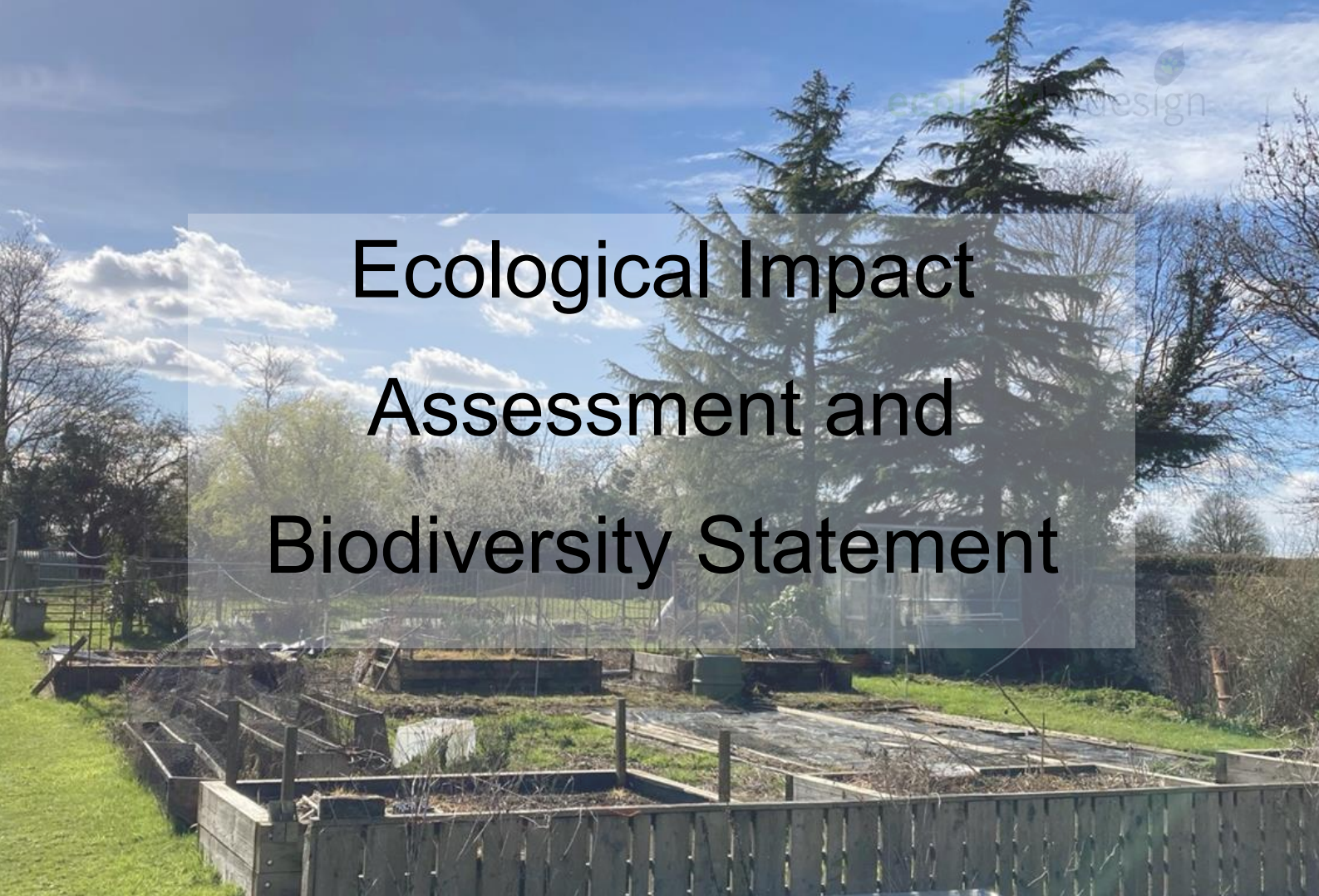




Ecological Impact Assessment and Biodiversity Statement



Land at Bendish Stables, Hitchin

On behalf of Weldon Beesley

April 2026

V1.0

Ecology by Design Ltd,

Hampden House, Monument Park, Chalgrove, Oxon OX44 7RW.

Tel 01865 893346 www.ecologybydesign.co.uk

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Prepared by	Anna Mackellar, BA (Hons) & Jo Sykes BSc (Hons) MCIEEM	27 th April 2026
Checked by	Emily Bartlett BSc (Hons) MSc MCIEEM	29 th April 2026

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1 Executive Summary

Report purpose	This report identifies the potential ecological impacts, mitigation, compensation and enhancement measures for construction of a new dwelling on land at Bendish Stables, Hitchin.
Date and methods of survey	A baseline ecological survey of the site was conducted in March 2026 which included: • An extended UKHab habitat survey; • Habitat suitability index assessment for great crested newts; and • Daytime bat walkover, building and tree assessments for roosting bats.
Key findings and potential impacts	The site, situated in Bendish, Hertfordshire, is ~0.26ha in extent and includes buildings, a woodland parcel, scattered trees, modified grassland and introduced scrub. There is one pond within the site and two ponds within 500m of the site. In the absence of mitigation, the proposals are likely to result in a net loss of biodiversity within the site. Protected and priority species present or potentially present include: • Potential for great crested newts in pond P1 with suitable hibernacula within the site, which may be killed/injured/disturbed during site clearance and/or construction; • Opportunities for reptiles, badger, hedgehog and brown hare to make use of the site, with the proposals potentially impacting their use of the landscape; • Opportunities for nesting birds within introduced shrub, scattered trees and buildings which may result in destruction of nests during site clearance; and • Negligible opportunities for other protected or priority species. The site is considered to be exempt from the requirement of biodiversity net gain under the 'self-build and custom build' exemption.
Measures to avoid and/or reduce impacts and deliver biodiversity enhancements	• The inclusion of one integrated bird box and one integrated bat box into the final proposals. • A non-licensed method statement for great crested newts and reptiles. • Protection for nesting birds and wild mammals during works. • A sensitive lighting strategy.

2 Introduction

2.1 Background

- 2.1.1 Ecology by Design was commissioned by Weldon Beesly, on behalf of a private client, to undertake a Preliminary Ecological Appraisal (PEA) of land at Bendish Stables, Bendish, Hitchin, SG4 8JA (central grid reference TL 16761 21677). This included a PEA, Daytime Bat Walkover (DBW), Preliminary Roost Assessment (PRA), Ground Level Tree Assessment (GLTA), and a Habitat Suitability Index Assessment (HSI).

2.2 Site Description

- 2.2.1 The ~0.26ha site comprises a garden with eight buildings. The garden includes raised beds, areas of modified grassland, scattered trees and introduced shrubs. The site lies approximately equidistant between the villages of Breachwood Green to the northwest and Whitwell to the southeast (each ~1.7km from the site). In the wider landscape, arable farmland lies in all directions, with low density residential properties to the north and west of the site. The River Mimran is present 500m to the east of the site.

2.3 Proposed Works

- 2.3.1 The proposals for the site include the construction of a new dwelling and associated hard and soft landscaping, using the existing gate access point.

2.4 Aims of Report

- 2.4.1 This report is an Ecological Impact Assessment (EcIA) which presents the approach and findings of the assessment of the potential ecological impacts of the proposed development works in accordance with industry standard guidance (CIEEM, 2024; BSI Standards Limited, 2013). It has been produced following a PEA whereby no further surveys were needed in order to be confident in the potential impacts of the proposals or how these could be mitigated. The development does not require an Environmental Impact Assessment (EIA), therefore EcIA has been included for clarity on the title page.
- 2.4.2 This report will be submitted to North Hertfordshire District Council to inform the planning application.

2.5 Personnel

- 2.5.1 This project is led by Senior Ecologist Jo Sykes BSc (Hons) who has nine years' experience in ecological consultancy and is experienced in conducting habitat and protected species

assessments. The report was written by Assistant Ecologist Anna Mackellar BA (Hons) and Jo Sykes.

