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NATURAL PROGRESSION

Land at Stevenage Road, Hitchin, Hertfordshire

Preliminary Ecological Appraisal Report

December 2025

Land at Stevenage Road, Hitchin, Hertfordshire

Preliminary Ecological Appraisal Report

Client:	Bugler Homes Limited	
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Abbreviations

CEZ	Construction Exclusion Zone
CHS	Conservation of Habitats and Species Regulations 2017 (as amended)
EPS	European Protected Species
GCN	Great crested newt
HERC	Hertfordshire Environmental Records Centre
HPI	Habitat of Principal Importance
LNR	Local Nature Reserve
LWS	Local Wildlife Site
NERC	Natural Environment and Rural Communities Act 2006
NPPF	National Planning Policy Framework
PEA	Preliminary Ecological Appraisal
PRF	Potential (bat) Roost Feature
TN	Target Note
UKHab	UK Habitat Classification
WCA	Wildlife & Countryside Act 1981 (as amended)

0 Executive Summary

0.1 Introduction

- 0.1.1 A Preliminary Ecological Appraisal was undertaken for the site of a proposed residential development at Land at Stevenage Road, Hitchin, Hertfordshire. The report was prepared to establish the site's suitability for development, inform the design process for the proposal, record the ecological baseline and identify key ecological features within and around the Application Site.

0.2 Results

- 0.2.1 There is one nationally designated wildlife site within the desk study search area, a Local Nature Reserve. Additionally, there are four non-statutory Local Wildlife Sites. There are no internationally designated sites. There are records of a range of protected or notable species in the locality, including amphibians, birds, invertebrates, terrestrial mammals, flowering plants and terrestrial reptiles, together with one Priority Habitats: Deciduous Woodland.
- 0.2.2 The survey area lies between the towns of Stevenage and Hitchin, in the North Hertfordshire District of Hertfordshire. The survey area comprises c.3.98ha of undeveloped land, currently dominated by a large hay meadow of modified grassland, with boundary hedgerows. Ash Brook runs adjacent to the eastern boundary. The local landscape to the north-east and south-west is dominated by arable land and pasture with a network of interconnecting hedgerows and drainage ditches. The town of Hitchin lies to the south-east and Stevenage to the north-west. Two ponds lie within 500m of the survey area.

0.3 Evaluation

- 0.3.1 Table 0.1 presents a summary of ecological constraints and opportunities identified within the survey area.

Table 0.1: Summary of ecological constraints and opportunities

Feature	Detail
<u>Constraints:</u>	
Designated sites	None of the statutory or non-statutory wildlife sites within the desk-study search zone are likely to be affected by the Proposed Development, considering the size and scale of the proposal and its distance from the designated sites; the closest designation is Purwell Railway LWS (c.600m north).
Priority Habitats	H1 to H3 within the survey area are Priority Habitats and suitable for a range of protected species. It is currently anticipated that the hedgerows will be retained and protected during construction.

Feature	Detail
Other habitats	The Proposed Development would result in permanent losses of up to c.3.87ha of modified grassland, depending on the extent and layout of proposals. This habitat is of relatively low ecological value and of negligible importance but is suitable for a number of protected species.
Birds (nesting)	Possible permanent loss of nesting habitats (hedgerow management).
Badger	Possible permanent loss of suitable habitats for foraging and sett excavation (grassland).
Bats (foraging / commuting)	Direct and indirect effects on moderate suitability habitats (hedgerow, Ash Brook) for foraging and commuting bats, including through increases in artificial light.
Water vole and otter	Possible encroachment and damage to suitable water vole and otter habitat (Ash Brook).
Reptiles	Possible permanent losses of suitable habitats (tall grassland field boundaries).
Brown hare / hedgehog	Possible loss of suitable foraging habitat (grassland)
<u>Opportunities:</u>	
Priority Habitats	The hedgerow Priority Habitats within the survey area are of high intrinsic value and can provide a focus for ecological enhancement measures.
Habitat creation	Habitat creation and enhancement opportunities include wildflower buffer planting, hedgerow creation, pond creation, habitat piles and bird / bat boxes.

0.4 Recommendations

- 0.4.1 Recommendations are made for further protected species surveys, together with preliminary recommendations for the protection of important ecological features to avoid or mitigate ecological impacts, and to enhance the ecology of the survey area post-construction; these are summarised in Table 0.2. It is intended that these recommendations should be considered during future changes to the design of development proposals so that protection of important ecological features is secured and opportunities for ecological enhancement are realised. The recommendations should be reviewed following the completion of further ecological surveys.

Table 0.2: Summary of recommendations

#	Summary of recommendations
Protected species surveys	
R1	Presence / absence surveys for reptiles, undertaken between April and September.
Precautionary measures	
R2	Removal of nesting bird habitats will be undertaken outside of the bird nesting season, which runs from 1 March to 31 August. It will therefore be carried out between September and February but should be planned and implemented in accordance with the findings of the further ecological surveys recommended above.

#	Summary of recommendations
R3	Badger's use of the landscape is dynamic and can change rapidly. A repeat badger survey should be undertaken prior to commencement of development works in order to determine if any new badger setts have established within the survey area. The survey area should include the construction zone plus a 30m buffer to ensure that disturbance to badgers occupying a sett does not occur during the works.
R4	Negative impacts on otter and water vole will be avoided by establishing a 10m exclusion zone around Ash Brook within which construction activity is prohibited.
Ecological protection measures	
R5	The Hedgerow Priority Habitats within the survey area are of intrinsic ecological value and provide habitats suitable for a range of protected species, including amphibians, nesting birds, invertebrates, bats and reptiles. These features will be retained and protected during construction and will also provide a focus for ecological enhancement measures.
R6	Standard site procedures to prevent impacts on trees will be adhered to during construction.
R7	Construction works (including demolition, ground works and vegetation clearance) will be carried out in accordance with a Construction Environmental Management Plan.
R8	Standard site procedures to prevent impacts on nearby aquatic environments will be adhered to during construction.
R9	The use of external lighting will be avoided or minimised to prevent impacts to nocturnal species such as bats. Lighting will not be directed towards the boundary hedgerows or adjacent Ash Brook.
R10	Small access gaps will be provisioned at the base of new fence boundaries to enable continued dispersal of small mammals across the site.
R11	At the end of each working day excavations will be covered over and open pipework capped to prevent entrapment of mammals, amphibians and other fauna.
R12	Destruction of fox dens or rabbit warrens will be undertaken in accordance with the Mammals Act 1996 by a registered pest control company.
Ecological enhancement	
R13	Buffers of less intensively managed vegetation (e.g. coarse grasses and wildflowers) will be created within soft landscaped areas to maintain/enhance ecological connectivity.
R14	Hedgerow creation will use a range of native fruit, seed, nut and nectar-bearing shrub species appropriate to the location.
R15	New wetland habitat will be created within the Proposed Development as part of the drainage strategy and to increase aquatic habitat availability.
R16	The landscaping plans for the survey area will utilise plant species which encourage bats by providing additional food sources or roosting opportunities.
R17	Habitat piles for amphibians, invertebrates and reptiles will be created at the edges of the survey area close to retained hedgerows and other newly created habitats.
R18	The value of the survey area for birds will be enhanced by installing a range of artificial nest boxes onto new buildings and retained trees.
R19	The value of the survey area for bats will be enhanced by installing a range of artificial roost boxes onto new buildings and retained trees.

0.5 Conclusions

- 0.5.1 The majority of the survey area is of low ecological value. Significant constraints to the Proposed Development were identified including Priority Habitats, adjacent watercourses and the potential presence of nesting birds, badger, foraging and commuting bats, water vole, otter, reptiles, brown hare and hedgehog. Further reptile surveys and impact assessment are required to determine the value of the site for these species and to formulate a suitable mitigation strategy. For the remaining constraints, proportionate and effective mitigation is available to protect against the risk of impacts.

1 Introduction

1.1 Purpose of this Report

- 1.1.1 This report presents a Preliminary Ecological Appraisal (PEA) for the site of a proposed residential development at Land at Stevenage Road, Hitchin, Hertfordshire (Grid Reference: TL 20162 27939). The report has been prepared to establish the site's suitability for development, inform the design process for the proposal, record the ecological baseline and identify key ecological features within and around the Application Site.

1.2 Objectives and Approach of the Study

- 1.2.1 The objectives of the PEA were to:
- ▶ Identify features present on or adjacent to the Application Site which are ecologically significant and which may act as constraints or opportunities to the Proposed Development;
 - ▶ Consider the need for further ecological surveys which may be necessary; and
 - ▶ Make preliminary recommendations for the protection of important ecological features, to avoid or mitigate ecological impacts, and to enhance the Application Site for wildlife following construction.
- 1.2.2 The approach to establishing the ecological baseline found within this report has been achieved through:
- ▶ A desk study involving a review of statutory and non-statutory nature conservation sites, and records of habitats and species from the local area;
 - ▶ An extended UK Habitat Classification (UKHab) survey identifying the main habitats on and adjacent to the Application Site, and the presence of, or potential for, protected and/or notable species; and
 - ▶ A PEA of the effects of development proposals with respect to the nature conservation value of the site.

1.3 Survey Area

- 1.3.1 The Application Site boundary (3.87ha) is smaller than the overall survey area, set back from Ash Brook.
- 1.3.2 The survey area lies between the towns of Stevenage and Hitchin, in the North Hertfordshire District of Hertfordshire. The survey area comprises c.3.98ha of undeveloped land, currently dominated by a large hay meadow of modified grassland, with boundary hedgerows. Ash Brook runs adjacent to the eastern boundary.

- 1.3.3 The survey area is bound to the north by mature hedgerow and agricultural land, to the east by mature hedgerow, Ash Brook and horse paddocks, to the south by the A602 Stevenage Road and to the west by Kingshott School. The extent of the survey area is outlined in red on Figure 1.1.
- 1.3.4 The local landscape to the north-east and south-west is dominated by arable land and pasture with a network of interconnecting hedgerows and drainage ditches. The town of Hitchin lies to the south-east and Stevenage to the north-west. Two ponds lie within 500m of the survey area.

1.4 Proposed Construction Activities

- 1.4.1 The survey area was surveyed in order to assess its suitability for development. The proposals would include the erection of 50no. residential dwellings (including affordable housing), new public open space, associated parking, landscaping and access. Figure 1.2 shows the proposed site layout.

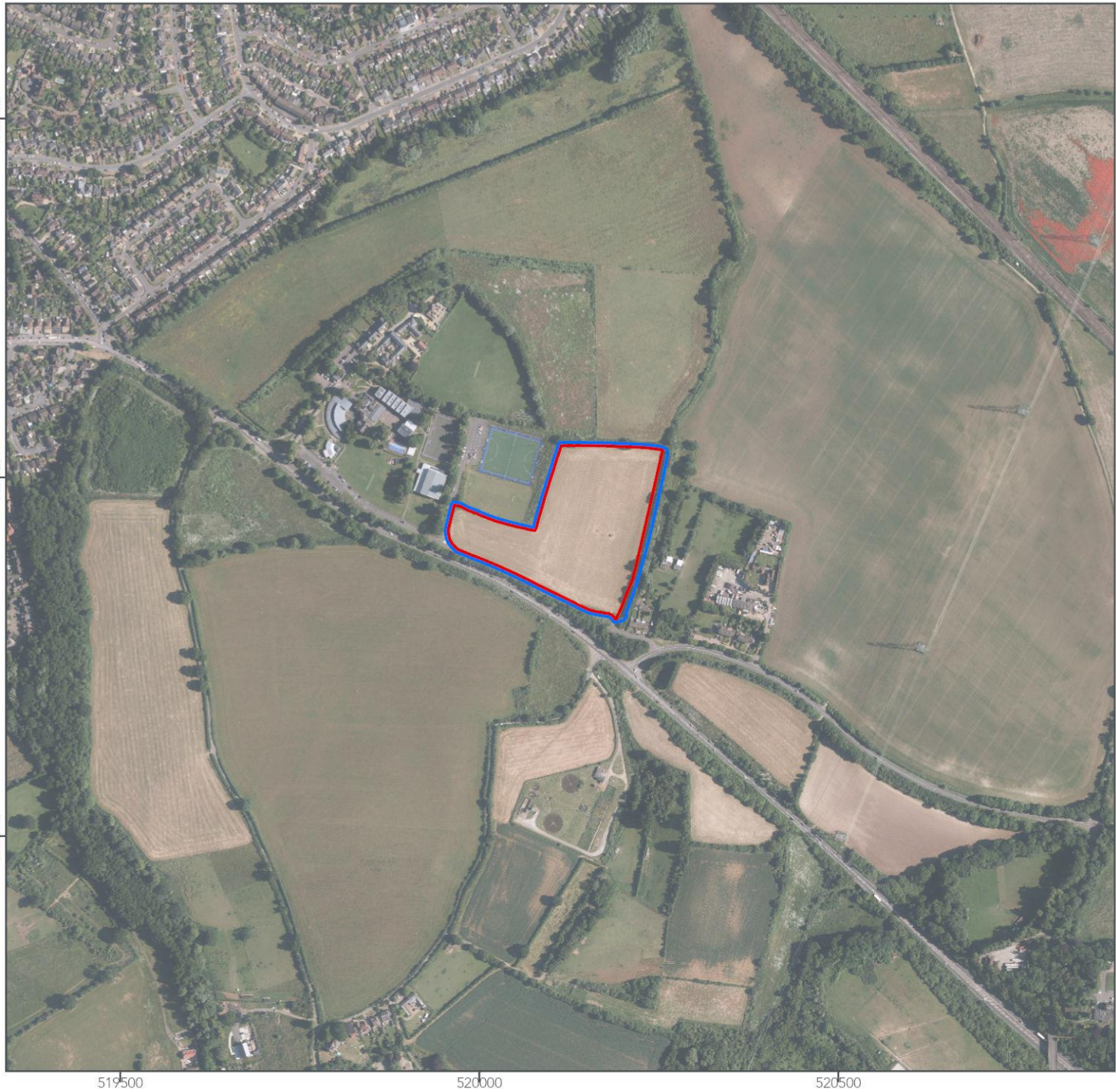
Stevenage Road, Hitchin, Hertfordshire

-  Survey area
-  Application site



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Scale (at A4): 1:8,000 Created by: MT
Date: Nov 2025 Reviewed by: NP
Drawing number:
UE0681ECO-StevenageRoad: Site location: 251113



