

HERTFORDSHIRE ECOLOGY

Providing ecological advice to Hertfordshire's Local Authorities and communities

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Ask for: Bernie Fleming
Tel: 01992-555220

Date: 16 October 2020

Dear Ruth,

5/2020/1992

Outline application (access sought) - Construction of up to 100 dwellings together with all ancillary works

Roundhouse Farm, Bullens Green Lane, Colney Heath, St Albans AL4 0FU

Thank you for your email of 25 September 2020 which refers, and for consulting Herts Ecology.

I note this is an outline application with all matters reserved except access.

The Hertfordshire Environmental Records Centre does not hold any records of notable ecological significance for either the application site or its immediate surrounds. This observation is largely supported by the accompanying Ecological Appraisal (EA) by FPCR (August 2020).

The EA observed that the proposed development site mainly supported a restricted range of features of relatively modest ecological importance although the hedgerows are worthy of note. I do not doubt the surveys have been carried out to the standards required (but see further below regarding comments on the overall approach). Although certain features benefit from protection in law and policy, the EA concluded that the proposed development would not have a significant impact on the site overall and there would be no measurable effects on any protected areas in the area are anticipated. However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation and enhancement measures described in Section 5.

Despite these claims, I have several issues with the overall outcome.

Firstly, the status of the EA is not made clear. Ecological reporting is guided by clear, established best practice published by the Chartered Institute of Ecology and Environmental Management (CIEEM). This strongly encourages the sequential use of a 'Preliminary Ecological Appraisal' (PEA) to scope ecological issues and survey requirements, followed by an Ecological Impact Assessment (EclA) to which provides the thorough scrutiny.

The EA here appears to take the form of a hybrid report, pitched somewhere between the PEA and EclA. Therefore, neither its status nor role are clear. The lack of any reference to CIEEM in the EA is slightly alarming. Without clarity regarding its purpose, there can be little confidence the necessary scrutiny has been applied. For instance, there does not appear to be any consideration of any limitations that could have constrained the report.

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Secondly, the importance of the site for farmland birds has been dismissed because of the characteristics of the existing crop and the enclosed nature of the site. It is disappointing that FPCR have not acknowledged that agricultural crops (and their associated biodiversity value) frequently change from year to year; had a wheat crop been in place for instance, a significantly different outcome may have resulted. Similarly, there is no indication of the potential value of the site to overwintering farmland birds. Furthermore, the site is far from enclosed and maintains an open aspect across considerable areas.

However, given the lack of records of farmland birds on similar fields in the wider area, I am prepared to put this to one side.

Thirdly, the impact of increased public pressure on Colney Heath Local Nature Reserve, just 440m distant (or 500m – the report provides both figures) is rather too easily dismissed. If already ‘well-used’ reliance on the existing footpaths alone is not adequate to justify no further scrutiny or perhaps specific mitigation to reduce this potential threat.

Fourthly, the assessment of the impact of the access point on the *very high value (Grade 1)* is superficial. Despite the arguments put forward in the EA, the loss of hedgerows is not inevitable from this type of development and it does not represent an *opportunity*. Rather, the mitigation hierarchy should have been employed and its outcomes made clear as to why this point was proposed and not, for instance, the area of tall ruderal vegetation.

The EA then appears to present contradictory information. In separate places it suggests that sections of Hedges H4 and H5 (Section 5.10) will be lost to create the access point, yet in Section 5.33 it suggests that a section of the *eastern* part of H6 will be lost. H6 is identified as *high to very high value (Grade 1)* and *Important* under the Hedgerow Regulations 1997, and its loss could conflict with local policy. In contrast the proposed access plan seems to suggest only H5 is to be affected, taking advantage of a convenient, existing gap in the hedgerow. The impact of the access point on the hedgerows requires clarification.

Again, the assessment of the value of the boundary features for bats lacks conviction. No activity survey was carried out along the hedgerows/woodland and no consideration at all was given to the fact that bats will cross open fields. There are grounds to recommend a bat activity survey is carried out in the spring/early summer to clarify this (there are records of several roosts nearby) unless considerable attention is given to the lighting strategy for the development (see further comment on this below).

