

HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Planning Authorities

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Ask for: Anita Parry
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Dear Georgia,

22/0971/OUT

Construction of up to 46 dwellings with associated landscaping and open space to include access from Harris Lane. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved)

Land Adjacent and to the Rear of 52 Harris Lane, Shenley, Hertfordshire

Summary

The site is of modest ecological importance.

Avoidance, mitigation and compensation measures are proposed. The text below identifies these and adds additional requirements where necessary. All those identified should be secured by condition.

The biodiversity net gain assessment is robust, and the off-site habitat creation establishes the principle that a net gain can be delivered subject to the necessary legal and other measures being secured.

Should outline consent be granted, all ecological documents must be kept under review as the application evolves and proceeds to reserved matters.

Full response

General

Thank you for your letter dated 14 June 2022 which refers, and for consulting Herts Ecology; I apologise for the delay with this reply.

The Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site or the area that will be adversely affected by this

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development proposal. This opinion is largely supported by the accompanying Ecological Impact Assessment (EclA) by CSA environmental (April 2022) which accompany this application. The report, assessment and associated surveys are clear, follow best practice, up to date and fit for purpose.

Ultimately, the evidence collected identified that the proposed development site only supported a restricted range of features of relatively modest ecological importance although the boundary features and possible bat roosts were worthy of note and at risk of harm.

Despite this, whilst the reports acknowledged that some features benefitted from protection in policy and law, the final EclA concluded the proposed development would not have a significant impact. In principle, I have no reason to disagree with this conclusion.

Mitigation, compensation and enhancement, and conditions

However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation, enhancement and monitoring measures described in Section 5 (specifically 5.6 - 5.7, 5.15 – 5.17, 5.23 – 5.26, 5.30, 5.33 5.46 – 5.47, and 5.48 of the EclA. Overall, these are reasonable, proportionate and adequate. **These should be secured by condition.**

There is one caveat which could modify the terms of any condition for lighting.

The mitigation put forward in section 5.23 -5.26, the measures suggested are appropriate but lack clarity and are accompanied with several caveats. There is, therefore, no guarantee that the measures would be implemented or what form they would take.

Because of the existing use made of the site by bats, it is essential that increased lighting from the proposed development does not reduce the ability of the existing boundary features to maintain their function as a foraging area and commuting route. Similarly, it should ensure the ability of newly installed bat boxes/tubes to support roosting bats is not restricted.

Consequently, prior to occupation, a lighting strategy for bats should be submitted to and approved in writing by the LPA. This should accurately identify the features/areas of interest, describe levels of illumination prior to, and post-development, and when considered necessary by the ecologist, should be shown on suitable contour plans or similar as appropriate so that it can be clearly demonstrated that newly illuminated areas will not compromise existing or proposed use. I stress thought, that the thoroughness of the assessment and ecological report should reflect the relatively modest ecological value of the site and need not be overly complex.

However, the lighting scheme should accord with best practice (Guidance Note 08/10: Bats and artificial lighting in the UK (BCT & ILP, 2018) and be maintained accordingly. No further external lighting should be added. These proposals should

also be accompanied by a brief statement by an ecologist on how it achieves these goals.

Biodiversity net gain

However, the EclA and related reports identify that the proposed development (as currently proposed in this outline application) would result in a loss of 4.75 'biodiversity units' made up of a 68.25% loss of habitat units and a gain of 4.62% hedgerow units. This would fail to meet the expectations of existing and emerging policy and law.

In addition to modest measures within the footprint of the development, it is proposed that a programme of habitat creation is pursued beyond the site boundary on a site 4.9km to the north-west. Measures are described in the 'Off-site Ecological Management Plan (CSA environmental, Drawing number CSA/4132/113).

I consider the net gain surveys, metric, management plan and other supporting information provide adequate information to establish the scale of loss and the measures required to deliver a 10.51% net gain. This would slightly exceed existing expectations.

Whilst the necessary legal measures will need to be secured prior to an application for reserved matters before this can be relied upon, I am satisfied that the principle has been established that a net gain can be delivered.

Summary

In conclusion, should all these measures be secured, taking account of the possible need to adapt as the project evolves, all ecological constraints would be removed, and the application can be determined accordingly.

Yours sincerely,

Anita Parry

Ecology Advisor, Hertfordshire Ecology