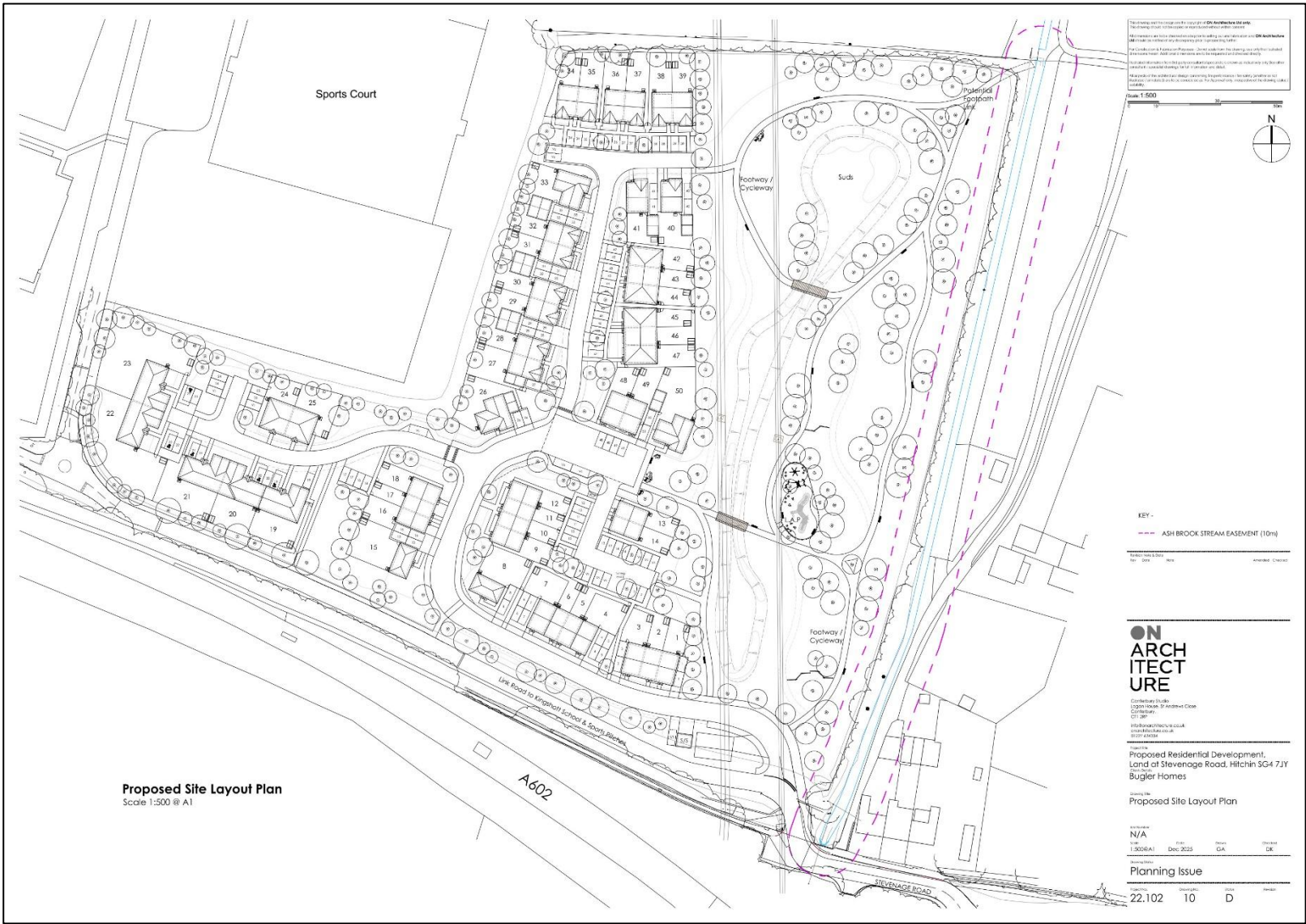


Figure 1.2: Proposed site layout

2 Survey Methodology

2.1 Desk Study

2.1.1 A desk-based study was undertaken to examine published information and biological records from within the search area (survey area centroid plus 2km). This was extended to 5km for internationally designated sites. The desk study established the presence of designated sites of nature conservation interest, or records of protected / notable habitats / species within the Application Site and its surrounding area. This information was collected from the following sources:

- ▶ The 'MAGIC' (Multi-agency Geographic Information for the Countryside) website: www.magic.gov.uk; and
- ▶ Hertfordshire Environmental Records Centre (HERC).

2.2 Preliminary Ecological Appraisal

2.2.1 The PEA (compliant to British Standard BS42020:2013) is based on a survey of the site undertaken on 15 July 2024 by an experienced ecologist. Weather conditions were warm (c.19°C), with light air (Beaufort Scale 1), 90% cloud cover and no precipitation.

2.2.2 An update survey was undertaken on the 14 October 2025 by an experienced ecologist. Weather conditions during the survey were mild (12°C) with a light breeze (Beaufort Scale 2), 100% cloud cover and no precipitation.

2.2.3 Within the survey area every parcel of land was classified, recorded and mapped using standard colour codes, in accordance with the habitat types specified within the methodology for UKHab survey (UKHab Ltd, 2023). This allows rapid visual assessment of the extent and distribution of different habitat types. The UKHab System comprises a five-level Primary Habitat Hierarchy and a list of Secondary Codes. Each recorded habitat parcel is allocated a single Primary Habitat Code. Secondary Codes are associated with habitat parcels, where it is relevant to the whole parcel. UKHab guidance recommends that secondary codes are added to habitat parcels to:

- ▶ confirm the identity of habitat mosaic and complexes,
- ▶ add information about habitat origin and modifications; and
- ▶ add information on environmental context, management and land use in a consistent manner.

2.2.4 The divergence from this methodology is in relation to individual trees, whereby these features are recorded and mapped separately from the baseline habitat that they sit within.

2.2.5 No Minimum Mapping Unit has been applied to the survey area and professional judgement has been used to define notable habitat parcels. Target notes were used to provide supplementary

information on features which are of particular interest, significant to specific construction proposals, too small to map or to provide additional details, for example relating to species composition and structure.

2.2.6 Target notes (TN) were used to provide supplementary information on features which are of particular interest, significant to specific construction proposals, too small to map or to provide additional details, for example relating to species composition and structure.

2.2.7 This basic methodology was extended to provide more detail in relation to habitats with potential to support rare or protected fauna, as described by the Chartered Institute of Ecology and Environmental Management's *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017b). The assessment of habitat suitability for protected, rare or priority species is based on current good practice guidance such as that presented in the *Herpetofauna Workers' Manual* (Gent and Gibson, 2003) and *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins (ed.), 2023). Where a species/group is not specifically evaluated, this indicates that no habitat of potential value for the species was identified during the survey.

Scope of the survey

2.2.8 The buffer zone for the desk study was set at 2km from the centre of the survey area (5km for international sites) – a distance within which any notable ecological features likely to be affected by the Proposed Development would be identified.

2.2.9 All habitats within the survey area as indicated on Figure 1.1 were included in order to identify any ecological constraints that would be likely to apply to the scheme from within this zone. Adjacent habitats were also surveyed where appropriate in order to identify constraints falling outside of the Application Site and to place the survey area in its ecological context.

Evaluation criteria

2.2.10 Important ecological features were evaluated to the extent possible under the survey methods used, and in relation to a geographical frame of reference, i.e. international/European value being most important, then national, regional, metropolitan/county/district/borough, and lastly local (based on CIEEM, 2018).

2.2.11 Value judgements are based on various characteristics that contribute to the importance of ecological features. These include site designations (such as Sites of Special Scientific Interest, or for undesignated features, the extent, naturalness, conservation status (local or national importance and so on), and quality of the ecological resource. Quality can refer to habitats (for instance if they are particularly diverse, are a good example of a specific habitat type, or provide for the requirements of important species or assemblages), other features (such as connectivity provided by wildlife corridors or mosaics of habitats) or the richness and abundance of species populations or assemblages.

2.3 Hedgerow Regulations Survey

2.3.1 If a hedgerow is classified as important under the Hedgerow Regulations 1997, local planning authorities are able to prevent its removal. To be classified as important, the hedgerow should be over 30 years old and should comprise one of the following:

- ▶ At least 7 woody species / 30m;
- ▶ At least 6 woody species / 30m and at least 3 features such as; an associated ditch, bank or wall, standard trees, parallel hedge, or connections to woodland or pond;
- ▶ At least 6 woody species / 30m and including any one of black poplar *Populus nigra*, wild service tree *Sorbus torminalis*, small-leaved lime *Tilia cordata*, large-leaved lime *Tilia platyphyllos*;
- ▶ At least 5 woody species and at least 4 associated features; and
- ▶ If adjacent to a bridleway or footpath, at least 4 woody species and at least 2 features.

2.3.2 The Hedgerow Regulations do not apply to hedgerows which form the curtilage of residential properties or gardens. It should also be noted that hedgerows may qualify as important for historic or archaeological reasons and this report only assesses them according to the ecological criteria set out in the Hedgerow Regulations (HMSO, 1997).

2.4 Daytime Bat Walkover

2.4.1 Trees within / adjacent to the survey area were subject to an inspection for potential bat roost features (subject to safe access). All observable features potentially suitable for bats were noted and the overall suitability of the tree for roosting bats was classified with reference to Table 2.1.

Ground Level Tree Assessment

2.4.2 Trees were assessed from ground level for PRFs such as woodpecker holes, cavities, cracks or splits in major limbs (e.g. hazard beams, rot holes, frost cracks, knot holes, occlusions, flush cuts, tear-outs, cankers or butt-rots), loose platey bark, aerial deadwood and dense ivy or epicormic growth.

Table 2.1: Potential suitability of trees for roosting bats (after Collins, J (ed), 2023)

Suitability	Roosting habitats
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 at all ground / underground levels).
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
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.
PRF-M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.

- 2.4.3 The surveys were carried out with the aid of the following equipment: high-powered searchlight fitted with a red filter to search dark areas for signs of bats; close-focusing binoculars to view areas inaccessible on foot; high powered search light; and digital camera with flash to record any evidence of bats or features suitable for use by bats.

2.5 Limitations

- 2.5.1 Biological records gathered during the desk study can provide an indication of the likely presence of a species on or adjacent to a site, however, the absence of records for protected species does not equate to evidence of their absence from the locality. Data search accuracy is variable and records are often georeferenced to the nearest 1km grid square.
- 2.5.2 Time of year when the survey was carried out and other variations will influence the results of the survey. Botanical species vary considerably in their flowering, seeding and fruiting periods, and surveys outside of these periods can confound accurate species identification. Where this is the case plants have been identified to lowest possible taxonomic group, normally genus. The possibility nonetheless exists for other species to be present within the survey area which were not recorded or otherwise indicated by the survey. Ornamental species are not included in botanical listings.
- 2.5.3 The surveys reported herein was carried out in mid-summer and autumn, during the flowering period for many botanical species, and the timing of the survey is not considered to be a significant limitation to meeting the objectives of the survey.
- 2.5.4 There were no difficulties in gaining access to habitats within the survey area and assess protected species suitability. However, the adjacent horse paddocks to the east and school to the west could not be surveyed for signs of species such as badger due to access restrictions.
- 2.5.5 This report aims to provide general advice on the ecological constraints associated with development proposals for the survey area and includes recommendations for further survey where appropriate. Where impacts are likely or further ecological surveys are recommended, a more detailed Ecological Impact Assessment (EclA) of the effects of the Proposed Development should be carried out based on the results of recommended surveys. The EclA will include detailed advice on ecological avoidance, mitigation, enhancement and/or compensation measures. This is in line with the latest guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017a, 2017b, 2018).
- 2.5.6 The details of this report will remain valid for a period of 18 months from the date of the survey (October 2025), after which the validity of this assessment should be reviewed to determine whether further updates are necessary (CIEEM, 2019). Note that the recommendations within this report should be reviewed (and reassessed if necessary) should there be any changes to the Application Site boundary or the Proposed Development upon which this report was based. See Appendix VI for general Legal and Technical Limitations which apply to this document.

