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Contact: Sophie Batchelor
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Date: 27 October 2025

Dear Alex,

Application: Erection of 24 dwellings including creation of vehicular access off High Street, associated parking, drainage, amenity space and landscaping.

Address: Land North Of Milksey Lane Graveley Hertfordshire

Application No: [25/00571/FP](#)

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

- Further surveys for bats required **prior to determination**.
- Further surveys for great crested newts or an IACPC required **prior to determination**.
- A sensitive lighting strategy should be added as a **condition** of any subsequent approval.
- An **informative** for a precautionary approach to works should be added to any subsequent approval.
- This application is automatically subject to the general Biodiversity Net Gain Plan **condition**.
- An **HMMP should be secured as part of the legal agreement for BNG**.

Supporting documents

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

- Preliminary Ecological Appraisal by Aspect Ecology (March 2025).
- Biodiversity Net Gain Assessment by Aspect Ecology (March 2025).

- Statutory Biodiversity Metric (7 March 2025).

Comments

We have no objections to these proposals; however further information is required prior to determination.

Protected Species

Bats

The Preliminary Ecological Appraisal (PEA) listed above found building B1 proposed for demolition as having a **moderate potential** for roosting bats. We therefore advise that the recommended further presence/absence surveys are undertaken, and the results, including any appropriate mitigation, submitted to the Local Planning Authority for approval. In line with The Bat Conservation Trust Good Practice Guidelines (4th Edition, 2023), this will require **two dusk emergence surveys** to be carried out when bats are active in the summer months between May and August, or September if the weather remains warm.

Presence/absence surveys cannot be carried out or completed by condition, as bats are classified as European Protected Species and thus sufficient information is required to be submitted to the LPA **prior to determination**, in order to enable it to consider the impact of the proposal on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

Consequently, without the results of these surveys and any appropriate recommendations provided as necessary, this application should not be determined on the basis of insufficient information.

Great Crested Newts

The PEA listed above states how the site is connected to a pond that has the potential as a breeding pond for great crested newts (GCN). This is likely to be consistent with a pond 245m to the south at Pondsides. A previous similar application in 2023 included an ecological report by Applied Ecology which reported the presence of GCN in this pond and has been confirmed by other consultants in relation to an unrelated development using eDNA testing in 2021. The location of the site is some 245-250m away from this pond which is at the very edge of what is typically included in surveys for great crested newts as advised by Gov standing advice, and the application is within the Natural England (NE) green risk zone.

Based on this; the results of the NE great crested newt risk assessment calculator; and the distance of the impacted habitats; the report by Applied Ecology advised that Reasonable Avoidance Measures were sufficient to safeguard great crested newts. The Ecology Service (LEADS) supported this approach at the time. Nevertheless, whilst these matters remain true, on examination, as there is sufficient contiguous suitable habitat between the pond and the application site, an alternative survey

dependent approach to the safeguarding of great crested newts as recommended in the most recent report could also be considered reasonable.

Consequently, we advise that as the site is within an area where District Level Licensing (DLL) operates and falls within the green risk zone for this scheme, this application qualifies for the scheme. In line with government guidance for local planning authorities, if the applicant chooses to use this scheme, they will need to submit a completed **Impact Assessment and Conservation Payment Certificate (IACPC) signed by Natural England prior to determination**. On provision of this, the LPA will have sufficient information to determine the application in respect of great crested newts.

Alternatively, if the applicant chooses not to utilise the DLL scheme they must demonstrate by sufficient survey effort that the impact of the development will not impact on the existing conservation status of the species. Given the existing habitat records and previous records, this is likely to require great crested newt surveys sufficient for a NE licence application. As a minimum, an eDNA survey should be carried out to ascertain the continued presence of great crested newts in the pond to the south at Pondside. Seasonal restrictions mean that eDNA surveys can only be conducted between April 15 to June 30, and more traditional surveys to establish presence/absence and population size between mid-March to June. **Critically, these surveys would need to be completed prior to determination to ensure that the LPA is fully informed of the impacts on European protected species for determination.**

Precautionary Approach to Works

The PEA listed above found the site to contain suitable habitat to support reptiles, mammals and breeding birds. In order to reduce the risk of an offence being committed we advise that a precautionary approach to the works should be undertaken and recommend that the following **informative** should be added to any subsequent permission granted:

'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.'

Sensitive Lighting Strategy

Section 6.1.9 of the PEA listed above makes recommendations in relation to a sensitive lighting strategy for wildlife. We advise that this strategy should be secured by **condition** and added to any subsequent permission granted. Recommend condition wording 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 proportionate but compelling statement from a suitably qualified ecologist showing how the design meets the level of protection required and that recommended lux levels are not exceeded.'

Biodiversity Net Gain

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.

A BNG assessment has been submitted to the LPA and is accompanied by a statutory biodiversity metric and habitat condition assessment sheets, in line with planning requirements. A Biodiversity net gain has been calculated, showing a net gain of 10.92% in habitat units and 658.12% in hedgerow units; however, the trading rules have not been met with regard to medium distinctiveness habitats. The BNG report acknowledges that in order to satisfy the trading rules due to the loss of woodland, a total of 0.04 additional units will be required in the same broad habitat or a higher distinctiveness habitat.

This application is automatically subject to the 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 on the written notice should the LPA be minded to grant permission subject to the above protected species matters having been resolved.

Whilst the Biodiversity Gain Plan condition is a post-determination matter, present information shows that the trading rules of the metric are not met. In line with government guidance, it would generally be inappropriate for concerns about the

ability to discharge the condition to be used as a reason to refuse an application. However, the applicant should be made aware that this condition is a pre-commencement condition and that if the applicant chooses not to address these matters prior to determination, they will need to do so at the post-determination stage.

At the Biodiversity Gain Plan stage, an updated metric will need to be submitted showing how a net gain can be delivered with the trading rules satisfied.

The BNG claims 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 and hedgerow units via legal agreement, whether through an S106 agreement or conservation covenant.**

We advise that a **Habitat Management and Monitoring Plan (HMMP) should be secured as part of the legal agreement.** This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions 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
Ecology Advisor, Hertfordshire LEADS

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