- 2.5.2 Project supervision and review of the report was provided by Principal Ecologist Emily Bartlett, BSc (Hons), MSc, MCIEEM, who has been an ecological consultant for ten years.

3 Methods

3.1 Desk Study

3.1.1 A desk study was carried out to identify:

- Internationally protected sites within the potential zone of influence of the site (minimum of 7km);
- Nationally protected sites within 5km of the site; and
- Non-statutory designated sites and records of protected or priority species within 2km of the site (central OS national grid reference TL 16761 21677).

3.1.2 A 2km search radius for species and non-statutory designated sites is justified due to the small size of the site and small-scale development works being undertaken. It is thought highly unlikely that species or non-statutory sites outside this search zone would be affected by the project. A larger search radius is applied for internationally and nationally designated sites as these sites are protected to a higher level and can often be more sensitive to disturbance. These search distances are also based on industry standard guidance.

3.1.3 Sources consulted include:

- Herts Environmental Records Centre (HERC) (returned 11th March 2026);
- MAGIC (magic.defra.gov.uk) (accessed 11th March 2026); and
- Local Planning Policy documents and the local planning portal.

3.2 Preliminary Ecological Appraisal

3.2.1 A PEA was conducted on 26th March 2026 by Ecology by Design Senior Ecologist Sofia Sanchez Piccone BA MSc, ACIEEM, who has six years' experience in ecological consultancy and holds a class 1 Natural England bat licence (2025-85560-CL17-BAT), and Assistant Ecologist Anna Mackellar, BA (Hons) who's in her second year in ecological consultancy, using standard techniques and methodologies (CIEEM, 2017) and the nomenclature of Stace (2019).

3.2.2 The PEA includes a survey of the habitats utilising the standard UK Habitat Classification system (UKHab Ltd, 2023). Weather conditions during the survey were mild (7°C) and calm (wind 2 on Beaufort scale¹) with scattered cloud (cloud 2/8²).

¹ The Beaufort scale is an empirical measure from 0-12 which relates wind speed to observed conditions. 0- Calm, 1- Light air, 2- Light breeze, 3- Gentle breeze, 4- Moderate breeze, 5- Fresh breeze etc.

² Cloud cover is measured using the system called oktas. The visible sky is divided into eight and cloud presence is determined within each section. A value of one to eight is then assigned (1 okta being cloudless to 8 oktas being total cloud cover).

- 3.2.3 The DAFOR scale was used to provide a quick estimate of the relative abundance of plant species in a given area, where Dominant equates to >60% cover, Abundant is up to 60%, Frequent is 31-60%, Occasional is 11-30% and Rare is 1-10%.
- 3.2.4 Opportunities for or evidence of protected and priority species were also identified. Where potential impacts on features of ecological interest are identified, the PEA is extended to include an assessment of impact. Any further surveys required are outlined and recommendations are made for appropriate avoidance, mitigation, compensation and enhancement measures.

3.3 Bats

Daytime Bat Walkover (DBW) Survey

- 3.3.1 A DBW survey was conducted by Sofia Sanchez Piccone and Anna Mackellar whilst conducting the PEA survey.
- 3.3.2 During the DBW the surveyors noted any habitats suitable for roosting, foraging or commuting bats within or adjacent to the site. This includes recording structures, habitat features and trees which could be suitable for bats.

Table 3.1: *Categorisation of Potential Suitability of Sites for Bats (Collins, 2023)*

Suitability	Description of Potential Flightpaths and Foraging Habitats
None	No suitable features for flightpaths and foraging.
Negligible	No obvious flightpath or foraging features but cannot be discounted.
Low	Habitats with limited connectivity suitable for use by low numbers of bats.
Moderate	High habitat connectivity including flightpath or foraging habitats features.
High	Well-connected habitats high quality habitats for foraging which is likely to be in regular use.

Preliminary Roost Assessment (PRA)

- 3.3.3 An external and internal PRA was conducted during the PEA of the existing buildings on the site. The assessment was based on the guidance in Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2023) and government guidance (Gov.uk, 2015a).
- 3.3.4 The surveyors used a high-power torch and binoculars to inspect features of interest. All external areas of the building were inspected as well as internal areas, including all lofts.

- 3.3.5 Evidence searched for included the presence of free hanging bats and bats within gaps and crevices, bat droppings, urine stains, rub marks, scratch marks and feeding remains.

Table 3.2: *Categorisation of Potential Suitability of Structures for Bats (Collins, 2023)*

Suitability	Description of potential roosting habitats in structures
None	No habitat features on site likely to be used by any roosting bats at any time of year (i.e., a complete absence of crevices/suitable shelter).
Negligible	No obvious habitat features on site likely to be used by roosting bats but cannot be discounted.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of year. However, these do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., maternity or classic hibernation site).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, appropriate conditions and suitable surrounding habitat but unlikely to support a roost of high conservation status (i.e., maternity or classic hibernation site – roost type only, irrespective of species conservation status).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have potential to support high conservation status roosts (i.e., maternity or classic hibernation site).

Ground Level Tree Assessment (GLTA)

- 3.3.6 A ground level tree assessment was conducted by Sofia Sanchez Piccone and Anna Mackellar during the PEA survey.
- 3.3.7 The surveyors used a high-power torch (LEDLenser Lamp) and 10x42mm binoculars to identify features of interest. Where possible, each aspect of the tree was inspected to identify features with potential to support roosting bats such as woodpecker holes, rot holes, splits, cracks, flaking bark and/or ivy cover. Where any evidence of use by bats such as droppings, staining or scratches around such features were present this was noted.
- 3.3.8 Collins (2023) categorises the suitability of trees for roosting bats as follows:
- None = Either no Potential Roosting Features (PRFs) in the tree or highly unlikely to be any;
 - FAR = Further assessment required to establish if PRFs are present in the tree; or
 - PRF = A tree with at least one PRF.
- 3.3.9 Where possible, each PRF was assessed using the following criteria;

- PRF-I = PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats; or
- PRF-M = PRF is suitable for multiple bats and may therefore be used by a maternity colony.

3.4 Great Crested Newt Scoping

Habitat Suitability Index (HSI) Assessment of Ponds

3.4.1 A HSI survey was undertaken by Sofia Sanchez Piccone (Natural England great crested newt class licence number 2025-83401-SCI-CL08) and Anna Mackellar during the PEA to assess suitability for great crested newts (*Triturus cristatus*). Natural England recommends calculation of HSI scores for ponds as a tool to assess habitat quality in a repeatable, objective manner (Natural England, 2020). In particular, the HSI allows individual factors that influence newt presence to be easily identified. Natural England suggests that ecological consultants apply the adapted HSI methods used by the National Amphibian and Reptile Recording Scheme (Herpetological Conservation Trust, 2008) in order to determine the HSI value of each waterbody. This adapted method simplifies the way in which terrestrial habitat is evaluated.

3.4.2 The suitability index is calculated by allocating scores to features associated with each waterbody; these include features such as size, quality of surrounding habitat and presence of fish. These scores are then used to calculate the overall HSI for each waterbody as a number between 0 and 1, with 0 being the least suitable and 1 being the most suitable. The HSI score allows each waterbody to be placed in one of five pre-defined categories defining its suitability for great crested newts as follows:

- <0.5 = poor
- 0.5 – 0.59 = below average
- 0.6 – 0.69 = average
- 0.7 – 0.79 = good
- >0.8 = excellent

3.5 Badger

3.5.1 A badger (*Meles meles*) survey was conducted by Sofia Sanchez Piccone and Anna Mackellar whilst conducting the PEA survey. The badger survey involved walking across the site searching for evidence of badgers and badger activity in accordance with standard guidance (Gov.uk, 2015b). Any badger setts found were defined as main / annexe / subsidiary / outlier sett as adapted from Neal and Cheeseman (1996) and Harris *et al.* (1989). In addition to badger setts other evidence of badgers was also recorded. This included:

- Live or dead badgers;
- Foraging scrapes (distinctive excavations made by badgers when searching for food);
- Badger dung;
- Dung pits (a badger will often deposit its dung within a small excavated pit);
- Latrines (a collection of dung pits) (Roper, 2010);
- Badger guard hairs;
- Mammal paths; and
- Badger tracks.