2.6 Personnel

- 2.6.1 The survey was carried out by Dan Maude BSc (Hons) MRes, a Qualifying member of CIEEM and Senior Ecologist with four-years' professional consultancy experience.
- 2.6.2 The update survey was carried out by Tim Lees BA(Hons) MSc MCIEEM, an Associate Director with twelve years' professional consultancy experience in ecological field survey for a wide range of sites and development projects. Tim holds Natural England Class Licences to survey for great crested newt (WML-CL08) and bats (WML-CL18).
- 2.6.3 The report was extensively reviewed by Nick Pincombe BA (Hons) MSc CEnv MIEMA MCIEEM, Director of Urban Edge Environmental Consulting, who has nineteen years' experience in leading survey and impact assessment teams. Nick holds Natural England Class Licences to survey for bats (WML-CL18) and great crested newt (WMLCL08).

3 Results

3.1 Desk Study

Statutory and non-statutory site designations

- 3.1.1 There is one nationally designated wildlife site within the desk study search area, a Local Nature Reserve (LNR). Additionally, there are four non-statutory Local Wildlife Sites (LWS). There are no internationally designated sites. The information provided by HERC regarding these sites is presented in Table 3.1, while Figure 3.1 show the location of non-statutory sites in relation to the survey area.

Table 3.1: Nature conservation sites within the desk study search area

Site name	Location*	Description
National statutory sites		
Purwell Meadows LNR	c.1.7km north	The LNR comprises a mosaic of dry grassland, marshy grassland, hedgerows and scrub along the river. The site is home to a wide variety of plants, birds, mammals and insects and is part of a chain of important wildlife areas along the Purwell Valley linked by the River Purwell. The meadows provide a "stepping stone" for the movement of wildlife along the valley such as water voles <i>Arvicola amphibius</i> and otters <i>Lutra lutra</i> .
Non-statutory sites		
Purwell Railway LWS	c.600m north	Railway embankment supporting species-rich neutral/calcareous grassland and scrub on the south-west facing side. A variety of grasses and herbs have been recorded.
Folly Alder Swamp LWS	c.500m west	An old semi-natural alder <i>Alnus glutinosa</i> dominant woodland with neutral / acid fen and marshy grassland remnants bordering Ippollitts Brook. A system of spring seepages are present plus an old pollarded hornbeam <i>Carpinus betulus</i> hedge borders the eastern side. The site supports a rich higher plant flora.
Wymondley Transforming Station LWS	c.650m south-east	Old gravel pit landscaped to form grounds of transforming station. Poor stony substrate on chalk, with very few grasses recorded. Raised banks support coarse calcareous grassland with scrub invading slowly from the edges.
Purwell Ninesprings LWS	c.920m north	The site is in two parts. The larger northern area holds a wetland complex. The southern part is a single meadow with willow scrub and a small area of relatively recently plantation woodland. The two are separated by "Coots Corner", an angling lake on the site of former cress beds which were fed by the nine springs that give the site its name.

* Approximate distance and bearing from the survey area

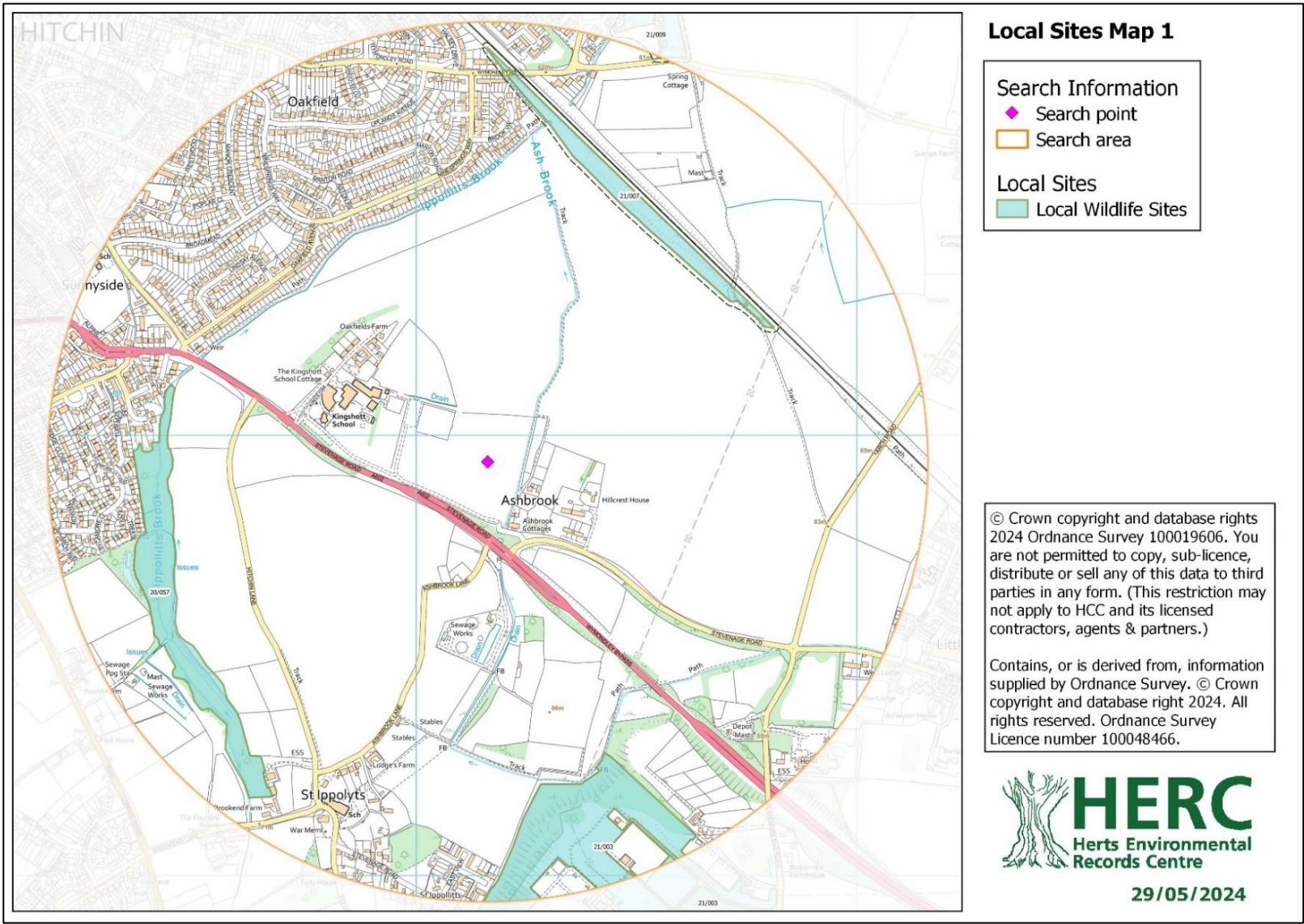


Figure 3.1: Non-statutory nature conservation sites within the desk study search area

Stevenage Road, Hitchin, Hertfordshire

 Application site

 1km buffer

Priority Habitats Inventory (England) ©
Natural England

 Deciduous woodland

 Good quality semi improved
grassland

 No main habitat but additional
habitats present

 Traditional orchard

**Figure 3.2: Priority Habitats
within the desk study search area**

0 390 780
Metres

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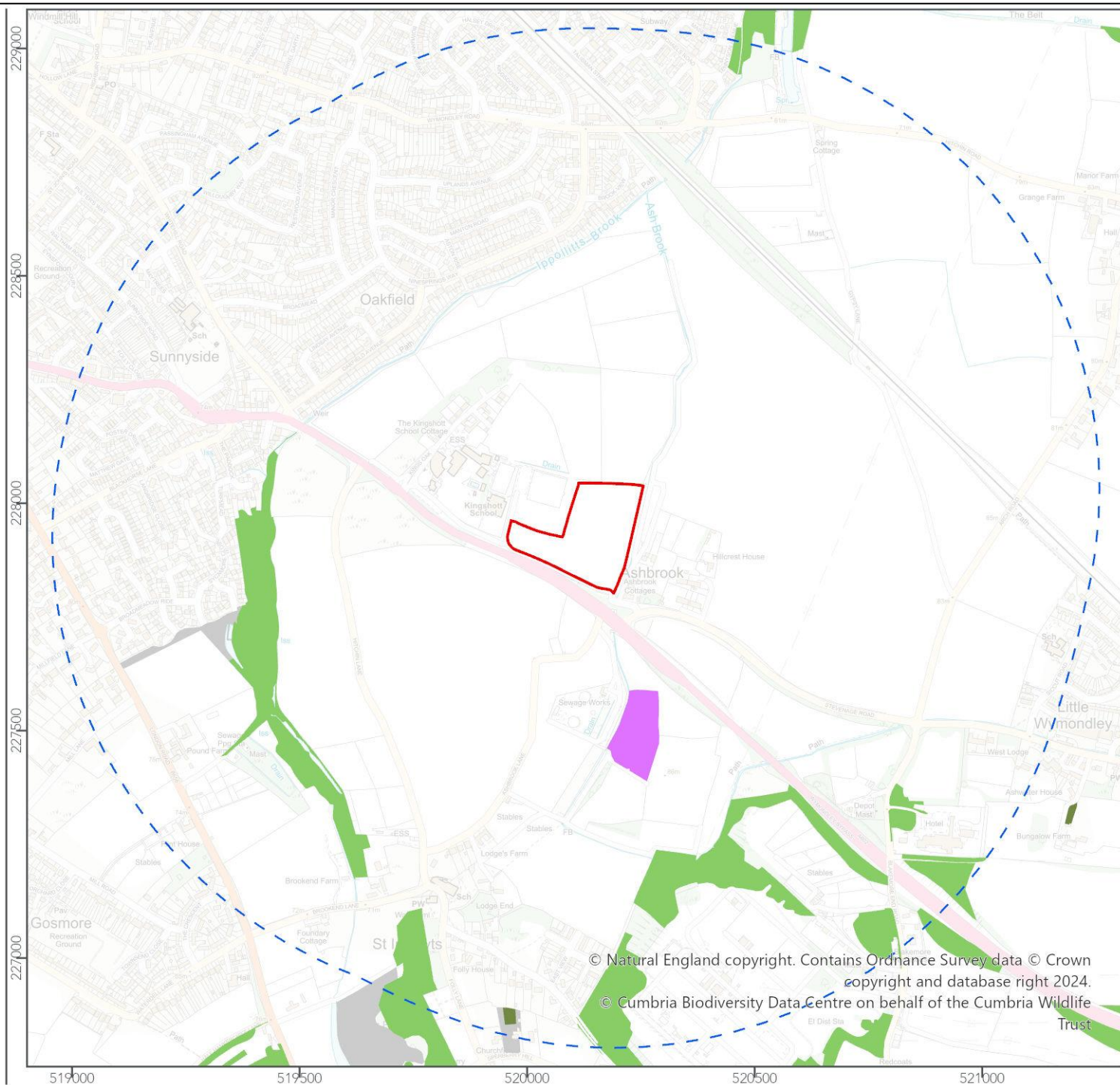
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Priority Habitats

- 3.1.2 Priority Habitats include those listed on local Biodiversity Action Plans and Habitats of Principal Importance (HPI) listed under section 41 of the Natural Environment and Rural Communities Act 2006 (NERC). HERC and a search of the MAGIC database returned the following data on priority and other habitats within the desk study search area: Deciduous Woodland. This habitat is not shown as present within the survey area; see Figure 3.2.

Records of protected, rare and notable species

- 3.1.3 Biological records were obtained from HERC for the desk study search area and are summarised in Table 3.2.

