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**Contact:** Sophie Batchelor

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**Date:** 4 February 2025

Dear Sir/Madam,

**Application:** Section 62a designation - Erection of eco-village comprising 9 dwellings and community hub with associated access, parking and landscaping.

**Address:** Land At Colne Spring Villa Coursers Road Colney Heath St Albans  
Hertfordshire

**Application No:** [S62A/2025/0076](#)

### **ECOLOGICAL IMPLICATIONS**

Thank you for consulting this office on the above application.

### **Overall Recommendation**

- Further information required before application can be determined.

### **Summary of Advice**

- **Insufficient information** on the Local Wildlife Site.
- Bat activity surveys of the site are required **prior to determination**.
- 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 low impact lighting strategy should be submitted to the LPA as a **Condition** of approval.
- An Ecological Enhancement Plan should be submitted to the LPA as a **Condition** of approval.
- An **informative** for great crested newt district level licensing should be added to any subsequent permission granted.
- Tree T4 should undergo a soft-felling approach.
- Works must be carried out in accordance with the submitted CEMP.

## **Supporting documents**

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

- Preliminary Ecological Appraisal by Arbtech Consulting Ltd. (10 July 2024).
- Endoscope Inspection by Arbtech Consulting Ltd. (29 October 2024).
- Construction and Environmental Management Plan by Arbtech Consulting Ltd. (24 October 2024).
- Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (29 October 2024).
- Landscape Design Proposal by Create Design Ltd.
- Biodiversity Net Gain Assessment by Arbtech Consulting Ltd. (11 November 2024).
- Statutory Biodiversity Metric (11 October 2024).

## **Comments**

### Ecological report

The ecological report was not informed by a biological records data search from Hertfordshire Environmental Record Centre and acknowledge that the summer survey conducted result in notable spring ground flora being missed.

### Local Wildlife Site

The proposed development is located within Frederick's Wood Local Wildlife Site 69/043. Important for its woodland with woodland indicator species and remnants of heathland and acid grassland. The presence of the Local Wildlife Site was not recognised within the ecological information provided and there is no evidence that it informed the ecological surveys carried out.

There is a presumption within planning policy that Local Wildlife Sites should not be developed. No evidence has been provided that the Local Wildlife Site designation is not still appropriate. Consequently, I advise there is presently insufficient information for the LPA to assess the impacts of the proposal on the ecology of the site.

### Protected Species

#### *Bats*

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.

The PEA listed above identified tree T4 to have potential roosting features for bats. As this tree is proposed to be felled, an endoscope survey was subsequently carried out, which found no evidence of bats using this tree to roost. As proposed within the

endoscope report, a precautionary approach to works should be implemented, in which **T4 should undergo a soft-felling methodology**.

The proposed development will result in the loss of suitable foraging and commuting habitat for bats. In line with the Bat Conservation Trust Good Practice Guidelines (4th edition, 2023), we advise that the required bat activity surveys should be carried out in order to determine the use of the site by bats, and the results submitted to the LPA **prior to determination**. This will require surveys covering each season between April – October, dependent on survey type.

In order to mitigate disturbance to bats through the introduction of artificial lighting to adjacent habitat, we advise that a low impact lighting strategy should be submitted to the LPA as a **condition of approval** for any subsequent permission granted. Recommended wording for this condition can be found below.

*“No development shall take place until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme 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. This should be accompanied by a short statement from a suitably qualified ecologist showing how the design meets the level of protection required.”*

### *Great Crested Newts*

The application site falls within the amber risk zone for great crested newts and within 100m of two potential breeding ponds. The applicant has submitted a Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate to the LPA. We advise that the following **informative** for great crested newt district level licensing should be added to any subsequent permission granted:

*“The application has been determined based on the predetermination provision of an **IACPC** demonstrating that a **Great Crested Newt District Level Licence could be granted by Natural England**. It may be a criminal offence if works proceed without **either a Great Crested Newt District Level Licence, or in its place a Great Crested Newt Mitigation Licence**. It may also be a criminal offence if the terms of conditions of the licence, are not adhered to.”*

### Construction and Environmental Management Plan (CEMP)

A Construction and Environmental Management Plan (CEMP) has been submitted to the LPA, which details protective measures required to safeguard protected species from potential impacts during works. The measures outlined within the above CEMP must be implemented post-determination.

### Ecological Enhancements

The landscape strategy listed above details the proposed provision of ecological enhancements by means of bat boxes, bird boxes and invertebrate refugia. We advise that the position of bat and bird features should be informed by ecological advice and an ecological enhancement plan detailing the above features, along with photographic evidence of their installation be submitted to the LPA as a **condition of any subsequent approval**.

### 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 expected to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Given that this application was received and validated after the 12th of February 2024, mandatory Biodiversity Net Gain (BNG) is therefore 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.

**Based on the presently submitted survey information**, it has been demonstrated that an uplift in biodiversity units above the mandatory 10% for habitat units (32.50%) can be achieved with on-site habitat creation and with the Trading Rules satisfied.

This application is automatically subject to a General Biodiversity Gain 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 subsequent to the submission of bat activity surveys.

The claims for BNG for this site would be considered as 'significant' net gain. **In this instance, the LPA are advised to secure this significant net gain for the respective habitat units via legal agreement, whether through an S106 agreement or conservation on covenant.**

Given that BNG for this site is significant and is advised to be secured via 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 Management and Monitoring 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.

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.*