3.6 Limitations/Constraints

- 3.6.1 The wildlife and wider ecological interest of a site can change. The report presented here is a statement of the findings of surveys carried out in March 2026. For the purpose of this report the results of site visits are discussed in the present tense. Any appreciable delay in making reference to this report or changes to the proposed development boundary may necessitate a re-survey.
- 3.6.2 The species information gained from local record centres is largely derived from data submitted from members of the public and volunteers. For this reason, it should be understood that the desk study may not provide an exhaustive list of all protected species that could occur in the local area.
- 3.6.3 Weather conditions as detailed in section 3.2.2 were suitable to conduct the surveys.

4 Results and Interpretation

4.1 Designated Sites

- 4.1.1 The desk study identified no internationally designated sites for nature conservation within 7km of the site, one nationally designated site for nature conservation within 5km, and 15 non-statutory sites within 2km of the site.

Table 4.1: *Nationally designated sites and non-statutory sites of potential relevance within 2km of the site*

Name & reference	Distance & direction	Size and interest
Bendish House Area LWS (28/044)	On site	Building and environs important for protected species.
Long Lane LWS (28/004)	~0.44km S	1.39ha; Wooded green lane with features and structure indicative of ancient origins; woodland indicators.

Where;

LWS = Local Wildlife Site

- 4.1.2 Only those sites of potential relevance are detailed in Table 4.1, with the remainder scoped out of further assessment due to their size, location, habitat types, lack of connectivity and/or absence of shared features of interest, therefore no potential impacts as a result of the proposals are anticipated. The LPA and Local Records Centre has access to the full list of sites. A full list can be provided upon request.

4.2 Habitats

- 4.2.1 At the time of the survey (March 2026), the following habitats were recorded on site. They are described in Table 4.2 below. Photographs are included in Appendix 1 and a habitat map is included in Figure 1, Appendix 2.

Table 4.2: *Habitat types identified during the UKHab survey*

Habitat type & UKHab code	Parcel or Feature Reference and Description (Secondary codes are shown in square brackets where applicable)
Modified grassland [code g4]	Parcel PR1 is regularly mown to a height of ~7cm tall. It has dominant perennial ryegrass (<i>Lolium perenne</i>) and abundant Yorkshire fog (<i>Holcus lanatus</i>). Hairy bittercress (<i>Cardamine hirsuta</i>), creeping buttercup (<i>Ranunculus repens</i>) and forget-me-not (<i>Myosotis sp.</i>), are occasionally found in the sward. Hogweed (<i>Heracleum sphondylium</i>), curled dock (<i>Rumex crispus</i>), common chickweed (<i>Stellaria media</i>), hawkweed (<i>Hieracium sp.</i>), and a <i>gallium</i> species are all rarely found. Parcel PR3 is regularly mown to a height of 4-5cm tall. It has dominant perennial ryegrass and occasional daisy (<i>Bellis perennis</i>) and hairy

	bittercress. Spear thistle (<i>Cirsium vulgare</i>), creeping thistle, (<i>Cirsium arvense</i>), dandelion (<i>Taraxacum officinale</i> agg.), and hogweed are all rarely found. Parcel PR9 has a sward height ~5cm and appears to be mown. There is abundant common nettle (<i>Urtica dioica</i>), forget-me-not, spear thistle, curled dock, Yorkshire fog, red dead-nettle (<i>Lamium purpureum</i>), cleavers (<i>Galium aparine</i>), ground ivy (<i>Glechoma hederacea</i>), and mossy patches. Parcel PR10 is regularly mown to a height of ~5cm tall. The sward has abundant perennial ryegrass and occasional cow parsley (<i>Anthriscus sylvestris</i>), curled dock and common nettle. Dandelion and broadleaved plantain (<i>Plantago major</i>) are rarely found in this sward. Parcel PR14 is an area of modified grassland with six scattered fruit and nut trees [32]: cherry (<i>Prunus sp.</i>), crab apple (<i>Malus sylvestris</i>), and hazel (<i>Corylus avellana</i>). Target note 1 (TN1) is a burn pile at the centre of the parcel, and TN3 at the west denotes two metal containers and a collection of wooden pallets. The ground flora features dominant perennial ryegrass with frequent creeping buttercup, and occasional common nettle, curly dock, cow parsley, and garlic mustard (<i>Alliaria petiolata</i>). Ground ivy, groundsel (<i>Senecio vulgaris</i>), cleavers, and arum lily (<i>Zantedeschia aethiopica</i>) are rarely occurring in the sward.
Buildings [code u1b5]	There are eight buildings on site, which include workshops, sheds and greenhouses. The results of the Preliminary Roost Assessment are detailed in Section 4.3 below.
Tall forbs [code g(16)]	Parcel PR2 comprises predominantly common nettle. There is a timber pile (TN4) and a brash pile (TN5) within this parcel, and a tree stump. Parcel PR5 - There are overgrown piles of bricks and tiles in this area, plus piles of plastic plant pots. Common nettle is abundant in this parcel, and lords and ladies (<i>Arum maculatum</i>), forget-me-not, spear thistle, and red dead-nettle are frequent. Moss is growing abundantly over the tiles and bricks, and there are dead remains of previous year's tall forb growth including an umbellifer species.
Vegetated garden [code u1(829)]	Parcel PR4 is a kitchen garden area at the northwest of the site. At the time of the PEA, the earth in the raised beds was mostly bare, with occasional dead vegetation. Areas of the parcel around the raised beds are covered with plastic weed-suppressing sheets. Modified grassland lawn (PR3) continues around the edges of PR4. Parcel reference PR12 to the east of the raised vegetables beds comprises fruit cages with soft fruit plants including blackcurrants (<i>Ribes nigrum</i>) and thornless blackberries (<i>Rubus ulmifolius</i>).
Bare ground [code g(510)]	Parcel PR6 is an area of bare ground being colonised by species from the adjacent grassland. There are two introduced shrubs in this parcel. Parcel PR11 is bare ground at the northeast of the site. This parcel is under and around a lean-to storage area with a corrugated plastic roof attached to B1.
Non-priority pond [code r1(41)]	To the northeast of the site, there is a pond measuring approximately 0.002ha in extent. At the time of survey, the pond was holding water, and it is understood from anecdotal evidence that the pond dries most years.

	The pond is fed rainwater via guttering from B1b. A high coverage of submerged plants is present within the pond; the west edge of the pond was more open at the time of survey. Marginal vegetation comprises frequently occurring common nettle, ground ivy, forget-me-not, an iris species (<i>Iridaceae</i> sp.), and dogwood (<i>Cornus sanguinea</i>). There is occasional common hogweed, and hairy bittercress, plus willow (<i>Salix</i> sp.) sapling.
Other broadleaved woodland [code w1g]	Parcel PR8 is a belt of woodland at the south of the site. The woodland includes hazel (<i>Corylus avellana</i>), beech (<i>Fagus sylvatica</i>), elder (<i>Sambucus nigra</i>), and hawthorn (<i>Crataegus monogyna</i>), and is bordered on the sites eastern edge by cherry laurel (<i>Prunus laurocerasus</i>).
Introduced shrub [code u(847)]	Parcel PR13 - There are two areas of introduced shrub at the west of the site, one alongside the verge (PR10) and one alongside the access drive. Species include various unidentified garden exotics along with rose (<i>Rosa</i> sp.) and periwinkle (<i>Vinca minor</i>).

- 4.2.2 A review of historical aerial imagery indicates that the site has been in use as a residential garden since 2000.