Table 3.2: Records of protected, rare & notable species within the desk study search area

Group	Species	Designation
Amphibians	Great crested newt <i>Triturus cristatus</i>	Habs.Dir.2&4, CHS Sch.2, WCA Sch.5 full, NERC s41
	Common toad <i>Bufo bufo</i>	WCA Sch.5 part, NERC s41
Birds (note: species may appear more than once)	Kingfisher <i>Alcedo atthis</i> , Great bittern <i>Botaurus stellaris</i> , Stone-curlew <i>Burhinus oedicephalus</i> , Marsh harrier <i>Circus aeruginosus</i> , Merlin <i>Falco columbarius</i> , Peregrine <i>Falco peregrinus</i> , Red kite <i>Milvus milvus</i> , Osprey <i>Pandion haliaetus</i> , Common tern <i>Sterna hirundo</i>	Birds Dir.1
	Kingfisher, Great bittern, Stone-curlew, Merlin, Peregrine, Brambling <i>Fringilla montifringilla</i> , Hobby <i>Falco subbuteo</i> , Red kite, Osprey, Firecrest <i>Regulus ignicapillus</i> , Wood sandpiper <i>Tringa glareola</i> , Redwing <i>Turdus iliacus</i> , Fieldfare <i>Turdus pilaris</i> , Barn owl <i>Tyto alba</i>	WCA Sch.1
	Lesser redpoll <i>Acanthis cabaret</i> , Skylark <i>Alauda arvensis</i> , Great bittern, Stone-curlew, Cuckoo <i>Cuculus canorus</i> , Hawfinch <i>Coccothraustes coccothraustes</i> , Yellowhammer <i>Emberiza citrinella</i> , Reed bunting <i>Emberiza schoeniclus</i> , Corn bunting <i>Emberiza calandra</i> , Lesser spotted woodpecker <i>Dendrocopos minor</i> , Dunnock <i>Prunella modularis</i> , Herring gull <i>Larus argentatus</i> , Linnet <i>Linaria cannabina</i> , Yellow wagtail <i>Motacilla flava</i> , Spotted flycatcher <i>Muscicapa striata</i> , House sparrow <i>Passer domesticus</i> , Grey partridge <i>Perdix perdix</i> , Wood warbler <i>Phylloscopus sibilatrix</i> , Marsh tit <i>Poecile palustris</i> , Bullfinch <i>Pyrrhula pyrrhula</i> , Turtle dove <i>Streptopelia turtur</i> , Starling <i>Sturnus vulgaris</i> , Song thrush <i>Turdus philomelos</i> , Lapwing <i>Vanellus vanellus</i>	NERC s41
	Lesser redpoll, Skylark, Cuckoo, Hawfinch, Lesser spotted woodpecker, Yellowhammer, Merlin, Linnet, Yellow wagtail, Spotted flycatcher, House sparrow, Grey partridge, Wood warbler, Marsh tit, Whinchat <i>Saxicola rubetra</i> , Woodcock <i>Scolopax rusticola</i> , Turtle dove, Starling, Redwing, Fieldfare, Mistle thrush <i>Turdus</i>	RL

Group	Species	Designation
	<i>viscivorus</i> , Song thrush, Lapwing, Swift <i>Apus apus</i> , House Martin <i>Delichon urbicum</i> , Greenfinch <i>Chloris chloris</i>	
	Common sandpiper <i>Actitis hypoleucos</i> , Greylag goose <i>Anser anser</i> , Mallard <i>Anas platyrhynchos</i> , Meadow pipit <i>Anthus pratensis</i> , Great bittern, Stone-curlew, Black-headed gull <i>Chroicocephalus ridibundus</i> , Marsh harrier, Stock dove <i>Columba oenas</i> , Reed bunting, Kestrel <i>Falco tinnunculus</i> , Snipe <i>Gallinago gallinago</i> , Caspian gull <i>Larus cachinnans</i> , Common gull <i>Larus canus</i> , Lesser black-backed gull <i>Larus fuscus</i> , Black-backed gull <i>Larus marinus</i> , Osprey, Dunnock, Willow warbler <i>Phylloscopus trochilus</i> , Grey plover <i>Pluvialis squatarola</i> , Bullfinch, Common tern, Tawny owl <i>Strix aluco</i> , Wood sandpiper, Wood pigeon <i>Columba palumbus</i> , Moorhen <i>Gallinula chloropus</i> , Sparrowhawk <i>Accipiter nisus</i> , Rook <i>Corvus frugilegus</i> , Sedge warbler <i>Acrocephalus schoenobaenus</i> , Common whitethroat <i>Curruca communis</i> , Wren <i>Troglodytes troglodytes</i> , Northern wheatear <i>Oenanthe oenanthe</i> , Grey wagtail <i>Motacilla cinerea</i>	AL
Invertebrates	Pearl-bordered fritillary <i>Boloria Euphrosyne</i> , Small blue <i>Cupido minimus</i> , Marsh fritillary <i>Euphydryas aurinia</i>	WCA Sch.5 part, NERC s41
	White-letter hairstreak <i>satyrium w-album</i>	WCA Sch.5 part
	Knot grass <i>Acronicta rumicis</i> , Grey dagger <i>Acronicta psi</i> , Beaded chestnut <i>Agrochola lychnidis</i> , Green-brindled crescent <i>Allophyas oxyacanthae</i> , Ear moth <i>Amphipoea oculatea</i> , Mouse moth <i>Amphipyra tragopoginis</i> , Large nutmeg <i>Apamea anceps</i> , Dusky brocade <i>Apamea remissa</i> , Small pearl-bordered fritillary <i>Boloria selene</i> , Mottled rustic <i>Caradrina morpheus</i> , Small heath <i>Coenonympha pamphilus</i> , Small square-spot <i>Diarsia rubi</i> , Dusky thorn <i>Ennomos fuscantaria</i> , Dingy skipper <i>Erynnis tages</i> , Ghost moth <i>Hepialus humuli humuli</i> , Rustic <i>Hoplodrina blanda</i> , Rosy rustic <i>Hydraecia micacea</i> , Wall <i>Lasiommata megera</i> , Dot moth <i>Melanchra persicariae</i> , Pretty chalk carpet <i>Melanthia procellata</i> , Grizzled skipper <i>Pyrgus malvae</i> , Shaded broad-bar <i>Scotopteryx chenopodiata</i> , White ermine <i>Spilosoma lubricipeda</i> , Buff ermine <i>Spilosoma lutea</i> , Blood-vein <i>Timandra comae</i> , Cinnabar <i>Tyria jacobaeae</i> , Oak hook-tip <i>Watsonalla binaria</i> , Dark-barred twin-spot Carpet <i>Xanthorhoe ferrugata</i> , Deep-brown dart <i>Aporophyla lutulenta</i> , Centre-barred sallow <i>Atethmia centrargo</i> , Oak lutestring <i>Cymatophorina diluta</i> , September thorn <i>Ennomos erosaria</i> , Shoulder-striped wainscot <i>Leucania comma</i> , Brindled beauty <i>Lycia hirtaria</i> , Feathered gothic <i>Tholera decimalis</i> , Dark brocade <i>Mniotype adusta</i> , Neglected rustic <i>Xestia castanea</i> , Garden dart <i>Euxoa nigricans</i> , Latticed heath <i>Chiasmia clathrate</i> , Duke of Burgundy <i>Hamearis lucina</i> , High brown fritillary <i>Fabriciana adippe</i> ,	NERC s41
Mammals (terrestrial)	Soprano pipistrelle <i>Pipistrellus pygmaeus</i> , Brown long-eared <i>Plecotus auritus</i>	Habs.Dir.4, CHS Sch.2, WCA Sch.5 full, NERC s41

Group	Species	Designation
	Serotine <i>Eptesicus serotinus</i> , Daubenton's bat <i>Myotis daubentonii</i> , Natterer's bat <i>Myotis nattereri</i> , Nathusius' pipistrelle <i>Pipistrellus nathusii</i> Common pipistrelle <i>Pipistrellus pipistrellus</i>	Habs.Dir.4, CHS Sch.2, WCA Sch.5 full
	Water vole	WCA Sch.5 full, NERC s41
	Badger <i>Meles meles</i>	WCA Sch.6, PBA
	Hedgehog <i>Erinaceus europaeus</i> , Brown hare <i>Lepus europaeus</i> ,	NERC s41
Plants	Bluebell <i>Hyacinthoides non-scripta</i>	WCA Sch.8
Reptiles (terrestrial)	Slow worm <i>Anguis fragilis</i> , Grass snake <i>Natrix helvetica</i> , Adder <i>Vipera berus</i> , Common lizard <i>Zootoca vivipara</i>	WCA Sch.5 part, NERC s41

Birds.Dir.1	Wild Birds Directive 2009/147/EC Annex 1
Habs.Dir.2/4	Habitats Directive 92/43/EEC Annex 2 or 4
CHS Sch.X	Conservation of Habitats & Species Regulations 2017 Schedules 2 (EPS animals) or 5 (EPS plants)
WCA s1/Sch.X	Wildlife and Countryside Act 1981 Section 1 / Schedules 1, 5 (fully or partially protected), 6 or 8
PBA	Protection of Badgers Act 1992
NERC s41	Natural Environment & Rural Communities Act 2006 Section 41 Species of Principal Importance
RL / AL	Red/Amber Listed (IUCN or Birds of Conservation Concern 5 (Stanbury <i>et al.</i> , 2021))

3.2 Habitats

3.2.1 The following UKHab habitats were identified within or adjacent to the survey area and are shown on the UKHab habitats plan at Appendix I. The habitats are described below broadly in the order of their extent, and Table 3.3 provides the area / length of each habitat type recorded within the survey area.

Table 3.3: Area / Lengths of habitat types recorded within the survey area

Habitat type	Measurement
Area habitats	
Modified grassland	3.38ha
Linear habitats	
Native hedgerow	461m

Modified grassland

3.2.2 The majority of the survey area was a large hay meadow that had been recently cut to c.10cm with some slightly taller tufts in places. This was consistent during both survey visits. The sward was dense with common grasses including perennial rye-grass *Lolium perenne* and cock's foot *Dactylis glomerata* which were abundant, and Yorkshire fog *Holcus lanatus* which was frequent. There were rare occurrences of flowering plants such as germander speedwell *Veronica chamaedrys*, dandelion *Taraxacum spp.*, creeping thistle *Cirsium arvense*, docks *Rumex spp.*, hawkweeds *Hieracium spp.* and pedunculate oak *Quercus robur* saplings. A dense patch of common nettle *Urtica dioica* were present at the base of the telegraph poles at the centre of the grassland.

- 3.2.3 A steep grassland bank was present at the north-western corner of the survey area at the northern end of hedgerow H2. The bank had an unmanaged sward of modified grassland that was c.1.5m tall and included false oat-grass *Arrhenatherum elatius*, cock's foot, hogweed *Heracleum sphondylium*, spear thistle *Cirsium vulgare*, and common nettle.
- 3.2.4 A similar unmanaged strip of grassland was also located along the southern boundary between the survey area and the adjacent access road. Species included abundant false oat-grass, frequent cock's foot, locally frequent hogweed, occasional ragwort *Jacobaea vulgaris*, perennial rye-grass, and rarely occurring yarrow *Achillea millefolium*, dandelion, rough meadow grass *Poa trivialis*, Timothy *Phleum pratense*, and St John's wort *Hypericum spp.*

Hedgerows

- 3.2.5 A total of three hedgerows were recorded at the northern, eastern and western survey area boundaries.
- 3.2.6 Hedgerow H1 was a native hedgerow and trees at the northern boundary that was relatively dense, bushy and unmanaged, and therefore of good ecological condition. Species included a hedge layer of abundant blackthorn *Prunus spinosa*, frequent bramble *Rubus fruticosus*, and occasional elder *Sambucus nigra* and elm *Ulmus procera*, with semi-mature pedunculate oak trees. There was a narrow strip of unmanaged grassland at the base of the hedge (c.1m wide) with species such as herb Robert *Geranium robertianum*, hawkweeds, common nettle, red dead nettle *Lamium purpureum*, bristly oxtongue *Helminthotheca echinoides* and yarrow. H1 measured c.5m wide, 4m tall (with 10m trees), and 145m long.
- 3.2.7 Hedgerow H2 was native hedgerow located at the western boundary along a steep bank. The hedge was dense and relatively unmanaged with abundant blackthorn, frequent hawthorn *Crataegus monogyna*, occasional wild cherry *Prunus avium*, and rarely occurring dogrose *Rosa canina*. H2 measured c.3-4m wide, 4-5m tall and 81m long and had a similar unmanaged grassland strip at the base to H1.
- 3.2.8 Hedgerow H3 was a species rich native hedgerow with trees that was located at the eastern boundary to the west of the adjacent Ash Brook. Tree species included ash *Fraxinus excelsior*, pedunculate oak, field maple *Acer campestre* and white willow *Salix alba* with an understorey of locally dominant blackthorn (at the southern end), occasional hawthorn and bramble and rarely occurring elder. H3 was dense and tall at the southern end where blackthorn was dominant but became patchier and less intact toward the centre. The ground flora consisted of locally abundant common nettle, with occasional rosebay willowherb *Chamaenerion angustifolium*, field bindweed *Convolvulus arvensis* and rarely occurring Timothy along with encroaching grasses from the modified grassland. H3 measured c.3-4m wide, 6m tall (with trees to 15m) and 235m long.

