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Contact: Sophie Batchelor

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Date: 9 December 2024

Dear Sir/Madam,

Application: Demolition of 2no. bungalow and the construction of 5no. four bedroom houses, with associated external works.

Address: 22 and 24 St. Annes Road, London Colney, St. Albans, Herts, AL2 1LJ

Application No: [S62A/2024/0060](#)

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

- This application is automatically subject to the general Biodiversity Net Gain Plan **Condition**.
- An **HMMP** should be submitted to the LPA as a **Condition** of approval.
- A CEMP and LEMP should be submitted to the LPA as **Conditions** of approval.
- **Informatives** for a precautionary approach to works and sensitive external lighting should be added to any permission granted.

Supporting documents

I have made use of the following documents in providing this advice:

- Ecological Impact Assessment by Morgan & Stuckey (29 July 2024).
- Biodiversity Net Gain Assessment by Morgan & Stuckey (30 July 2024).
- Statutory Biodiversity Metric (29 July 2024).

Comments

We have no ecological objections to this proposal.

Biodiversity Net Gain (BNG)

Given that this application was received and validated after the 12th of February 2024, mandatory Biodiversity Net Gain (BNG) is expected as a planning requirement. A BNG assessment including habitat condition sheets has been submitted to the LPA and is accompanied by a statutory biodiversity metric, in line with planning requirements.

A sufficient biodiversity baseline has been provided to the LPA. A Biodiversity Net Gain has been calculated, showing a Net Loss of 47.01% for area-based habitats. In order to make up the short fall, a total of 0.51 off-site habitat units are required, of which at least 0.39 units of these must be of Medium Distinctiveness Individual Tree habitat (or a higher distinctiveness habitat) so that the trading rules are satisfied.

The application is automatically subject to the general **Biodiversity Net Gain Plan Condition**, which requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the LPA are minded to grant permission.

We advise in line with the principles of the use of the metric, that **any off-site location should be sought in the first instance local to the impact**. However, this is dependent on a site being found that can provide the offsite habitats specified in the metric and can be found within the LPA area or NCA. If this is not possible, an updated metric would need to be submitted with the Biodiversity Gain Plan.

As a last resort, if an off-site location cannot be found, Biodiversity Credits would need to be purchased. In this latter case, the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed.

Given it is stated that an off-site solution is being identified to achieve BNG, **the LPA would be required to secure any off-site net gain via legal agreement whether through an S106 agreement or conservation covenant**. Any off-site land used for the purpose of achieving biodiversity units must be registered on the biodiversity gain sites register.

On the basis that BNG will likely be achieved off-site and will require a legal agreement, if the LPA were minded to grant permission, **a Condition of approval (one to be imposed on the written notice with any permission granted) should be added as an additional BNG Condition for a Habitat Monitoring and Management Plan (HMMP)**. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the

HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

Construction Environmental Management Plan (CEMP)

The application site lies adjacent to Broad Colney Lakes Nature Reserve and priority deciduous woodland habitat. It is important that the mitigation measures laid out under Section 6.1.3 of the Ecological Impact Assessment (EclA) are followed. We advise that these measures be **secured by Condition**, by way of a CEMP, in order to protect adjacent woodland habitat from the proposed development.

Protected Species

In order to reduce the risk of an offence being committed, we advise a precautionary approach to works is required, and consequently recommend the following **Informative** is added to any permission granted:

“If European Protected Species (EPS), including bats and great crested newts, or evidence for 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.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or 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.”

External Lighting

Should any new artificial external lighting form part of these proposals, this should 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 to ensure that dark corridors remain for use by

wildlife as well as directing lighting away from potential roost / nesting sites. We advise that this should be added as an **Informative** to any permission granted.

Ecological Enhancements

We support the ecological enhancement recommendations under Section 6.2 of the Ecological Impact Assessment (EclA) and advise that these be incorporated into the fabric of the design scheme as **integrated** features where feasible as part of the new dwellings. These enhancements should be demonstrated by way of a Landscape and Ecological Management Plan (LEMP) and secured by **Condition**.

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.