Adjacent habitats

- 4.2.3 There are large areas of open greenspace and arable fields within the immediate vicinity of the site. There is coastal and floodplain grazing marsh, lowland fen, deciduous woodland and traditional orchards within the 1km of the site.

Conclusion

- 4.2.4 The valuation of habitat importance below is based on set criteria or professional judgement as appropriate within a fixed range of geographic contexts (CIEEM, 2017) as outlined in Appendix 3.
- 4.2.5 The woodland block, scattered trees and pond are of value within the context of the site. However, as these habitats are common and widespread locally, they are considered to be of ecological importance within a local level context only. All other habitats are of negligible importance however, they still contribute to the biodiversity of the site.

4.3 Species

Bats

Desk Study

4.3.1 The desk study returned 173 records of at least seven bat species within 2km of the site. Records include common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*), noctule (*Nyctalus noctula*), Natterer's bat (*Myotis nattereri*) and Daubenton's bat (*Myotis daubentonii*). The closest of these records were of common pipistrelle and soprano pipistrelle roosts in 2014 within 150m of the site (grid reference square resolution of 100m); the most recent record is of a dead brown long-eared bat in 2020 approximately 1.9km east of the site.

4.3.2 No European Protected Species Licences (EPSL) for bats have been returned within 2km.

Daytime Bat Walkover

4.3.3 With exception of the built form, all habitats offer foraging opportunities for bats. The site is unlit and within a dark area of the landscape and, as such, the site is likely to form part of a wider commuting habitat for bats. Overall, the site is identified as being of moderate suitability for bats.

4.3.4 Habitats with suitability for roosting bats are discussed within the Preliminary Roost Assessment and Ground Level Tree Assessment sections below.

Preliminary Roost Assessment

4.3.5 There are eight buildings within the site, all of which were subject to external and internal building inspections. The findings of the PRA are detailed in Table 4.3 below.

Table 4.3: Suitability of buildings for roosting bats and any of evidence of bats found

Building Reference	Description	Assessment
B1a	A single-storey building ~12mx6m, with double skin walls (timber external and chipboard interior) insulated with mineral wool in the walls. The building has a pitched timber roof which is covered in bitumen felt, with a corrugated metal skin over this. B1a is in use as a workshop and has artificial lighting fitted along the ridge. The building has metal-framed windows which are generally in good condition, with exception of individual broken windows. There is a glazed timber double door on the northwest elevation allowing further natural light ingress. Access points include: broken windows;	Whilst there are opportunities for bats to enter the building, it lacks suitable internal features and crevice features. As such, the building is assessed as having negligible suitability for roosting bats.

	- gaps in eaves along the north wall (light ingress visible); - vents above the large window at the northeast of the building; and - open slatted windows. There are potential roosting features at the ridge of the building, however there is a high level of natural light ingress through the windows and no crevices suitable for roosting bats. No evidence of bats (rub marks, droppings, or other bat signs) were observed in B1a. A bird nest was identified under the insulation at the southwest end of B1a. There is some cobwebs, including around the ridge.	
B1b	A timber-framed workshop extension to B1a measuring ~10mx3.5m with a corrugated metal roof continuing the pitch of B1a southwest. B1b has single skin walls, with some areas insulated with a plastic sheet. The building has high natural light levels entering via the windows, but no artificial light sources other than that from B1a via the windows in the wall separating B1a and B1b. Access points include: - broken windows and an open doorway between B1a/B1b - a broken window on the southwest corner (although partially blocked by vegetation) - a gap in wall above window at northwest	Whilst there are opportunities for bats to enter the building, it lacks suitable internal features and crevice features. As such, the building is assessed as having negligible suitability for roosting bats.
B2	A chipboard garden shed, with an open door and windows and a pitched roof. No evidence of bats was found in this building.	Whilst there are opportunities for bats to enter the building, it lacks suitable internal features and crevice features. As such, the building is assessed as having negligible suitability for roosting bats.
B3	A single skinned wooden clad shed, previously used for chickens, with a pitched and felted roof. Some of the cladding is in poor condition, which provides internal access. No evidence of bats was found in this building.	Whilst there are opportunities for bats to enter the building, it lacks suitable internal features and crevice features. As such, the building is assessed as having negligible suitability for roosting bats.
B4	A single skin timber shed with a pitched roof and metal roofing material. Internally the structure is heavily cobwebbed with lots of natural light ingress through windows. No evidence of bats was found in this building.	Negligible suitability to support roosting bats due to the lack of suitable internal features.
B5	A hoop tunnel pigsty with MDF front and back panels and a metal curved roof.	Negligible suitability to support roosting bats due to the lack of suitable internal features.

B6	A flat roof timber structure with foil lined insulation blocks on one side. No evidence of bats was found in this building.	Negligible suitability to support roosting bats due to the lack of suitable internal features.
B7 and B8	Two glass greenhouses with metal framework.	None - no suitability to support roosting bats due to the glass nature of the building.

Ground Level Tree Assessment (GLTA)

- 4.3.6 None of the trees on site were assessed as having any features suitable to support roosting bats. As such, all trees are classified as 'None' in terms of suitability.

Great Crested Newt

Desk study

- 4.3.7 Seven records for great crested newt were returned within 2km of the site. The closest of these was ~1.5km northeast of the site in 2016, however the 1km resolution of the record prevents accurate distance reporting for this record. No EPSLs were returned for great crested newt within 2km of the site.
- 4.3.8 A review of the great crested newt risk zones from Natural England show that the site is in a 'Green' risk zone, indicating that impacts on great crested newts are considered less likely (Natural England, 2026).

Terrestrial Habitats

- 4.3.9 The site supports suitable terrestrial habitats for the species, including habitats for commuting, foraging and hibernation. Suitable habitats include:
- the woodland;
 - under weed-suppressing membrane;
 - within brick and tile piles; and
 - under stones around the P1 pond.

HSI survey

- 4.3.10 A HSI assessment was completed for the one pond (P1) within the site boundary. The component scores and HSI score resulting from this assessment are shown in Table 4.4 below. These results indicate that P1 has average suitability for great crested newts.

Table 4.4: *Habitat Suitability Index scores and suitability class*

Pond ID	P1 (TL 16783 21683)
1. Location	1

2. Pond area	0.05
3. Pond drying	0.5
4. Water quality	0.67
5. Shade	1
6. Fowl	1
7. Fish	0.67
8. Ponds	0.65
9. Terrestrial habitat	1
10. Macrophytes	0.85
HSI Score	0.60
Suitability Class	Average

Other Protected, Priority or Invasive Species

- 4.3.11 The results of the PEA and desk study are presented together in Table 4.5 below. The species / species groups present or potentially present are presented in order of relevance to this development. Relevant legislation and policy are referred to as appropriate and further details are provided in Section 6.
- 4.3.12 There are no watercourses within the site or within 500m of the site therefore species associated with such habitats such as white-clawed crayfish (*Austropotamobius pallipes*), otter (*Lutra lutra*), water vole (*Arvicola amphibius*), fish and aquatic invertebrates will not be affected by the proposals. As such, they are not discussed further within this report.

Table 4.5: Presence of or potential for protected/notable/invasive species within the site and local area

Species	Protection or Status *	Presence/ potential at the site
Birds	W&CA 1981 Sch1 / Sch5	The desk study returned 4,124 records of 92 bird species, comprising a mix of species typical of urban, arable, wetland and woodland habitats. There are opportunities for foraging and nesting birds within the buildings, trees, and shrubs present on site.
Dormouse (<i>Muscardinus avellanarius</i>)	EPS. SPI. W&CA 1981 Sch5	Two records of dormouse were returned by the desk study. The site does not contain any suitable habitat for dormice to nest or forage. Whilst there is connectivity to the wider landscape there are no large woodland blocks within the immediate landscape where dormouse are likely to be present.
Badger (<i>Meles meles</i>)	Protection of Badgers Act 1992.	The desk study returned 39 records of badger within 2km of the site.