Rivers (offsite)

- 3.2.9 Ash brook was located offsite but adjacent to the eastern boundary of the survey area. The brook flowed north to south where it was culverted at the southern end as it passed under the access road and then culverted again where it passed under the A602. The brook had relatively steep sides c.30° and was heavily shaded from the adjacent hedgerow (H3). There was substantial

evidence of horse manure being deposited along the banks, presumably from the neighbouring stables. The water level was fairly shallow (<40cm on average) but the flow was constant and relatively fast.

Ground Level Tree Assessment

3.2.10 No observable PRFs were identified on trees located within the survey area.



Modified grassland field – view looking south



Modified grassland field – view looking north east



Modified grassland – north-west corner



Modified grassland – southern boundary



H1 – view looking west



H1 – view looking east



H2 – view looking north



H3 – view looking north



H3 – view looking south



Ash Brook – offsite eastern boundary

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4 Evaluation

4.1 Introduction

- 4.1.1 This section evaluates the survey area in terms of the habitats and species present or potentially present on site or its immediate vicinity, in the context of relevant legislation and planning policy. See Appendix V for a review of the legislation and planning context.

4.2 Designated Sites

- 4.2.1 None of the statutory or non-statutory wildlife sites within the desk-study search zone are likely to be affected by the Proposed Development, considering the size and scale of the proposal and its distance from the designated sites; the closest designation is Folly Alder Swamp LWS (c.500m west).

4.3 Habitats

Evaluation

- 4.3.1 Table 4.1 presents a preliminary evaluation of the habitats recorded within or adjacent to the survey area, with reference to the criteria defined at section 2.2.10. It is important to note that these preliminary evaluations may be updated following completion of more detailed botanical or protected species surveys.

Table 4.1: Preliminary evaluation of habitats within the survey area

Habitat	Evaluation	Rationale
River (Ash Brook)	Local	Although rivers and streams are not uncommon within the local area, Ash Brook is likely to provide important value for local wildlife and should be protected.
Hedgerows HPI	Local	Native hedgerows are common within the local landscape, but nevertheless the onsite examples are considered to be Priority Habitat.
Modified grassland	Negligible	This habitat is common and widespread and of low intrinsic and ecological value.

Priority Habitats

- 4.3.2 Hedgerow Priority Habitats are present within the survey area or at its boundaries. Hedgerow Priority Habitats are defined "as any boundary line of trees or shrubs over 20m long and less than 5m wide, and where any gaps between the trees or shrub species are less than 20m wide..., consisting predominantly (i.e. 80% cover or more) of at least one woody UK native species" (any

bank, wall, ditch or tree within 2m of the centre of the hedgerow is considered to be part of the hedgerow habitat, as is the herbaceous vegetation within 2m of the centre of the hedgerow) (Maddock, 2008). The three hedgerows within the survey area broadly fall into this classification.

- 4.3.3 Hedgerow Priority Habitats are of high intrinsic ecological value and provide habitats suitable for a range of protected species, including amphibians and reptiles (shelter and dispersal), nesting birds, invertebrates, foraging / commuting bats, and hazel dormouse *Muscardinus avellanarius*.
- 4.3.4 Although detailed proposals for the site are not yet finalised, it is currently anticipated the hedgerows will be retained and protected during construction.
- 4.3.5 All the hedgerows within the survey area were assessed according to criteria set out in the Hedgerow Regulations 1997; see Table 4.2. A table showing full survey results is presented in Appendix III. If a hedgerow is classified as important under the Regulations, local planning authorities are able to prevent its removal.

Table 4.2: Hedgerow assessment

Hedgerow #	Importance under Hedgerow Regulations 1997	Priority Habitat?
H1	Not important	Yes
H2	Important	Yes
H3	Not important	Yes

Other habitats

- 4.3.6 The Proposed Development would result in permanent losses of up to c.3.87ha of modified grassland, depending on the extent and layout of proposals. This habitat of relatively low ecological value and of negligible importance but provide habitats suitable for a number of protected species (e.g. reptiles).

4.4 Species

Amphibians (excluding great crested newt)

- 4.4.1 The modified grassland that dominates the survey area may provide suitable habitat for common amphibians when the sward height is tall. However, during the survey the sward was relatively short (c.10m) and it is likely the field is cut with heavy machinery on a relatively regular basis. The boundary hedgerows may offer opportunities for shelter and hibernation and the adjacent brook provides suitable offsite aquatic habitat. The boundary habitats and offsite brook are expected to be retained and protected as will an area of grassland within the eastern half of the survey area, and habitats of similar quality are widely available in the local landscape. On balance, common amphibians are not considered to present a constraint to the Proposed Development.

Great crested newt

- 4.4.2 HERC returned seven records of GCN from within the desk-study search zone, from between 1984 and 2017. Accurate grid reference for the records were not provided.
- 4.4.3 The grassland that dominates the survey area was relatively short (c.10cm) at the time of survey making it sub-optimal terrestrial habitat for GCN. However, the taller, less managed field / hedgerow margins were relatively wide and of good suitability for foraging and dispersal while the boundary hedgerows themselves offered opportunities for shelter and hibernation. Two ponds were identified with 500m of the survey area. P1 was located c.40m south but was actually a stretch of Ash Brook that lay between two culverts and was not suitable for GCN as there was fast flowing water. P2 was not accessed as it lay within the grounds of Kingshott School however aerial images appeared to indicate that P2 was a swimming pool and was consequently unsuitable for GCN.
- 4.4.4 GCN is not considered to present a constraint to the Proposed Development and no further surveys for this species are required.

Birds (nesting)

- 4.4.5 HERC returned records of 95 notable bird species from within the desk-study search zone during a date range of 2001 to 2018. The boundary hedgerow within the survey area are suitable for nesting birds such as wren, dunnoek (an Amber-listed bird of conservation concern (BoCC5); Stanbury *et al.*, 2021), robin *Erithacus rubecula* and chaffinch *Fringilla coelebs*. The modified grassland is unlikely to support ground-nesting species such as skylark *Alauda arvensis* (BoCC5 Red-listed) under its currently intensive management regime and due to its relatively small size, poor structural form and enclosure by hedgerow. Precautionary measures for nesting birds are recommended at section 5.3.

Invertebrates

- 4.4.6 HERC returned records of 47 species of protected invertebrate from within the desk-study search zone, comprised entirely of Lepidoptera (moths and butterflies).
- 4.4.7 The boundary hedgerow habitats and taller areas of modified grassland and the field and hedgerow boundaries are likely to provide moderate value for a common and widespread range of invertebrates. Any deadwood within the hedgerows also provides potential habitat for saproxylic species such as stag beetle *Lucanus cervus*. The main area of grassland, however, is of low value due to the poor species diversity, structural form and management. Given that the hedgerows are expected to be retained and habitats of similar quality are widely available in the local landscape invertebrates are not considered to present a constraint to the Proposed Development and no further surveys for this group are required.

Mammals (terrestrial)

Badger

- 4.4.8 HERC returned 45 records of badger from within the desk-study search zone, during a date range of 1970 to 2020. Due to the sensitive nature of badger records, in relation to species persecution, accurate grid references were not provided.
- 4.4.9 The survey area provides suitable foraging habitat for badger but sett creation was limited to the boundary hedgerows. A search for badger setts and signs of their presence was undertaken within a 30m radius of the survey area boundary but did not include the adjacent private property to the east and west. There was evidence of mammal push-throughs within the northern hedgerow (H1) however most of these appeared too tall to be badger and were more likely created by deer – muntjac deer *Muntiacus reevesi* are present with the desk study records. Evidence of rabbit burrows were frequent within hedgerow H1 but all of the entrance holes were considered too small for use by badger.
- 4.4.10 Nevertheless, suitable habitat for badger is present within the site boundaries and given their dynamic nature badger may be present in the future. A repeat inspection for badger should be undertaken within two months prior to commencement of Proposed Development as detailed in section 5.3 along with general protection measures for mammals and other fauna in section 5.4.

Bats

- 4.4.11 HERC returned 142 records of at least eight species of bat from within 2km of the survey area, during a date range of 1973 to 2021, including serotine, Daubenton's bat, Natterer's bat, noctule, common pipistrelle, soprano pipistrelle and brown long-eared. Most of these records were of bats in flight but included 47 roost sites, the closest to the survey area being a common pipistrelle roost located c.900m south in 1995.
- 4.4.12 None of the trees within the survey area displayed potential roost features during a ground-level assessment, and PRFs are considered unlikely to be present higher up due to the relatively young age and good condition of the trees. In any case, all trees were located within the boundary hedgerows which are expected to be retained based on the proposed site layout. Bats roosting in trees are not considered to present a constraint the Proposed Development and no further surveys are required.
- 4.4.13 The modified grassland that dominates the survey area provides a relatively small area of low suitability foraging habitat for bats. The boundary hedgerows are likely to provide better opportunities for foraging and commuting bats, as is the offsite Ash Brook, which both represent moderate suitability habitat. It is anticipated that the hedgerows and Ash Brook will be retained and protected but are likely to be subject to increases in artificial light. Given the relatively small amount of low suitability habitat that is proposed to be lost, bat activity surveys are not required but recommendations with regard to artificial light are provided at section 5.4.

Hazel dormouse

- 4.4.14 HERC returned no records of hazel dormouse within the desk study search area.

- 4.4.15 The hedgerows within the survey area were dense and native species rich providing good quality habitat for hazel dormouse, with food plants such as pedunculate oak, hawthorn, bramble, ash and blackthorn all present. The hedgerows were also relatively well connected to other mature hedgerow and woodland within the local landscape, particularly to the north.
- 4.4.16 The boundary hedgerows are expected to be retained and protected as part of the Proposed Development but are likely to be subject to increases in artificial light. Further surveys for hazel dormouse are therefore not required, however recommendations with regard to reducing the impacts of artificial light are provided at section 5.4.

Water vole and otter

- 4.4.17 HERC returned four records of water vole from within the desk study search area, during a date range of 1983 to 2012. One of these records was from the adjacent Ash Brook. HERC returned no records of otter *Lutra lutra*.
- 4.4.18 Ash Brook which runs adjacent to the eastern boundary of the survey area provides suitable habitat for water vole with steep sided, vegetated banks and a flowing water level. The brook may also provide suitability for otter as part of a wider range but is generally less suitable due to its small size and low water level. A brief assessment of the banksides within the survey area, where accessible, was undertaken during the survey in order to search for signs of otter (such as spraints, tracks, feeding remains, slides, holts and couches) and water vole (such as feeding stations, droppings and latrines, burrows and nests, footprints and runways). No evidence of either species was identified but this was based on a PEA walkover survey rather than a full survey species specific survey. Water vole and otter may present a constraint to Proposed Development and their presence cannot currently be ruled out.
- 4.4.19 To prevent the risk of impacts, Ash Brook will be buffered by a 10m zone which falls outside of the Application Site boundary – as shown on the UK Habitat Plan at Appendix I. As such, neither species is considered to present a constraint to the Proposed Development and further surveys are not required, but precautionary measures related to working near water and protection zones for these species are recommended at section 5.3.

Plants, native

- 4.4.20 HERC returned records of one protected plant species, bluebell, from within the desk-study search zone during a date range of 1987 to 2015.
- 4.4.21 No rare or protected species of flora were recorded within the survey area and, based on the dominant habitat type present (modified grassland) and past and current management regimes, it is considered unlikely that these are present. There is some opportunity for species such as bluebell within the boundary hedgerows, but these are expected to be retained. Plant species are not considered to present a constraint to the Proposed Development and no further surveys for this group are required.

Plants – invasive non-native species and injurious weeds

- 4.4.22 No invasive plant species (i.e. species listed on Schedule 9 of the Wildlife and Countryside Act) were located during this survey. No significant stands of injurious weed species were noted (ragwort *Senecio jacobea*, spear thistle, creeping thistle, curled dock *Rumex crispus*, and broad-leaved dock *Rumex obtusifolius*). Invasive plant species and injurious weeds are not considered to present a constraint to the Proposed Development and no further action for this group is required.

