

Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square, Temple Quay
Bristol, BS1 6PN

Hertfordshire LEADS
Hertfordshire County Council
Farnham House
Six Hills Way
Stevenage, SG1 2ST
www.hertfordshire.gov.uk

Contact: Sophie Batchelor

Tel: [REDACTED]

Email: [REDACTED]

Date: 17 April 2025

Dear Sir/Madam,

Application: Outline planning application (all matters reserved) for 7 serviced plots for self-build and custom housebuilding.

Address: Land between 84 and 108 Ragged Hall Lane, Chiswell Green, St Albans, Hertfordshire, AL2 3NN

Application No: [S62A/2025/0087](#)

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) **subject to the LPA being satisfied that reptiles have been considered when determining this application.**

Summary of Advice

- Reptiles must be considered when determining this application.
- A Construction Environmental Management Plan (CEMP) should be submitted to the LPA as a **condition of approval**.
- A Landscape and Ecological Management Plan (LEMP) should be submitted to the LPA as a **condition of approval**.
- A sensitive external lighting scheme should be submitted as a **condition of approval**.

Supporting documents

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

- Preliminary Ecological Appraisal by RPS Group Ltd. (2 August 2022).

Comments

We have no ecological objection to these proposals.

Protected Species

Reptiles

We support the recommendation for further reptile surveys provided by the Preliminary Ecological Appraisal (PEA) listed above, given the nature of the site and adjacent habitat. We would therefore advise that reptile surveys following best practice survey guidelines should be undertaken to determine the presence/likely absence of reptile species. Such surveys can only be undertaken when reptiles are active and should follow best practice. If found to be present, they would be affected by the proposals and recommendations for suitable mitigation (including detailed methodology for capture and translocation if relevant) should be provided. In order to satisfy the LPA that protected species have been appropriately and fully considered, we advise that the details should be submitted in a report to the Local Planning Authority for approval prior to determination. The presence of protected species is a material consideration when determining applications, as stated in Gov. Circular 06/2005, para 98.

However, given the presence of reptiles are not likely to represent a fundamental constraint on the proposals, and given the site has been essentially totally cleared of vegetation with no apparent consideration for biodiversity; in the event the LPA is otherwise minded to approve this application, we advise that non-licensed Reasonable Avoidance Measures (RAMS) for reptiles should be submitted to the LPA as a **condition of approval** to ensure that no offence is committed. This is because the surrounding habitat remains suitable for reptiles, and vegetation regrowth will have generated conditions potentially suitable for re-colonisation, if present. These RAMS measures would need to form part of a **condition for a Construction Environmental Management Plan (CEMP) as listed further below.**

Nesting Birds

Habitat suitable for nesting birds is proposed for removal. 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.

In order to reduce the risk of an offence being committed, a precautionary approach is required whereby development 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. This timing of works should form part of a **condition for a Construction Environmental Management Plan (CEMP) as listed below.**

Construction Environmental Management Plan (CEMP)

The application site lies ~150m east of Park Wood Local Wildlife Site ancient woodland. We advise that the recommendations listed under paragraph 5.3.2 of the PEA should be followed in full and form part of a Construction Environmental Management Plan (CEMP), alongside the recommendations regarding reptiles and nesting birds, as outlined above. This should be added as a **condition of approval**.

Landscape and Ecological Management Plan (LEMP)

We advise that the proposed ecological enhancements under Section 5.4 of the PEA should be detailed within a Landscape and Ecological Management Plan (LEMP) and secured by **condition of approval**. This should include details regarding the types and location of **integrated** bat and swift boxes incorporated into the fabric of the design scheme in line with the latest NPPF.

Sensitive Lighting Scheme

We support the recommendation for a sensitive lighting scheme for bats as outlined under paragraph 5.2.9 of the PEA. We advise that this should be followed in full and secured by the following **condition of approval**:

'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.'

Reason: To ensure protected species are not disturbed by the development in accordance with National Legislation (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, and Wildlife and Countryside Act 1981 (as amended)).'

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.

- Self-build and custom build applications.

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.