		None of the habitats on site offer any elevated opportunities for sett creation. There are opportunities on site suitable for foraging and commuting within the vegetated garden, with direct connectivity to the wider landscape where there are arable fields with further suitability for this species.
Reptiles	W&CA 1981 Sch5	The desk study returned 12 reptile records within 2km of the site, comprising grass snake (<i>Natrix helvetica</i>), common lizard (<i>Zootoca vivipara</i>), slow-worm (<i>Anguis fragilis</i>) and adder (<i>Vipera berus</i>). There are several hibernacula on site that are suitable for common species of reptile. Similarly, the edges of the tall forbs and unmanaged vegetated areas offer opportunities for basking and hunting reptiles.
Hedgehog (<i>Erinaceous europaeus</i>)	SPI	The desk study returned 13 records of hedgehog within 2km of the site. The areas of grassland on site provide suitable habitat for foraging and commuting hedgehog. Hedgehog are also likely to use the nearby residential gardens and open grasslands in the surrounding landscape.
Brown hare (<i>Lepus europaeus</i>)	SPI	The desk study returned 134 records of brown hare within 2km of the site. There are no suitable habitats for brown hare on the site. The site is surrounded by extensive areas of greenspace and arable land, where there is likely to be optimal habitat for this species. As such, brown hare may use the site for commuting purposes.
Common toad (<i>Bufo bufo</i>)	SPI	The desk study returned 15 records of common toad within 2km of the site. The adjacent gardens may have potential suitability for toads, plus the pond on site and in the neighbouring property's garden increase suitability and make it possible that toad could breed in the on site pond and commute through the site.
Invertebrates	SPIs.	The desk study returned 563 records of 256 protected or notable invertebrate species. There are opportunities for common invertebrates on the site, however the largely common and widespread habitats within the site provide unsuitable habitat for important assemblages of rare and protected species.
Protected plants	W&CA 1981 Sch8	The desk study returned 123 records of protected and notable plant species within 2km of the site. The common and widespread habitats present within the site are largely unsuitable for protected plant species and therefore it is unlikely that they will be present. Further surveys are not considered necessary to have confidence in this assessment.
Invasive species	W&CA 1981 Sch9; IAS Sch4	The desk study returned 11 records of three invasive plant species and 99 records of six invasive faunal species within 2km of the site. No invasive species were identified on site. The site is not considered to provide elevated opportunities to notable

invasive species beyond widespread and well-established ubiquitous invasive species.

* Where:

EPS = European Protected Species under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended)

SPI = Species of Principal Importance under Section 41 of the NERC Act 2006

W&CA 1981 = Wildlife and Countryside Act 1981 (as amended)

IAS = The Invasive Alien Species Regulation (Regulation (EU) 1143/2014)

Sch1 = Schedule 1 Birds which are Protected by Special Penalties (W&CA 1981)

Sch4 = Schedule 4 of the Invasive Alien Species (Enforcement and Permitting) Order 2019

Sch5 = Schedule 5 Animals which are Protected (W&CA 1981)

Sch8 = Schedule 8 Plants which are Protected (W&CA 1981)

Sch9 = Schedule 9 Animals and Plants to which Section 14 Applies (W&CA 1981)

Conclusion

- 4.3.13 The valuation of species importance below is based on set criteria or professional judgement as appropriate within a fixed range of geographic contexts (CIEEM, 2017) as outlined in Appendix 4.
- 4.3.14 The site is considered to provide opportunities for foraging and commuting bats, nesting birds, amphibians, common reptiles, brown hare, badger, hedgehog, and other wild mammals. Establishing the precise value of the site to these species (if present) would require further survey work that is not proportionate or necessary for designing an effective avoidance and mitigation strategy (see Section 5 below). The pond on site may provide opportunities for great crested newt, however as no impacts to the pond are expected doing a full survey effort would be disproportionate.
- 4.3.15 Given the extent, context and quality of the site to the above species, the site is considered likely to be of no more than limited local ecological importance for any of the above in accordance with the categories outlined in Appendix 5.
- 4.3.16 For the remainder of species, the site is considered to be of negligible ecological importance. Regardless, some species may have implications to the proposed development at the site as a result of legislative protection (see Section 7).

5 Potential Impacts and Recommendations

5.1 Designated Sites

- 5.1.1 Natural England defines Impact Risk Zones (IRZs) around SSSI's, SACs, SPAs and Ramsar sites and categories of development for local authorities to determine if they need to consult Natural England in regard to potential impacts upon them.
- 5.1.2 The IRZs for which the site lies within (Wain Wood SSSI and Knebworth Woods SSSI) is not considered to apply to the category of planning application proposed at the site, as the proposal do not include infrastructure (airports, helipads and other aviation proposals) or air pollution (livestock & poultry units with a floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500 tonnes). As such, the potential for impacts on nearby SACs and SSSIs are considered unlikely.
- 5.1.3 Bendish House Area LWS lies within the boundary of the site, which is recorded as 0.0ha. The desk study record of this designated site does not detail descriptions of habitats or species that the site supports. The site was designated in 1997, three years before aerial imagery is available; it is therefore likely that the condition of the site is similar at the point of designation as it is now.
- 5.1.4 The proposed development will result in the loss of the footprint of the house only, with the remainder of the site being retained as a residential garden. The proposed works will include the retention of all trees on site, which are the habitats of highest value within the context of the site. As such, the result of the development is likely not have an overall impact on the reason for designation of the LWS.

5.2 Habitats

Potential Impacts

- 5.2.1 The majority of the trees on site are not expected to be impacted by the proposed works and should be protected during the construction phase.

Recommendation R1: Safeguarding Trees

- 5.2.2 Retained trees within site will be protected during the construction phase in line with standard arboriculturist best practice (BS5837:2012), or as otherwise directed by a suitably qualified arboriculturist to safeguard the root protection areas. These root protection areas must be strictly enforced to prevent further damage to the trees on site.

Recommendation R2: Native Planting

- 5.2.3 Included in the proposals wherever appropriate, biodiversity gain should be maximised, for instance through the usage of Emorsgate Flowering Lawn Mixture EL1 in place of traditional monoculture turfs and native hedges in place of or in addition to fences. New planting to support biodiversity may comprise a mixture of native and formal landscaping species that simultaneously provide resources to local wildlife and remain appropriate to amenity or residential settings. Examples appropriate to formal and garden settings include the usage of native species such as dogwood (*Cornus sanguinea*) and ornamental varieties of known value to wildlife such as plants for pollinators, for example lavender 'Gros Bleu'.

5.3 Bats

- 5.3.1 Increased levels of artificial light can cause disturbance to bats. Though several bat species can take advantage of artificial lighting systems for foraging, feeding off the insects they attract, other species avoid them as foraging within an illuminated area increases the risk of predation by nocturnal birds of prey or even domestic cats. If lighting is intensive and widespread, particularly lighting from lamps, which emit UV light (such as mercury vapour); it can deter some bats from utilising the site and in some instances can act as a barrier across commuting lines. Research has also shown that certain types of artificial lighting have been proven to disturb the emergence patterns of bats when they are placed within the vicinity of entrances to a bat roost.

Recommendation R3: Lighting

- 5.3.2 Any lighting for the development (if required) will need to be designed sensitively in accordance with industry standard guidance (BCT & ILP, 2023) and the following principles will need to be adopted:
- Maintaining dark corridors along the site boundaries;
 - Where lighting is required, ensuring:
 - Light levels are less than 3 Lux;
 - LED luminaires with a warm white spectrum ideally <2700 Kelvin (to avoid blue / UV elements);
 - Bollard or low-level downward directional luminaires are used and mounted on the horizontal (with no upward tilt); and
 - Security lighting, if required, is motion-activated with short (<1 minute) timers.