Reptiles (terrestrial)

- 4.4.23 HERC returned two records of terrestrial reptile species from within the desk-study search area, during a date range of 1986 to 1990. Two of the four widespread species have been recorded in the vicinity; slow worm and grass snake. Accurate record locations were not provided.
- 4.4.24 The large grassland field that dominates the survey area was recently cut and therefore relatively short providing limited suitability for reptiles. Grasslands of this nature contain few shelter habitats and are unlikely to support high numbers, although if this habitat is left unmanaged it could quickly become suitable for reptiles. The field and hedgerow boundaries were tall and less managed providing good quality foraging and dispersal habitat for reptiles while the boundary hedgerows offered suitable shelter and hibernation habitat. In addition, the survey area was relatively well connected to suitable adjacent reptile habitat to the north.
- 4.4.25 Construction works would involve site clearance, creation of access tracks and materials storage compounds, vehicle movements and groundworks, which together could present a risk of killing or injury for reptiles if present within the survey area. Further surveys for reptiles are recommended at section 5.2.

Other protected, rare or notable species

- 4.4.26 HERC returned 23 records of hedgehog from within the desk-study search zone during a date range of 1975 to 2020. The closest recent record to the survey area was located c.500m south in 2018. The survey area contains habitats suitable for this species, including grassland and hedgerow. Hedgehog is listed as a species of principal importance under the NERC and is undergoing a significant population decline. Measures should be taken to continue accommodating this species within the survey area post-development (see section 5.4).
- 4.4.27 HERC returned 94 records of brown hare during a date range of 1975 and 2021. Construction of the Proposed Development will likely displace hares from the survey area, however, suitable habitat for hares will remain post-development, including area of grassland and boundary hedgerows. New residential fence installation could result in habitat fragmentation, but it is possible to avoid this impact by providing access holes within new fences. This will allow hares (and other mammals such as hedgehogs) to enter or move through the survey area, as recommended at section 5.4).

5 Recommendations and Conclusions

5.1 Introduction

- 5.1.1 With regard to the objectives of this PEA, recommendations are made below for further protected species survey where necessary. Preliminary recommendations are also made for the protection of important ecological features, and/or to avoid or mitigate ecological impacts, and to enhance the survey area for wildlife following construction. It is intended that these recommendations should be considered during future changes to the design of development proposals so that protection of important ecological features is secured and opportunities for ecological enhancement are realised. The recommendations should be reviewed following the completion of further ecological surveys.

5.2 Protected Species Surveys

- 5.2.1 The following species / groups (Table 5.1) will require additional surveys prior to refining development designs and formulating a suitable avoidance and mitigation strategy (if required).

Table 5.1: Recommendations for further ecological surveys

#	Recommendations for further ecological survey
R1	Presence / absence surveys for reptiles, undertaken between April and September.

Reptiles

- 5.2.2 The survey area contains habitats suitable for reptiles including tall grassland field and hedgerow margins and boundary hedgerow. There is hence a risk of killing or injury to reptiles and further surveys by an experienced herpetologist are required to establish their presence or likely absence within the proposed construction footprint. The survey should involve a minimum of seven visits to the site in suitable weather conditions during the active season (broadly April to September), following current guidelines (Froglife, 1999; Gent & Gibson, 2003). Methods include visual encounter surveys (i.e. targeted transects) and searches of artificial and natural refuges.

5.3 Precautionary Measures

- 5.3.1 The following species/groups (Table 5.2) require specific precautionary measures to be adhered to prior to and during construction to ensure that an offence under the relevant legislation is avoided. These measures may need to be added to or amended following completion of the protected species surveys described above.

Table 5.2: Recommended precautionary measures

#	Recommended precautionary measures
R2	Removal of nesting bird habitats will be undertaken outside of the bird nesting season, which runs from 1 March to 31 August. It will therefore be carried out between September and February, but should be planned and implemented in accordance with the findings of the further ecological surveys recommended above, as other protected species may still be present outside of the bird breeding season. Any construction works undertaken within the bird breeding season where suitable bird breeding habitat exists will require a site check for nesting birds by a suitably qualified ecologist. This will take place no more than two days prior to works commencing. This is to ensure that no disturbance to active bird nests occurs. If a nest is found it must be cordoned off and works adjacent to the nest must be delayed until such time that the chicks have fledged from the nest. This will be supervised by a suitably qualified ecologist.
R3	Badger's use of the landscape is dynamic and can change rapidly. A repeat badger survey should be undertaken prior to commencement of development works in order to determine if any new badger setts have established within the survey area. The survey area should include the construction zone plus a 30m buffer to ensure that disturbance to badgers occupying a sett does not occur during the works.
R4	Negative impacts on otter, water vole, their holts and burrows will be avoided by establishing a 10m exclusion zone around Ash Brook within which construction activity is prohibited. The plan shown at Appendix I indicates the extent of the exclusion zone.

5.4 Ecological Protection Measures

- 5.4.1 The following protection measures (Table 5.3) will be carried out as part of the Proposed Development scheme alongside any specific measures that are recommended following the protected species surveys described above.

Table 5.3: Recommended ecological protection measures

#	Recommended ecological protection measures
R5	The hedgerow Priority Habitats within the survey area are of intrinsic ecological value and provide habitats suitable for a range of protected species, including amphibians, nesting birds, invertebrates, bats and reptiles. These features will be retained and protected during construction and will also provide a focus for ecological enhancement measures.
R6	British Standard BS 5837:2012 will be followed at all times during construction when working in close proximity to trees or shrubs which are to be retained. According to BS 5837:2012 the root protection area is 12x diameter of the trunk (diameter is measured around the trunk at a height of 1.5m above ground level), which will constitute the construction exclusion zone (CEZ). The distance is measured from the centre of the trunk to the nearest part of any excavation or other work. If a separate tree survey is carried out for the proposed development, works will be undertaken in accordance with the approved arboricultural method statement.
R7	Construction works (including demolition, ground works and vegetation clearance) will be carried out in accordance with a Construction Environmental Management Plan (CEMP: Biodiversity). The CEMP will specify: potentially damaging construction activities; "biodiversity protection zones"; measures to avoid or reduce impacts during construction (including

#	Recommended ecological protection measures
	protective fences, exclusion barriers, pollution control and methodological or seasonal restrictions); location and timing of sensitive works; periods during which ecological supervision is required; and the role & responsibilities of an Ecological Clerk of Works (ECOW).
R8	Standard site procedures, as recommended by NetRegs GPP5 (<i>Works and Maintenance in or Near Water</i> ; 2017), will be required to ensure that no contaminants or effluent are released into nearby aquatic environments.
R9	The use of external lighting will be avoided or reduced to the minimum required for its intended purpose, during both construction and operation. This will be of benefit to nocturnal species e.g. bats. Where external lighting is to be provided, it will be low-level, directional lighting with minimal spill and glare, and consideration will be given to reduced hours of operation and / or a movement responsive system of control. Use narrow-spectrum bulbs and light sources that emit minimal UV light, avoiding white and blue wavelengths of the spectrum. Use glass lantern covers instead of plastic to filter UV light. Lighting will not be directed towards the boundary hedgerows or adjacent Ash Brook.
R10	To enable continued dispersal of hedgehogs (which require large territory sizes) and other small mammals across the site and within the local area following the Proposed Development, small access gaps to measure c.13x13cm are recommended to be provisioned at the base of all new fence boundaries. These will allow easy passage for small mammals to continue foraging in the area while still being small enough to contain pets.
R11	All excavations left overnight will either be covered over, or provided with a ramp to enable easy escape of badgers, hedgehogs, small mammals, amphibians and other fauna, and inspected each morning prior to recommencement. Open pipework greater than 150mm outside diameter will be blanked off at the end of each working day.
R12	Where fox dens or rabbit warrens are to be damaged or destroyed as part of the proposed works, this will be undertaken in accordance with the Mammals Act 1996 by a registered pest control company.

5.5 Recommendations for Ecological Enhancement

- 5.5.1 The following ecological enhancements (Table 5.4) should be considered to improve the value of the survey area for biodiversity after construction but should be reviewed and specified further following the completion of recommended protected species surveys.

Table 5.4: Preliminary recommendations for ecological enhancement

#	Preliminary recommendations for ecological enhancement
R13	Buffers of less intensively managed vegetation (e.g. coarse grasses and wildflowers, including the use of tussock-forming grass species such as cock's foot, Yorkshire fog, tufted hair-grass <i>Deschampsia cespitosa</i> and false oat-grass will be created within soft landscaped areas within the Proposed Development, towards the survey area boundaries and alongside hedgerows and adjacent brook. This will help to maintain / enhance ecological connectivity through the survey area for reptiles, amphibians and small mammals, and provide forage for invertebrates.
R14	Hedgerow creation as part of the landscaping plan for the survey area will use a range of native shrub species. Fruit, seed, nut and nectar-bearing species will be used preferentially when selecting species for landscape planting, so that food sources are available throughout the

#	Preliminary recommendations for ecological enhancement
	year (e.g. hazel <i>Corylus avellana</i> , hawthorn, blackthorn, field maple, dogwood <i>Cornus sanguinea</i> , privet <i>Ligustrum vulgare</i> , spindle <i>Euonymus europaeus</i> and honeysuckle <i>Lonicera periclymenum</i>). If an evergreen hedge is required for landscape screening, suitable native species include holly <i>Ilex aquifolium</i> , yew <i>Taxus baccata</i> , although both can be rather slow growing.
R15	New ponds will be created within the Proposed Development as part of the drainage strategy and to increase habitat availability for species such as grass snake, amphibians and invertebrates such as dragonflies. Newly created wetland habitats will be profiled to incorporate a variety of depths, with shallow sloping sides providing access points for wildlife, and planted with appropriate native vegetation. Plants suitable for damp margins include; amphibious bistort <i>Persicaria amphibian</i> , marsh marigold <i>Caltha palustris</i> , reed canary grass <i>Phalaris arundinacea</i> , brooklime <i>Veronica beccabunga</i> , wild angelica <i>Angelica sylvestris</i> , purple loosestrife <i>Lythrum salicaria</i> , greater bird's-foot trefoil <i>Lotus uliginosus</i> , and gypsywort <i>Lycopus europaeus</i> . Aquatic vegetation includes; water crowfoot <i>Ranunculus aquatilis</i> , lesser spearwort <i>R. flammula</i> , water mint <i>Mentha aquatic</i> , water forget-me-not <i>Myosotis scorpioides</i> and branched bur-weed <i>Sparganium erectum</i> , all of which can be used by newts for egg laying. Drainage engineers and landscape architects will be involved in specifying the mix of species as their suitability is dependent on how frequently wetland areas will be inundated.
R16	The landscaping plans for the survey area will utilise plant species which encourage bats. The table at Appendix IV lists species of plants that can provide benefit for bats either by providing a food source for insects on which bats feed, or providing additional roosting opportunities (Gunnell <i>et al.</i> , 2012). The plant species are predominantly native to Britain, but not all species will be suitable in all situations. The aim is to encourage a diverse range of invertebrate food sources and increased bat roost potential.
R17	Habitat piles will be created at the edges of the survey area close to retained hedgerows and other newly created habitats including grassland buffers and ponds. These will provide additional hibernation and shelter resources for amphibians, invertebrates, reptiles, and a range of other wildlife, and egg-laying substrate for grass snakes. Hibernacula can be created by partially burying logs and stones in sheltered areas away from flood risk, and covering over with earth or turf. Breeding habitats can be created by collecting grass clippings and other prunings arising from landscape management of the site, and composting them in a secluded corner of the site. Deadwood piles can be created using arisings from site clearance to provide shelter and breeding opportunities for invertebrates, particularly saproxylic species which are dependent on deadwood.
R18	The value of the survey area for birds will be enhanced by installing a range of artificial nest boxes. These will be placed on retained mature trees within the development or at the site boundaries or incorporated within building facades. For instance: ▪ New buildings: nest boxes can be installed under the eaves for birds that utilise buildings for nesting, e.g. house sparrow and swift (compliant to British Standard BS 42021:2022). These species are of principal importance and of conservation concern. ▪ Trees: nest boxes with entrance holes suitable for tit species, woodpeckers and nuthatches, and open-fronted boxes suitable for spotted flycatcher or song thrush, and treecreeper <i>Certhia familiaris</i> boxes.
R19	The value of the survey area for bats will be enhanced by installing a range of artificial roost boxes. These will be placed on retained mature trees within the development or at the site

#	Preliminary recommendations for ecological enhancement
	boundaries or incorporated within building facades. Boxes suitable for a range of species should be used, for instance: ▪ New buildings: integral bat tubes can be installed within buildings which face vegetated areas, particularly towards the north and east of the development. Bat tubes can be incorporated into the design of the building so that only the access holes are visible from the exterior of the building. The Schwegler 1FR or 2FR Bat Tube is designed to meet the characteristic requirements of the types of bats that inhabit buildings such as pipistrelles or serotines. It is designed to be installed on the external walls of buildings, either flush or beneath a rendered surface. ▪ Pipistrelles: bat boxes suitable to install on mature trees either within or at the edges of the development include the Schwegler 1FF Flat Bat Box, or other manufacturer's equivalent. ▪ Noctules <i>Nyctalus spp.</i> and brown long eared bats: bat boxes suitable to install on mature trees either within or at the edges of the development include the Schwegler 2F General Purpose Bat Box or the 2FN Woodland Bat Box, or other manufacturer's equivalent. Bat boxes on buildings should ideally be located south-facing (between south-east and south-west) and above 4m from ground level. On trees, bat boxes should ideally be located on three aspects of each tree (facing north, south-east and south-west) and at ≥5m from ground level. In both cases they should be installed facing vegetation features such as mature hedgerows or trees, but with a clear line of flight for bats exiting the roost, and away from sources of artificial light.

