



**St Albans City & District Council**  
Civic Centre,  
St Peters Street,  
St Albans,  
AL1 3JE

**Hertfordshire LEADS**  
Hertfordshire County Council  
Farnham House  
Six Hills Way  
Stevenage SG1 2ST  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

**Contact:** Sophie Batchelor

**Tel:** [REDACTED]

**Email:** [REDACTED]

**Date:** 31 July 2024

Dear Sir/Madam,

**Application:** Section 62a designation - Demolition of existing dwellings and construction of a replacement five bedroom house including attic accommodation & soft landscaping.

**Address:** 9A & 9B Rosebery Avenue Harpenden Hertfordshire AL5 2Qt

**Application No:** 5/2024/0950

### **ECOLOGICAL IMPLICATIONS**

Thank you for consulting this office on the above application.

### **Overall Recommendation**

- Application can be determined with no ecological objections (with any Informatives/Conditions advised below).

### **Summary of Advice**

- An **Informative** for a precautionary approach to works should be added to any permission granted.

### **Comments**

#### **Precautionary Approach to Works**

Bats are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in trees if suitable features and conditions are available. 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.

The Hertfordshire Environmental Records Centre (HERC) does not have any existing habitat or species data for this site, however given that proposals involve demolition, as well as the removal of trees, in the unlikely event that protected species are found, I advise a precautionary approach to the works is taken and recommend the following **Informative** is added to any permission granted:

*“If bats or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.*

*In order to protect breeding birds, their nests, eggs and young, vegetation clearance 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.”*

### Biodiversity Net Gain (BNG)

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.

- a) Self-build and custom build applications:
  - a. An exemption applies to this type of development when it meets all the following conditions:
    - i. consists of no more than 9 dwellings;
    - ii. on a site that has an area no larger than 0.5 hectares;
    - iii. consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1 (A1) of the Self-build and Custom Housebuilding Act 2015.

The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, but taking it at face value in this instance the requirement for **mandatory 10% biodiversity gain does not apply**.

I trust these comments are of assistance,

Kind regards,

Sophie Batchelor  
Assistant Ecological Advisor, Hertfordshire LEADS

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.*