5.4 Birds

- 5.4.1 The proposals will result in the clearance of vegetation that may be suitable for nesting birds. This would result in a contravention of relevant wildlife legislation if active nests are present. In the absence of mitigation measures, this would be considered to represent an adverse ecological impact of significance within a local context.

Recommendation R4: Safeguarding Nesting Birds

- 5.4.2 Any wild birds' nests are protected whilst in use. If any active wild birds' nests are found prior to the vegetation clearance, or building demolition, then these must be left alone until they cease to be in use. Ideally, works to suitable nesting habitat/features should be scheduled to avoid the bird nesting season (March to August inclusive). Should such works take place during March-August inclusive, they must be immediately preceded by a check for any active nests by a suitably qualified ecologist. Any active nests identified during works (regardless of time of year) would need to be protected and left with a suitable buffer (to be defined by the ecologist) until the nest is no longer active.

5.5 Great Crested Newts and Reptiles

- 5.5.1 The hibernacula piles on site offer suitability to support great crested newts and reptiles, alongside suitable habitat for reptiles and amphibians.

Recommendation R5: Non-Licensed Method Statement

- 5.5.2 A Non-Licensed Method Statement should be produced to ensure any risk to amphibians and reptiles is appropriately mitigated. This will involve the following methods.
- 5.5.3 Any vegetation clearance will be undertaken in a phased manner (cut twice to gradually reduce the height with at least 24 hours in between cuts to allow reptiles to disperse), in the direction of retained habitat. Any removal of hibernacula features (e.g rubble piles) will need to be supervised by a suitably qualified ecologist. **Should a great crested newt be found during clearance all works must cease and a licence may be required to allow further works to proceed.**

5.6 Other Protected and Priority Species

- 5.6.1 Site clearance and construction works could result in the killing / injury of wide-ranging wild mammals which make use of the site. This would be considered an offence as all wild mammals are protected from unnecessary harm (see Section 6).

Recommendation R6: Safeguarding Wildlife

5.6.2 The following measures should be adopted to safeguard wild animals should they enter the site during construction works, and to discourage wild animals from entering the site. This can be achieved by implementing the following standard mitigation measures:

- the creation of temporary brash or log piles within the site should be avoided as these may be adopted by wildlife for shelter;
- any newly discovered mammal entrances within the site should be safeguarded and left *in-situ* until reported to a suitably qualified ecologist, who will advise on appropriate steps if needed for works to resume;
- pipes should be capped off overnight to prevent animals entering and becoming trapped;
- trenches or pits left overnight will be provided with a means of escape for wildlife should any enter such as a collapsed edge or a flat roughened stable plank (no steeper than 45°) acting as a ramp to the surface;
- all trenches and pits will be inspected each morning to ensure no wildlife has become trapped overnight. Should a badger become trapped in a trench it will likely dig itself into the side of the trench. Should a trapped badger be encountered, a suitably qualified ecologist will be contacted immediately for further advice;
- the prolonged storage of uncontained and uncovered topsoil in piles on site will be carefully considered and possibly fenced-off if needed as these are readily adopted by burrowing animals such as foxes (*Vulpes vulpes*) for dens;
- chemicals will be contained in such a way that wild animals cannot access or knock them over;
- fires should be avoided altogether within the site; and
- loose litter and food will not be left in accessible areas of the site overnight

5.7 Ecological Enhancements

5.7.1 In line with the North Hertfordshire District Council Local Plan (see section 6.1), which requires developments to provide enhancements, the following will be included within the design plans.

Recommendation R7: Bat boxes

5.7.2 It is recommended that the inclusion of one integrated bat box (Ibstock Enclosed Bat Box 'C' or similar) is secured as part of the proposed development. This will provide an additional roosting opportunity for bats. The box should be installed at 3-5m height on a southern or western aspect with a clear flight line away from artificial light sources.

Recommendation R8: Bird Boxes

- 5.7.3 It is recommended that inclusion of one integrated bird box (Vivara Pro WoodStone® Build-in Open Nest Box or similar) is secured as part of the proposed development. The box should ideally be incorporated into the design at a minimum height of 3m in a sheltered area with a clear flight path to the entrance.

Recommendation R9: Hedgehog Highway

- 5.7.4 Any fences or walls will include hedgehog friendly gravel boards with holes 13 cm x 13 cm in the base to prevent habitat fragmentation for hedgehog.
- 5.7.5 Once ecological enhancements have been delivered a 'statement of good practice' shall be signed by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

5.8 Biodiversity Statement

- 5.8.1 It has been identified that the proposed planning application is likely exempt from the statutory requirements to deliver a Biodiversity Net Gain (BNG) of 10% under the 'self-build and custom build' exemption.

6 Relevant Legislation and Policy

6.1 Local Planning Policy

North Hertfordshire District Council

- 6.1.1 The site falls under the jurisdiction of North Hertfordshire who have adopted Local Plan 2011-2031, which sets out the planning policies for the area. The following policies are relevant to this site.

Policy SP12: Green infrastructure, landscape and biodiversity

- 6.1.2 We will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. We will:

- a) Protect, identify, manage and where possible enhance a strategic multi-functional network of green infrastructure;
- b) Consider and respect landscape character, scenic beauty and locally sensitive features, particularly in relation to the Chilterns Area of Outstanding Natural Beauty;
- c) Protect, enhance and manage designated sites in accordance with the following hierarchy of designations and features:
 - Internationally designated sites
 - Nationally designated sites
 - Locally designated sites;
 - Non-designated sites that include important habitats and species
- d) Protect, enhance and manage biodiversity networks including wildlife corridors, ancient woodlands and hedgerows, wetland and riverine habitats, Local Geological Sites, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity; and
- e) Protect other open spaces and support provision of new and improved open space.

6.2 Exit from European Union

- 6.2.1 The Conservation of Habitats and Species Regulations 2017 (as amended), referred to as the '2017 Regulations,' are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). Changes to the 2017 Regulations have been made by the Conservation of Habitats and Species (Amendment)

(EU Exit) Regulations 2019 (referred to as the '2019 Regulations') to transfer functions from the European Commission to the appropriate authorities in England and Wales.

- 6.2.2 The amendments prescribed by the 2019 Regulations allow existing protections afforded by current wildlife legislation and transposed EC Council Directives to be operable from 01 January 2021.
- 6.2.3 The 2019 Regulations protect rare and vulnerable birds and the habitats that they depend upon. This is achieved in part through the classification of Special Protection Areas (SPAs). The Habitats Directive aims to protect plants, habitats and animals other than birds. This is achieved in part through the creation of Special Areas of Conservation (SACs). SPAs and SACs are collectively referred to as the 'National Site Network'.
- 6.2.4 Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network, however, all Ramsar sites remain protected in the same way as SACs and SPAs.

6.3 National Planning Policy Framework

- 6.3.1 The National Planning Policy Framework (NPPF) was updated in December 2024 (MHCLG, 2024) thereby replacing the older version of December 2023.
- 6.3.2 In relation to planning for climate change, para 162 states: Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating and drought from rising temperatures. Policies should support appropriate measures to ensure the future health and resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
- 6.3.3 In relation to planning and flood risk, para 182 states 'Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:
 - a) take account of advice from the Lead Local Flood Authority;
 - b) have appropriate proposed minimum operational standards; and

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.'

6.3.4 The new framework sets out in section 15 that planning policies and decisions should contribute to and enhance the natural and local environment by ... (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs (Para 187).

6.3.5 To protect and enhance biodiversity and geodiversity (Para 192), plans should:

- identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

6.3.6 When determining planning applications, local planning authorities should apply the following principles (Para 193):

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should

be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

6.3.7 The following should be given the same protection as habitats sites (Para 194):

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

6.3.8 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site (Para 195).