On a similar issue, I note that the proposed layout appears to indicate dwellings in very close proximity to the existing hedgerows in places. A wider gap should ideally be adopted.

Lastly, and more fundamentally, however, the EA concludes that the modest landscaping proposed will satisfy the needs of biodiversity planning policy and legislation to deliver a biodiversity net gain.

I disagree. There is no reference to the emerging need for the use of a biodiversity metric and little other evidence is presented to support how a *measurable* gain will be shown. Overall, I find the arguments provided lack conviction.

Therefore, whilst I accept the outcomes in terms of several specific features (eg invertebrates, badgers, reptiles etc) I do not agree with the EAs overall findings and do not believe it provides the Council with the information to determine this application at this moment in time.

To resolve matters, the following actions are necessary.

Firstly, ecological reporting of the site should be updated. This should take the form of a formal EclA and follow CIEEM best practice. This should accompany this outline application **and should be submitted to, and approved in writing by, the local planning authority prior to any consent.** To accommodate any uncertainties regarding the final form of the development, it should be based on the indicative plans provided so far in the knowledge that it may require amendment as

the proposal evolves. Importantly, it should review the suitability of the mitigation measures currently proposed in Section 5.

Secondly, the application should provide compelling evidence to ensure a meaningful biodiversity net gain can be achieved. To achieve this, the mitigation hierarchy should be followed and a net gain, comprising meaningful measures that are both achievable and sustainable in the long-term should be delivered, ideally within the footprint of the existing application site. If this is not possible, either the developed footprint should be reduced or the measures delivered off-site, but nearby.

Although not yet mandatory, though this is expected to change soon, **I recommend the use of a biodiversity metric (Natural England v2) to provide a quantified assessment of losses and gains.** This should accompany the outline application **and should be submitted to, and approved in writing by, the local planning authority prior to any consent.**

The, full metric should be presented (in the form of a spreadsheet with all tabs populated) and accompanied by a bespoke report that explains the values presented for habitat type, distinctiveness and condition, and the feasibility of delivering the off-setting measures proposed. This should be informed by appropriately detailed survey information; whether this requires further survey is a matter I leave to the reasoned discretion of the consultants.

Reliance on private gardens to deliver a net gain will not be accepted unless their form and use can be guaranteed in the long term. Similarly, reliance on the wetland characteristics of a SUDs feature will not be accepted unless it can be guaranteed that it will carry permanent water.

As part of wider mitigation/enhancement, reliance on numerous bird and bat boxes/tubes will not be accepted unless accompanied by compelling evidence that they will be maintained and utilised. In the case of bats, the applicant is encouraged to consider the value of installing a single bat loft in one building, adequately secured and monitored, instead.

Thirdly, all landscaping and ecological avoidance, mitigation, net gain and other enhancement features should be presented in a Landscape and Ecological Management Plan (LEMP). This could accompany the reserved matters application **and should be submitted to, and approved in writing by, the local planning authority.** It should describe the objectives, habitat/feature creation measures proposed, the maintenance of these features in the long term and those responsible for its delivery. It should also describe the monitoring programme and the measures required to adapt the LEMP should objective fail to be met.

The emerging Environment Bill suggests a maintenance period for ecological features of thirty years; given that this is likely to become mandatory in the very near future, I expect this target to be met or exceeded in this case.

The LEMP should also include details of a lighting strategy. The true value of the site as a foraging or commuting area for bats is unknown. Failing further survey, the lighting strategy should aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux.

I do not have concerns with the principle of development on this site, but considerable work is required in order to remove ecological constraints and so allow the application to meet policy and anticipated legislative requirements. I would be happy to review revised documents in due course.

As this application occupies land in both St Albans and Welwyn Hatfield, an identical letter has also been sent to the latter.

Yours sincerely,

Bernie Fleming

Ecology Advisor, Hertfordshire Ecology