5.6 Conclusions

- 5.6.1 The majority of the survey area is of low ecological value. Significant constraints to the Proposed Development were identified including Priority Habitats, adjacent watercourses and the potential presence of nesting birds, badger, foraging and commuting bats, water vole, otter, reptiles, brown hare and hedgehog. Further reptile surveys and impact assessment are required to determine the value of the site for these species and to formulate a suitable mitigation strategy. For the remaining constraints, proportionate and effective mitigation is available to protect against the risk of impacts.

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Appendix I: UKHab Habitats Plan

Stevenage Road, Hitchin, Hertfordshire

-  Survey area
-  Application site
-  Grassland - Modified grassland
-  Stream - Ash Brook
-  10m buffer
-  Hedgerow - Native hedgerow
-  Hedgerow - Native hedgerow with trees
-  Hedgerow - Species-rich native hedgerow with trees

0 50 100
Metres

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Ordnance Survey AC0000808122

Scale (at A4): 1:2,000 Created by: MT

Date: Nov 2025 Reviewed by: NP

Drawing number:

UE0681ECO-StevenageRoad: Habitats: 251113



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Appendix II: Pond Plan

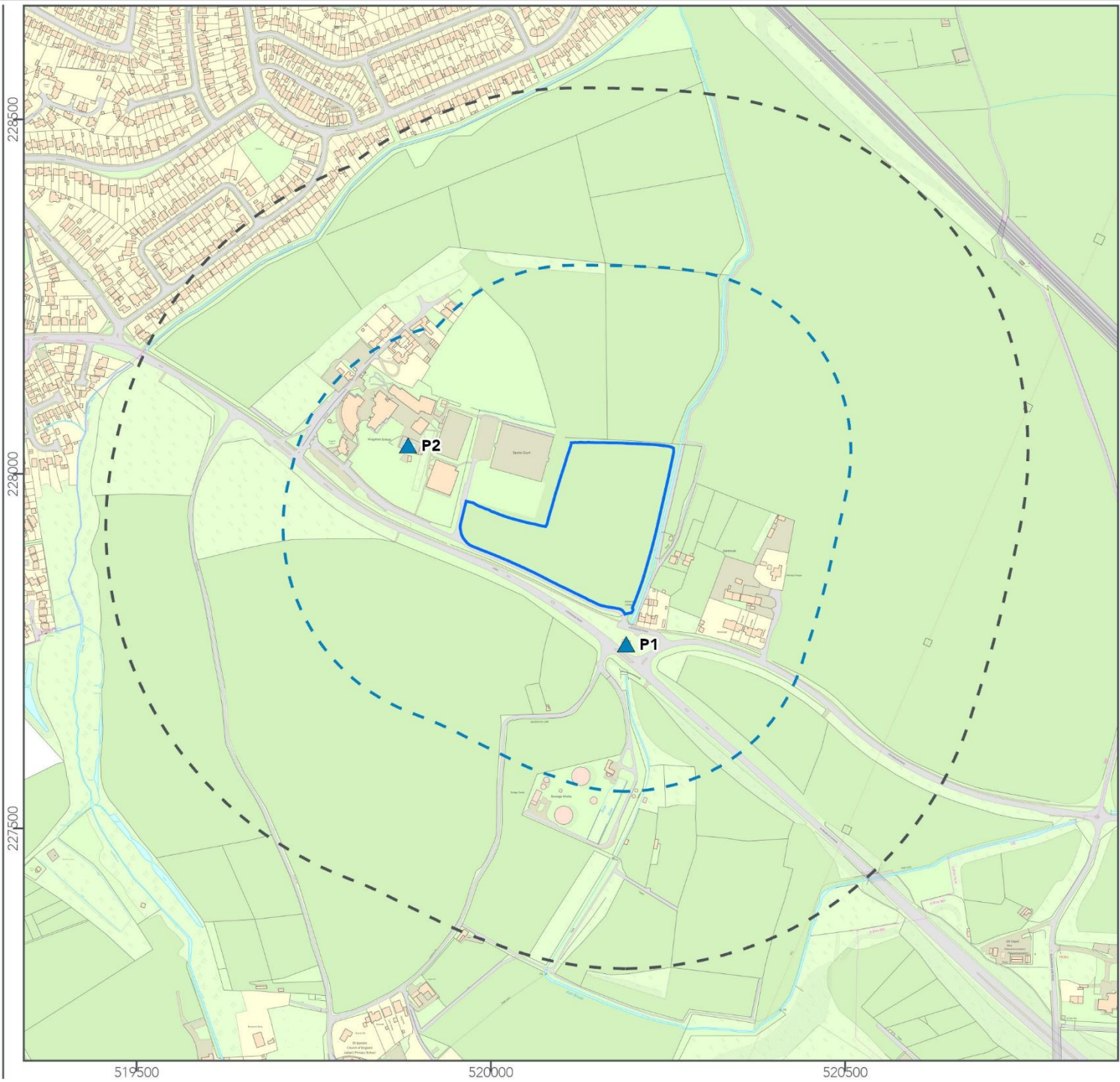
Stevenage Road, Hitchin, Hertfordshire

-  Survey area
-  250m buffer
-  500m buffer
-  Ponds



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Ordnance Survey AC0000808122

Scale (at A4): 1:8,000 Created by: MT
Date: Nov 2025 Reviewed by: NP
Drawing number:
UE0681ECO-StevenageRoad: Ponds: 251113



Appendix III: Hedgerow Regulations Survey

	Hedgerow Number		
Feature	H1	H2	H3
Adjacent to bridleway/path	No	No	Yes
<i>Populus nigra</i> , <i>Sorbus torminalis</i> , <i>Tilia cordata</i> , <i>Tilia platyphyllos</i> present	No	No	No
Average number of woody species within 30m sections	3	4	6
Associated bank or wall	No	Yes	No
Intact hedgerow	Yes	Yes	Yes
Trees present within hedge	Yes	No	Yes
Number of woodland species within 1m	1	1	0
Ditch	No	No	Yes
Connection points	Two	One	Two
Parallel hedge	No	No	No
Residential curtilage	No	No	No
IMPORTANT	No	No	Yes

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Appendix IV: Plant Species Which Encourage Bats

Please see following pages which are drawn from Gunnell *et al.* (2012).

Plant Species	Common name	Native	Type	Benefit	Soil	Light	Extensive green roofs	Living walls	Rain Gardens	Hedges/ trees	Beds/ borders
<i>Acer campestre</i>	Field maple	N	T/S	C	Any	Sun / shade				Y	
<i>Acer platanoides</i>	Norway maple		T	S	Well drained / alkaline	Sun / shade				Y	
<i>Acer saccharum</i>	Sugar maple		T	S	Any	Sun / shade				Y	
<i>Achillea millefolium</i>	Yarrow	N	HP	C,F	Well drained	Sun	Y				
<i>Ajuga reptans</i>	Bugle	N	HP	C,F	Any	Sun / shade	Y				
<i>Anthyllis vulneraria</i>	Kidney vetch	N	HP	F	Well drained	Sun	Y				
<i>Aubrieta deltoidea</i>	Aubrieta		H	F	Well drained	Sun / shade		Y			
<i>Betula pendula</i>	Silver birch	N	T	C	Sandy / Acid	Sun				Y	
<i>Cardamine pratensis</i>	Cuckoo-flower	N	HP	F	Moist	Sun / shade					Y
<i>Carpinus betulus</i>	Hornbeam	N	T	C	Clay	Sun				Y	
<i>Centaurea nigra</i>	Common knapweed	N	HP	C,F	Dry, not acid	Sun	Y				Y
<i>Centranthus ruber</i>	Red valerian		HP	F	Well drained / alkaline	Sun	Y				Y
<i>Clematis vitalba</i>	Old man's beard	N	C	F	Well drained / alkaline	Sun				Y	
<i>Corylus avellana</i>	Hazel	N	S	C	Any dry	Sun / shade		Y		Y	
<i>Crataegus monogyna</i>	Hawthorn	N	S	S,C	Any	Sun / shade				Y	
<i>Daucus carota</i>	Wild carrot	N	Bi	S,C,F	Any	Sun	Y				Y
<i>Dianthus spp.</i>	Pinks	N	A-Bi	F	Well drained	Sun	Y	Y			Y
<i>Digitalis purpurea</i>	Foxglove	N	Bi	C	Well drained	Shade / partial shade				Y	Y
<i>Erica cinerea</i>	Bell heather	N	S	F	Sandy	Full sun					Y
<i>Erysimum cheiri</i>	Wallflower		Bi-P	F	Well drained	Sun		Y			
<i>Eupatorium cannabinum</i>	Hemp agrimony	N	H	F	Moist	Sun / shade					Y
<i>Fagus sylvatica</i>	Beech	N	T	C,R	Well drained / alkaline	Sun / shade				Y	
<i>Foeniculum vulgare</i>	Fennel		H	F	Well drained	Sun					Y
<i>Fraxinus excelsior</i>	Common ash	N	T	C,R	Any	Sun / shade				Y	
<i>Hebe spp.</i>	Hebe species		S	F	Well drained	Sun / shade				Y	Y
<i>Hedera helix</i>	Ivy	N	C	F,C	Any	Sun / shade		Y		Y	Y
<i>Hesperis matronalis</i>	Sweet rocket		H	F	Well drained / dry	Sun / shade					Y
<i>Hyacinthoides non-scripta</i>	Bluebell	N	B	F	Loam	Shade / partial shade		Y		Y	Y

Plant Species	Common name	Native	Type	Benefit	Soil	Light	Extensive green roofs	Living walls	Rain Gardens	Hedges/ trees	Beds/ borders
<i>Ilex aquifolium</i>	Holly	N	T	C	Any	Sun / shade				Y	
<i>Jasminum officinale</i>	Common jasmine		C	F	Well drained	Sun		Y			Y
<i>Lavandula</i> spp.	Lavender species		S	F	Well drained / sandy	Sun		Y			Y
<i>Linaria vulgaris</i>	Toadflax	N	HP	C	Well drained / alkaline	Sun	Y				Y
<i>Lonicera periclymenum</i>	Honeysuckle	N	C	F	Well drained	Sun		Y		Y	
<i>Lotus corniculatus</i>	Bird's foot trefoil	N	HP	F	Well drained / dry	Sun	Y				Y
<i>Lunaria annua</i>	Honesty		Bi	F	Any	Sun / partial shade	Y				
<i>Malus</i> spp.	Apple		T	C	Any	Sun				Y	
<i>Matthiola longipetala</i>	Night-scented stock		A	F	Well drained/ moist	Sun			Y		
<i>Myosotis</i> spp.	forget-me-not	N	A	F	Any	Sun	Y	Y			
<i>Nicotiana glauca</i>	Ornamental tobacco		A	F	Well drained/ moist	Sun / partial shade			Y		
<i>Oenothera</i> spp.	Evening primrose species		Bi	F	Well drained/ dry	Sun	Y				
<i>Origanum vulgare</i>	Marjoram	N	HP	F	Well drained/ dry	Sun	Y	Y			
<i>Populus alba</i>	White poplar	N	T	C	Clay loam	Sun				Y	
<i>Primula veris</i>	Cowslip	N	HP	F	Well drained/moist	Sun / partial shade	Y				
<i>Primula vulgaris</i>	Primrose	N	HP	F	Moist	Partial shade	Y	Y		Y	
<i>Prunus avium</i>	Wild cherry	N	T	C	Any	Sun				Y	
<i>Prunus domestica</i>	Plum		T	C	Well drained/ moist	Sun				Y	
<i>Prunus spinosa</i>	Blackthorn	N	S	C	Any	Sun / partial shade				Y	
<i>Quercus petraea</i>	Sessile oak	N	T	C,R	Sandy loam	Sun / shade				Y	
<i>Quercus robur</i>	Common oak	N	T	C,R	Clay loam	Sun / shade				Y	
<i>Rosa canina</i>	Dog rose	N	S	C	Any	Sun			Y	Y	
<i>Salix</i> spp.	Willow species	N	S	S,C	Moist	Sun / shade			Y	Y	
<i>Sambucus nigra</i>	Elder	N	T	C	Clay loam	Sun				Y	
<i>Saponaria officinalis</i>	Soapwort	N	HP	F	Any	Sun					
<i>Saxifraga oppositifolia</i>	Saxifrage	N	HP	C	Well drained	Sun	Y	Y			
<i>Scabiosa columbaria</i>	Small scabious	N	HP	F	Well drained/ alkaline	Sun	Y				
<i>Sedum spectabile</i>	Ice plant		HP	F	Well drained/ dry	Sun	Y				
<i>Silene dioica</i>	Red campion	N	HP	F	Any	Shade / partial shade		Y	Y	Y	