6.4 European Protected Species

6.4.1 The Conservation of Habitats and Species Regulations 2017 (as amended) transpose the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

6.4.2 “European protected species” (EPS) of animal are those which are shown on Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended). They are subject to the provisions of Regulation 43 of those Regulations. All EPS are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

- a) intentionally or deliberately capture, injure or kill any wild animal included amongst these species;
- b) possess or control any live or dead specimens or any part of, or anything derived from these species;
- c) deliberately disturb wild animals of any such species;
- d) deliberately take or destroy the eggs of such an animal; or
- e) intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place.

6.4.3 For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

- a) to impair their ability—

- i. to survive, to breed or reproduce, or to rear or nurture their young; or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) to affect significantly the local distribution or abundance of the species to which they belong.

6.4.4 Although the law provides strict protection to these species, it also allows this protection to be set aside (derogated) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works. In accordance with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), a licence can only be issued where the following requirements, known as the “Three Tests”, are satisfied:

1. The proposal is necessary ‘to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’
2. ‘There is no satisfactory alternative’

6.4.5 The proposals ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

6.5 Bats

6.5.1 Bats and their roost sites are protected by UK legislation.

6.5.2 The Wildlife and Countryside Act (1981) (as amended) makes it an offence to:

- Intentionally kill, injure or take a bat;
- Possess or control any live or dead specimen or anything derived from a bat;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat; and
- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for that purpose.

6.5.3 Additionally, The Conservation of Habitats and Species Regulations 2017 (as amended) make it an offence to:

- Deliberately capture or kill a bat;
- Deliberately disturb a bat;
- Damage or destroy a breeding site or a resting place of a bat; and

- Keep, transport, sell or exchange or offer for sale or exchange a live or dead bat or any part of a bat.

6.6 Birds

- 6.6.1 All nesting wild birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.
- 6.6.2 The Conservation of Habitats and Species Regulations 2017 (as amended) places duties on competent authorities (including Local Authorities and National Park Authorities) in relation to wild bird habitat. These provisions relate back to Articles 1, 2 and 3 of the EC Directive on the conservation of wild birds (2009/147/EC, 'Birds Directive') (Regulation 10 (3)) requires that the objective is the 'preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive...' Regulation 10 (7) states: 'In considering which measures may be appropriate for the purpose of security or contributing to the objective in [Regulation 10 (3)] Paragraph 3, appropriate account must be taken of economic and recreational requirements'.
- 6.6.3 In relation to the duties placed on competent authorities under the 2017 Regulations (as amended), Regulation 10 (8) states: 'So far as lies within their powers, a competent authority in exercising any function [including in relation to town and country planning] in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds (except habitats beyond the outer limits of the area to which the new Wild Birds Directive applies).'

6.7 Badgers

- 6.7.1 Badger is protected under the Protection of Badgers Act 1992. It is not permitted to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as "a structure or place, which displays signs indicating current use by a badger".

6.7.2 ODPM Circular 06/2005 (ODPM, 2005) provides further guidance on statutory obligations towards badger within the planning system. Of particular note is paragraph 124, which states that “The likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.”

6.7.3 Natural England provides Standing Advice (Gov.uk, 2015), which is capable of being a material consideration in planning decisions. Natural England recommends mitigation to avoid impacts on badger setts, which includes maintaining or creating new foraging areas and maintaining or creating access (commuting routes) between setts and foraging/watering areas.

6.8 Wild Mammals

6.8.1 The Wild Mammals (Protection) Act 1996 (as amended) makes provision for the protection of wild mammals from certain cruel acts, making it an offence for any person to intentionally cause suffering to any wild mammal. In the context of development sites, for example, this may apply to rabbits in their burrows.

6.9 Reptiles

6.9.1 All native reptile species receive legal protection in Great Britain under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Viviparous lizard, slow-worm, grass snake and adder are protected against killing, injuring and unlicensed trade only. Sand lizard and smooth snake receive additional protection as “European Protected Species” under the provisions of The Conservation of Habitats and Species Regulations 2017 (as amended) and are fully protected under the Wildlife and Countryside Act 1981 (as amended).

6.9.2 All six native species of reptile are included as ‘species of principal importance’ for the purpose of conserving biodiversity under Section 41 (England) of the NERC Act 2006 and Section 7 of the Environment (Wales) Act 2016.

6.9.3 Current Natural England Guidelines for Developers states that ‘where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.’ Further the guidance states: ‘Normally prohibited activities may not be illegal if ‘the act was the incidental result of a lawful operation and could not reasonably have been avoided’. Natural England ‘would expect reasonable avoidance to include measures such as altering development layouts to avoid key areas, as well as capture and exclusion of reptiles.’

- 6.9.4 The Natural England Guidelines for Developers state that 'planning must incorporate two aims where reptiles are present:
- To protect reptiles from any harm that might arise during development work;
- 6.9.5 To ensure that sufficient quality, quantity and connectivity of habitat is provided to accommodate the reptile population, either on-site or at an alternative site, with no net loss of local reptile conservation status.'

7 References

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Appendix 1 - Photographs

Photograph 1: B1a, open pitch, timber workshop with open vented windows



Photograph 2: Building B1b - timber workshop extension against timber wall of building B1a with broken window, metal roof and some insulation



Photograph 3: B1a & B1b external with birdbox on northwest elevation



Photograph 4: PR11 - bare ground under lean-to at southeast end of B1a



Photograph 5: B2 - storage shed



Photograph 6: B3 - old chicken shed - storage



Photograph 7: B4 - timber walled, metal roofed chicken coop



Photograph 8: B5 - metal pigsty structure



Photograph 9: B6 - tractor storage shed; timber construction with some insulative blocks



Photograph 10: Pond P1 in parcel PR1 (modified grassland)



Photograph 11: Group of trees (G5)



Photograph 12: Parcel PR5 - unfinished glasshouse (brick base and supports, no walls)



Photograph 13: PR6 - bare ground, shrubs and felled tree by southern greenhouse



Photograph 14: PR7 - grassland with scattered trees and burn pile (TN1). Woodland (PR8) in distance



Photograph 15: PR4 - vegetable beds and grassland (PR3) in distance



Photograph 16: Introduced shrub (PR13)



Photograph 17: PR9 - modified grassland with trees and groups of trees in west of site



Photograph 18: Southern greenhouse, B5 & B6



Photograph 19: PR10 - verge and edge of woodland (PR8)



