light spill onto adjacent trees will be taken, subject to an appropriate lighting scheme. Bat boxes are proposed for retained or proposed trees and bricks and tubes in proposed buildings, particularly those adjacent to the northern embankment. Bat friendly landscape planting is also proposed.

11.1.2 Given the existing potential, I consider this to be sufficient and proportionate to the likely risk of affecting bats. The detailed mitigation measures as outlined should be included within a Construction and Environment Management Plan (CEMP) proposed as a condition of approval, and subsequently guided by a Landscape and Ecology Management Plan (LEMP).

11.2.1 Peregrine falcon. It is considered in the BMD Ecology Chapter that the construction phase works will be insignificant given the silo nesting will continue, and that the longer-term impacts will be neutral as the birds will be retained. Whilst at face value this conclusion may not appear unreasonable, it

will only succeed if the current scenario is to be retained - which is clearly not the case.

11.2.2 The proposals for the silos clearly expect to redevelop these buildings as an integral part of the scheme which will promote their active use. The upper roof compartment is to be a restaurant with glass sided windows looking out onto the walkway – which was the location of the original - and recent - peregrine nest. Whilst this may be a fantastic opportunity to feed both parties, this may well prove incompatible for a number of reasons and overcoming these conflicts will need further expert guidance.

11.2.3 Whilst long term it may be possible to use the roof of the silos, clearly any use of the high walkway is incompatible with retaining a suitable nesting site during any of the breeding season unless appropriate timing of such works or other activities is achieved and works completed, or even subsequently when the restaurant is in use. No information proposing any alternative solutions or evidence that this can be successfully achieved has been submitted. Consequently, this aspect of the proposals is unacceptable and needs to be addressed.

11.2.4 It would appear that a solution based upon the previously successful mitigation – or similar if other opportunities can be found to achieve suitable alternative nest sites – is needed. This would involve the provision of a temporary nest platform and structure locally whilst the redevelopment of the site continues – avoiding all possible conflicts and time delays etc. This should benefit the development process itself by resolving a potential constraint. Once the development has been completed, permanent provision should be provided using appropriate opportunities provided by the new development - whether this involves use of the silos, use of flat roofs not proposed for public access, other suitable structures, a bespoke solution or a combination of these.

11.2.5 Achieving a successful resolution of this is now the most important ecological aspect of the development, which if the mitigation strategy is successful, should become an iconic and important feature of the site. In this respect I support the aims of the statements:

1.115 As part of the Scheme design, suitable nesting opportunities will be restored and maintained in perpetuity at the silos. A suitably experienced and qualified ecologist will provide advice during the construction programme to ensure that nesting peregrine falcon are not disturbed by nearby works during the breeding season. Detailed design specification can be secured via planning condition.

1.117 In accordance with the original peregrine falcon mitigation strategy, suitable nesting opportunities (nest box and ledge) will be retained and maintained in perpetuity for peregrine falcon atop the retained silo structures.

The nesting opportunities will be sited away from possible sources of disturbance such as lighting and windows.

However, whilst alternative / additional solutions to nesting sites using flat roofs may also be possible, obviously these can only be provided once these buildings and suitable structures have been built.

11.2.6 Consequently, given the complexity of arranging both temporary and permanent solutions to ensure continuous nesting activity at this site is maintained (the culmination of several years' work already), I consider that that a specialist **peregrine conservation strategy** is required to achieve this as a **Condition of approval**. In my view this would best be prepared by the specialist advice already used on this site to ensure the scheme has the best likelihood of success – consistent with 1.115 above submitted in support of these proposals. There may be other opportunities for temporary nest sites on existing structures (the stack pipe to be retained, other silos) or it may require a new, temporary nesting site as before, if a suitable location can be found (the SUDS area may be appropriate?). This needs to be discussed as the development proceeds, but the LPA needs to ensure this is a requirement of any permission.

11.3 The usual provisions for avoiding nesting birds in any vegetation clearance have already been applied, and provision of new opportunities are proposed to be secured by Planning condition (1.121). These should be provided within the LEMP.

11.4 The standard approach to precautionary mammal protection is proposed in 1.124 and is acceptable. It should formally presented within the CEMP.

11.5 Slow worms have already been translocated off of the site but have the potential to re-colonise if conditions are suitable. An approach to precautionary slow worm protection is outlined in 1.129 and is acceptable, and should be outlined within the CEMP

11.6 A strategy for the control of non-native plants should be included as a precaution within the LEMP - as outlined in 1.134. Cotoneaster and Japanese knotweed have been recorded on the site.

11.7. Other enhancements (e.g. invertebrate hibernation / nest sites etc) as proposed in 1.136 also need to be outlined within the LEMP.

12. The new proposals have not been informed by a Biodiversity Metric and no formal Biodiversity Net Gain has been proposed. However, given the absence of any significant ecology on the site – other than peregrine – I am satisfied that the landscaping will secure at least some local ecological resources within the site at least comparable in relative value with those currently present as identified within the Phase 1 survey. Green roofs would generate additional biodiversity benefit but are specialist features of perhaps more novel (albeit

beneficial) value. This would be improved with more support for native planting where appropriate - this is, after all, supposed to embrace the expectations of town and country....It would confirm that a level of net gain is likely to have been achieved.

13. Recommendations have already been outlined to accommodate ecology during the development. These should be formally presented as a **CEMP** to the satisfaction of the LPA as a **Condition of approval**, to ensure ecology is not harmed by the proposed works.

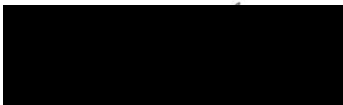
14. Recommendations have also been outlined to secure and enhance ecology following the development. These should be formally presented as a **LEMP** to the satisfaction of the LPA as a **Condition of approval**, to ensure ecology secured within the site where possible for the future benefit of the site and its new community. This should take into consideration the comments I have provided above.

15. Given the iconic status of the peregrine falcon, its scarcity and importance within the county and its specially protected status, the LPA has a duty to ensure it is properly considered as part of the development. Consequently, I advise that a specialist **mitigation / conservation strategy for peregrines** is also developed separately to ensure they can continue to be accommodated and encouraged during the development and subsequently within the site. This is consistent with the applicant's recommendations and will require both temporary mitigation and permanent conservation measures to be taken. These should be proposed to the satisfaction of the LPA as a **Condition of approval**, to ensure peregrines can continue to breed successfully within the site.

16. On the basis that the above can be successfully delivered, I have no objections to the proposals and consider that the application can be determined accordingly.

I trust these comments are of assistance,

Regards,



Martin Hicks MCIEEM
Senior Ecology Officer, Hertfordshire Ecology