Plant Species	Common name	Native	Type	Benefit	Soil	Light	Extensive green roofs	Living walls	Rain Gardens	Hedges/ trees	Beds/ borders
<i>Sorbus aucuparia</i>	Rowan	N	T	C	Well drained	Sun				Y	
<i>Stachys lanata</i>	Lamb's ears		HP	F	Well drained/dry	Sun	Y				
<i>Symphotrichum</i> spp.	Michaelmas daisies		HP	F	Any	Sun					
<i>Tegetes patula</i>	French marigold		A	F	Well drained/moist	Sun					
<i>Thymus serpyllum</i>	Creeping thyme	N	HP/S	F	Well drained/dry	Sun	Y	Y			
<i>Tilia x europaea</i>	Common lime		Type	C	Any	Sun / shade				Y	
<i>Trifolium</i> spp.	Clover species	N	HP	F	Any	Sun	Y				
<i>Valeriana</i> spp.	Valerian species	N	HP	F	Moist	Sun / partial shade			Y		
<i>Verbascum</i> spp	Mulleins	N	Bi,HP	C	Well drained	Sun	Y				
<i>Verbena bonariensis</i>	Verbena		HP	F	Well drained/moist	Sun					
<i>Viburnum lantana</i>	Wayfaring tree	N	S	C	Any	Sun / shade				Y	
<i>Viburnum opulus</i>	Guelder rose	N	S	C	Moist	Sun / shade			Y	Y	
<i>Viola tricolor</i>	Pansy	N	A	F	Well drained/moist		Y	Y			

The table above is derived from the BCT publication Landscape and Urban Design for Bats and Biodiversity (Gunnell et al., 2012) and lists suggested plant species that can provide benefit for bats either by providing a food source for insects or roost potential. The plants listed are predominately native to Britain. The small group of non-native plants is included for their documented value for wildlife. This list has been checked against Natural England's list of invasive non-native plants.

HP: Herbaceous perennial

T: Tree

A: Annual

Benefit:

Bi: Biennial

S: Shrub

B: Bulb

C: Moth caterpillar food plant

F: Flowers attract adult moths

BiP: Biennial perennial

H: Herb

C: Creeper/climber

S: Sap sucking insects (e.g. whiteflies)

R: Good roost potential

Appendix V: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are: the Wildlife and Countryside Act 1981 (WCA; as amended); Countryside and Rights of Way Act 2000 (CRoW; as amended); Natural Environment and Rural Communities Act 2006 (NERC; as amended); the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations; as amended); and the Environment Act 2021.

WCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the European Union Wild Birds Directive (Council Directive 2009/147/EC). It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments & the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the Act places a duty upon all local authorities and public bodies in England and Wales to have regard to the purpose of conserving biodiversity in exercising all of their functions, including by restoring or enhancing habitats and species populations. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity (otherwise known as Priority Habitats/species as listed in the now superseded UK Biodiversity Action Plan). These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Habitats Regulations 2017 are the principal means by the European Union Habitats Directive (Council Directive 92/43/EEC) was transposed into English and Welsh law, and place a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria in Europe are designated as Sites of Community Importance by the European Commission, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. Since the UK's departure from the European Union the European Commission no longer has a role in designating SACs in the UK. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish a single stage designation process, where the appropriate authority is the decision maker. The selection and designation of SACs is based on the criteria set out in Annex III of the Habitats Directive insofar as it applies to the UK, and having regard to the advice of the appropriate nature conservation body.

The 2019 Amendment Regulations have created a new national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs, existing Special

Protection Areas (SPA) originally designated as a result of Council Directive 2009/147/EC on the Conservation of Wild Birds, and any new SACs and SPAs designated under the 2019 Regulations. SACs and SPAs in the UK therefore no longer form part of the EU's Natura 2000 ecological network.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively (European Protected Species (EPS)). Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade in these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations. Under the Habitats Regulations disturbance includes any activity which is likely to: impair the ability of a EPS to survive, breed, reproduce, or rear/nurture its young; impair the ability of a EPS to migrate or hibernate; or significantly affect the local distribution or abundance of the species.

The Environment Act 2021, among other things: established an Office for Environmental Protection; introduced a mandatory requirement for all new development requiring planning permission to achieve a net gain for biodiversity of at least 10% (although implementation of this is transitional); amended the NERC Act duty to conserve biodiversity by explicitly adding a duty to enhance; and requires local authorities to produce local nature recovery strategies.

Great crested newt (*Triturus cristatus*; GCN) (and natterjack toad *Bufo calamita*)

GCN is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a GCN (including its eggs).
- ▶ Possess or control a live or dead GCN, any part of, or anything derived from a GCN.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a GCN uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a GCN while it is occupying a structure or place that it uses for shelter or protection.

Wild birds

Wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to intentionally kill, injure or take away any wild bird. It is also an offence to take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. In addition, certain species are listed on Schedule 1 of the WCA (such as kingfisher *Alcedo atthis*). This makes it an additional offence to intentionally or recklessly disturb the adults while they are in and around their nest or intentionally or recklessly disturb their dependent young. Such species are considered to be in greater need of legal protection or of high nature conservation priority.

Birds of Conservation Concern (BoCC5) are included on Red and Amber lists (Stanbury *et al.*, 2021). Birds on the Red list are those of highest conservation priority due significant and sustained population decreases and/or range contractions (e.g. house sparrow *Passer domesticus* and starling *Sturnus vulgaris*). Birds on the Amber list are the next most critical group and include species whose population/range have shown moderate declines, or which have recovered to some extent from historical decline, such as dunnock *Prunella modularis*.

Badger (*Meles meles*)

Badgers are listed under Schedule 6 of the Wildlife and Countryside Act which grants them partial protection. This protection is extended by the Protection of Badgers Act 1992 (Badger Act) which makes it an offence to take, injure or kill a badger, interfere with a sett, sell or possess a live badger, or mark or ring a badger without a licence. Under the Act disturbance is illegal without a licence. Natural England has published guidelines to be adopted when determining whether an activity is 'disturbing' i.e. a licence is required when, for example, using heavy machinery (generally tracked vehicles) within 30m of any entrance to an active sett. Licences are not normally issued during the badger breeding season (December – June inclusive).

Bats (*Chiroptera*)

Bats and their roosts are fully protected by protected by the WCA and the Habitats Regulations, and seven species of bats are species of principal importance. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a bat.
- ▶ Possess or control a live or dead bat, any part of a bat, or anything derived from a bat.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- ▶ Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- ▶ Make a false statement in order to obtain a licence for bat work.

Under the Habitats Regulations disturbance includes any activity which is likely to:

- ▶ Impair the ability of a bat to survive, breed, reproduce, or rear/nurture its young.
- ▶ Impair the ability of a bat to migrate or hibernate.
- ▶ Significantly affect the local distribution or abundance of the species.

Eurasian beaver (*Castor fiber*)

From October 2022 Eurasian beavers are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Under this legislation it is an offence to:

- ▶ Deliberately disturb a beaver – this includes any action likely to impair their ability to survive, breed or rear their young.
- ▶ Deliberately injure, capture or kill a beaver.
- ▶ Damage or destroy the breeding site or resting place of a beaver.

It is also an offence to:

- ▶ Possess, control or transport a beaver.
- ▶ Sell or exchange a beaver.
- ▶ Offer a beaver for sale or exchange.

This applies whether the beaver is alive or dead and includes beaver parts and derivatives.

The Wildlife and Countryside Act 1981 (as amended) prohibits the release of beavers into the wild except with a licence. It also makes it an offence to use any trap or snare for the purpose of killing, taking or restraining beavers. It is also an offence to set a trap or snare in place to cause injury to a beaver.

Some management activities near or in a site of special scientific interest may need permission from Natural England under this legislation.

Beavers are protected from unnecessary suffering and cruel treatment under the Animal Welfare Act 2006 and the Wild Mammals (Protection) Act 1996.

Hazel dormouse (*Muscardinus avellanarius*)

Dormouse is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*:

- ▶ Intentionally kill, injure or take a dormouse.
- ▶ Possess or control a live or dead dormouse, any part of, or anything derived from a dormouse.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a dormouse uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a dormouse while it is occupying a structure or place that it uses for shelter or protection.

Otter (*Lutra lutra*)

Otter is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take an otter.
- ▶ Possess or control a live or dead otter, any part of, or anything derived from an otter.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that an otter uses for shelter or protection.
- ▶ Intentionally or recklessly disturb an otter while it is occupying a structure or place that it uses for shelter or protection.

Water vole (*Arvicola amphibious*)

Water vole is fully protected by the WCA. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a water vole.
- ▶ Possess or control a live or dead water vole, any part of, or anything derived from a water vole.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a water vole uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a water vole while it is occupying a structure or place that it uses for shelter or protection.

Reptiles

The four common species (slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, adder *Vipera berus* and grass snake *Natrix helvetica*) are partially protected under the WCA. They are protected, *inter alia*, against intentional killing and injuring. The handling and translocation of these reptiles does not require a licence.

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a smooth snake or sand lizard.
- ▶ Possess or control a live or dead smooth snake or sand lizard, any part of, or anything derived from a smooth snake or sand lizard.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a smooth snake or sand lizard uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a smooth snake or sand lizard while it is occupying a structure or place that it uses for shelter or protection.

Weeds Act 1959 / Ragwort Control Act 2003

This legislation provides for orders to be made for control where notifiable weed species such as ragwort are said to be a problem. The act does not make it illegal to have ragwort (or other weed species) on your land, make it illegal to allow ragwort to spread, or force landowners automatically to control it. However, if DEFRA is satisfied that there are injurious weeds to which this Act applies growing upon any land it may serve upon the occupier of the land a notice in writing requiring them, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

Planning context

National Planning Policy Framework (Section 15: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in December 2023, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ Protecting and enhancing valued landscapes, sites of biodiversity or geological conservation value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- ▶ Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- ▶ Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- ▶ Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures;
- ▶ Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- ▶ Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The NPPF requires that local plans should “distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

To protect and enhance biodiversity and geodiversity, the NPPF states that planning policies 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.

When determining planning applications, local planning authorities should aim to protect and enhance biodiversity by applying the following principles:

- ▶ 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.

The following wildlife sites should be given the same protection as habitats sites:

- ▶ 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.

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. The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK/Local Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts. The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, was a government initiative

designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contained a list of Priority Habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status.

However, as a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the 'UK Post-2010 Biodiversity Framework' in July 2012. The UK lists of Priority Habitats and species nonetheless remain an important reference source and were used to draw up statutory lists of Priority Habitats and species in England, Northern Ireland, Scotland and Wales. The Priority Habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. Where they exist, Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Local Planning Policy

The following policies relating to wildlife and biodiversity are contained within the adopted North Hertfordshire Local Plan 2011-2031 (North Herts Council, 2022):

SP12: Green Infrastructure, Landscape and Biodiversity

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.*

Appendix VI: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
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- The advice provided in this report does not constitute legal advice. As such, the services of lawyers may also be considered to be warranted.
- Unless otherwise stated in this report, the assessments made assume that the sites and facilities that have been considered in this report will continue to be used for their current planned purpose without significant change.
- All work carried out in preparing this report has utilised and is based upon UEEC Ltd's current professional knowledge and understanding of current relevant UK standards and codes, technology and legislation. Changes in this legislation and guidance may occur at any time in the future and may cause any conclusions to become inappropriate or incorrect. UEEC Ltd does not accept responsibility for advising the Client or other interested parties of the facts or implications of any such changes;
- Where this report presents or relies upon the findings of ecological field surveys (including habitat, botanical or protected/notable species surveys), its conclusions should not be relied upon for longer than a maximum period of two years from the date of the original field surveys. Ecological change (e.g. colonisation of a site by a protected species) can occur rapidly and this limitation is not intended to imply that a likely absence of, for instance, a protected species will persist for any period of time;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Every effort has been made to accurately represent the location of mapped features, however, the precise locations of features should not be relied upon;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out, weather conditions and other variables will influence the results of an ecological survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). Every effort has been made to accurately note indicators of presence of protected, rare and notable species within and adjacent to the site but the possibility nonetheless exists for other species to be present which were not recorded or otherwise indicated by the survey;
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.

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