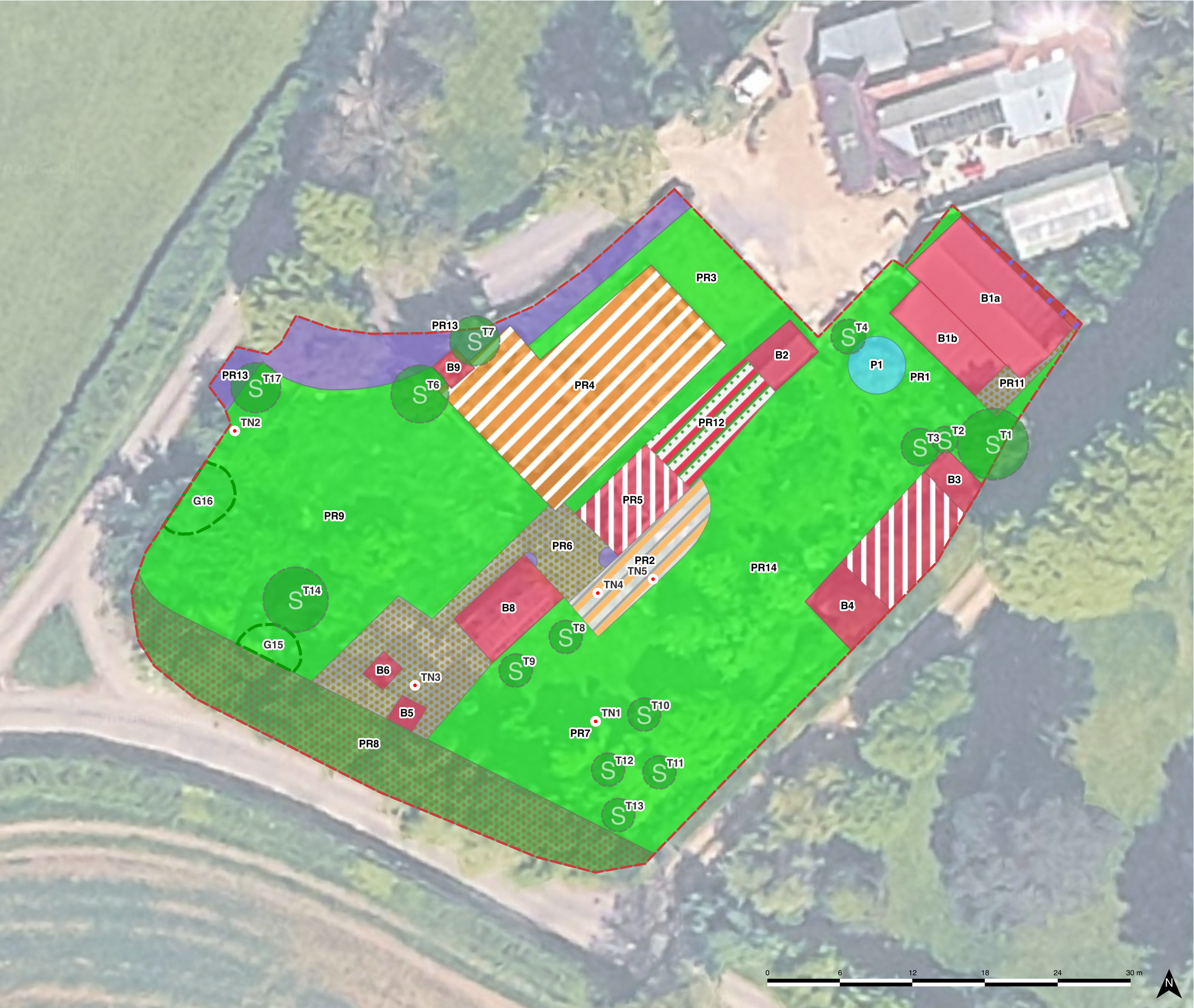
Photograph 20: Parcel PR8 woodland



Appendix 2 - Figures

Next page:

- Figure 1: Habitat Map



LEGEND

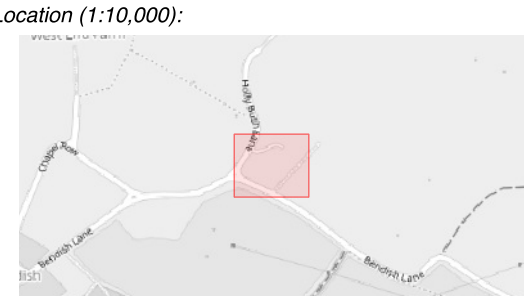
Site boundary (0.26 ha)

Habitats

- Allotments (0.022 ha)
- Bare ground (0.0141 ha)
- Vegetated garden (0.0048 ha)
- Bramble scrub (0.0007 ha)
- Developed land; sealed surface (0.0098 ha)
- Buildings (0.0229 ha)
- Introduced shrub (0.0119 ha)
- Modified grassland (0.1447 ha)
- Other woodland; broadleaved (0.0234 ha)
- Ponds (non-priority habitat) (0.0018 ha)
- Tall forbs (0.0052 ha)

Trees

- Urban tree, small (14 trees)
- Group of trees



Project:
Land at Bendish Stables, Hitchen

Client:
Weldon Beesly

Drawing Title:
Habitat Map

Drawing No.:	Scale (@A3):
EBD_5387_DR001	1:300
Central Eastings, Northings:	Date Drawn:
516758, 221672	30/04/2026
Drawn by:	Approved by:
JE	BG

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Hampden House, Monument Park,
Chalgrove, Oxon,
OX44 7RW

t: 01865 893346
e: hello@ecologybydesign.co.uk
w: www.ecologybydesign.co.uk

Appendix 3 - Definitions of the Geographic Context of Habitat Importance

Geographic Context of Importance	Examples
International value	Ramsar Sites, Special Protection Areas, Biosphere Reserves, Special Areas of Conservation. Sites supporting populations of internationally important species.
National value	SSSIs or non-designated Sites meeting SSSI selection criteria, NNRs, Marine Nature Reserves, NCR Grade 1 Sites. Sites containing viable areas of key habitats identified in the UK Biodiversity Action Plan.
Regional value	Sites containing viable areas of threatened habitats listed in a Regional BAP (or some Natural Areas), comfortably exceeding SINC criteria, but not exceeding SSSI criteria.
County / Metropolitan	Sites meeting the criteria for county or metropolitan designation (SINC, CWS, etc.). Ancient semi-natural woodland, LNRs or viable areas of key habitat types listed in county BAPs/Natural Areas.
District / Borough	Undesignated Sites or features considered to appreciably enrich the habitat resource in the District or Borough.
Local i.e., Parish / Neighbourhood	Undesignated Sites or features which appreciably enrich the habitat resource within the Parish or Neighbourhood.
Negligible value	Low grade and widespread habitats.

Appendix 4 - Definitions of the Geographic Context of Species Importance

Geographic Context of Importance	Examples
International	Any regularly occurring population of an internationally important species, which is threatened or rare in the UK. i.e. it is a UK Red Data Book species or listed as occurring in 15 or fewer 10km squares in the UK (categories 1 and 2 in the UK BAP) or of uncertain conservation status or of global conservation concern in the UK BAP. A regularly occurring, nationally significant population/number of any internationally important species.
National	Any regularly occurring population of a nationally important species which is threatened or rare in the region or county (see local BAP). A regularly occurring, regionally or county significant population/number of any nationally important species.
Regional	Any regularly occurring, locally significant population of a species listed as being nationally scarce which occurs in 16-100 10km squares in the UK or in a Regional BAP or relevant Natural Area on account of its regional rarity or localisation; A regularly occurring, locally significant number of a regionally important species.
County/ Metropolitan	Any regularly occurring, locally significant population of a species which is listed in a County/Metropolitan “red data book” or BAP on account of its regional rarity or localisation; A regularly occurring, locally significant number of a County/Metropolitan important species.
District / Borough	A population of a species that is listed in a District/Borough BAP because of its rarity in the locality or in the relevant Natural Area profile because of its regional rarity or localisation; A regularly occurring, locally significant number of a District / Borough important species during a critical phase of its life cycle.
Local i.e., Parish / Neighbourhood	Species that are not threatened but are valued at a local level on intrinsic appeal.
Negligible	Common or widespread species.

Appendix 5 - Proposed Enhancements

Products	Description
	Woodstone built-in open nest box A general box that can be built into the walls to enable birds such as Robin, wagtails and redstarts to nest. http://www.nhbs.com/title/200428/woodstone-build-in-open-nest-box
	Ibstock Enclosed Bat Box C Available in a range of colours to broadly match a range of external finishes. This box is ideal for pipistrelle bats and creates a discrete but attractive place for them. Several roosting zones are present internally and the box is accessed from the base meaning that it is self-cleaning. https://www.nhbs.com/ibstock-enclosed-bat-box-c
	Hedgehog gravel boards A gravel board for use with slotted posts to allow hedgehogs free passage between gardens. Holes 13cm x 13cm could be installed at the base of any gravel board. https://www.jacksons-fencing.co.uk/product/sc_667610/hedgehog-gravel-board-for-use-with-slotted-posts-1.83m-x-150-x-28mm-incl.1-x-end-packer-1-x-length-packer-jakcured
	Hedgehog Highways Hedgehog highways are formed by a series of ground-level holes in boundary fences. The holes must be 150 mm x 150 mm and marked on both sides by either a sign (see left and link below) or a spray-painted stencil labelling them as: “Hedgehog Highway Please keep this hole open”. https://www.arkwildlife.co.uk/product/hedgehog-highway-sign/