



Anne McDonald
North Herts Council
PO Box 10613
Nottingham
NG6 6DW

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CONTAINS SENSITIVE INFORMATION

By email only: Planning Department, planning.control@north-herts.gov.uk

Thank you for requesting advice on this full application from Place Services' ecological advice service. This service provides advice to planning officers to inform North Herts Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: 25/02547/FP
Location: Land To The South And East Of Senuna Park Station Road
Ashwell
Proposal: Residential development of 36 no. dwellings including creation
of vehicular access off Station Road, associated parking,
drainage, amenity space and landscaping.

Thank you for re-consulting Place Services on the above full application.

No ecological objection	☐
No ecological objection subject to attached conditions	☐ y
Further information required/Temporary holding objection on	☐
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the submitted documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain. These are

- Preliminary Ecological Appraisal and Ground Level Tree Assessment Report v003 (aLyne Ecology, October 2025)
- Unredacted Ecological Impact Assessment Report (aLyne, November 2025)
- Design and Access Statement (Barnes Walker Ltd, Nov 2025)

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

- BNG Design Stage Report V005 (aLyne Ecology, December 2025)
- Statutory Biodiversity Metric Calculation Tool V005 (completed Charlie Gardiner on 1 December 2025)

We are now satisfied that there is sufficient ecological and BNG information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in section 5.6 of the Ecological Impact Assessment Report (aLyne, November 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

Bats

We note the results of the Bat activity surveys, comprising deployment of static bat detectors and Night-time Bat Walkovers (NBW) in the EclA (aLyne, Nov 2025). We agree that foraging/commuting bats have been assessed as important at 'Local' context because mainly common species of bats were recorded, which are likely to be abundant in the local landscape and have potential to be significantly impacted in the absence of mitigation. Foraging and commuting bats have been scoped into and, we support the recommendations measures for avoidance, mitigation and habitat enhancement in Section 9.1 of the EclA. These include a sensitive lighting plan and compensation for loss of hedgerows and woodland within the most updated development layout scheme by planting on-site, (Appendix 5 - Barnes Walker, 2025) which should be secured by a condition of any consent.

Hazel Dormouse

We also note the results of the Hazel dormouse presence/absence (seven visits), comprising deployment of footprint tunnels, nut searches and natural nest searches. As Hazel dormice, or signs of hazel dormice were not identified during the surveys, we agree that it can be reasonably concluded that hazel dormice are likely-absent from the site. This

European Protected Species was scoped out of the EclA measures for avoidance and mitigation are therefore not required. We support the habitat enhancements that would benefit Hazel dormice in Section 9.3 of the EclA and recommend that these are secured by a condition of any consent.

Mandatory Biodiversity Net Gains:

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted BNG Design Stage Report V005 (aLyne Ecology, December 2025) including the baseline habitat map and condition assessment sheets and also Statutory Biodiversity Metric Calculation Tool V005 (completed Charlie Gardiner on 1 December 2025).

We welcome the clarification from the applicant's team that the BNG report provided the accurate measurement of the habitat areas on site (and the application form is incorrect).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is suggested that this includes the following habitats:

- Other neutral grassland
- Other woodland; broadleaved
- Other woodland; mixed
- Species-rich native hedgerow with trees
- Urban tree

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We are generally satisfied that the post-intervention values are realistic and deliverable.

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal and Ground Level Tree Assessment Report v003 (aLyne Ecology, October 2025) and BNG Design Stage Report V005 (aLyne Ecology, December 2025) although we strongly recommend that bat boxes are integrated into the buildings. These enhancements should be secured to deliver net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024) and Policy NE4: Biodiversity and Geological Sites North Hertfordshire Local Plan 2011-2031. Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be provided within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

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Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**
"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Report (aLyne, November

2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. **PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of precautionary working method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

3. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Ground Level Tree Assessment v003 (aLyne Ecology Ltd., October 2025) and BNG Design Stage Report V005 (aLyne Ecology, December

2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024, s40 of the NERC Act 2006 (as amended) and Policy NE4: Biodiversity and Geological Sites North Hertfordshire Local Plan 2011-2031.

4. **PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

"Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where internal and external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All internal and external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Optional condition:

Management and monitoring for significant on-site enhancements should be secured by planning obligation (either at application stage or the Biodiversity Gain Condition), to allow

aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

1. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)

A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered,

managed, and monitored for a period of at least 30 years from completion of development.

Biodiversity Gain condition

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

“Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Herts Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

Please contact us if you have any queries in relation to this advice.

Sue Hooton CEnv MCIEEM BSc (Hons)
Principal Ecological Consultant

Place Services at Essex County Council



Place Services provide ecological advice on behalf of North Herts Council.

Please note:

- *This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.*
- *We are unable to respond directly to applicants/agents or other interested parties.*
- *Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.*