

Proposed Residential Development: Land off
Gray's Lane, Hitchin (1005083)

Updated Ecological Appraisal

June 2025

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Executive Summary

- i) **Introduction.** Aspect Ecology is advising Hill Residential Ltd in respect of ecological matters relating to the proposed development of the site, located south of Gray's Lane, Hitchin.
- ii) **Proposals.** The proposals are for development of the site to provide residential development and associated infrastructure and landscaping, in line with the existing permitted position, albeit it is understood that a s73 application is required as Hill Residential wish to make changes to the approved development.
- iii) **Survey.** The site was originally surveyed in November 2016 to September 2020 based on standard extended Phase 1 methodology, with further update survey work undertaken in May 2025 in order to update the position and further inform the s73 application. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with particular attention paid to the potential presence of bats, Dormouse and Roman Snail.
- iv) **Ecological Designations.** In line with the previously permitted position, the site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory ecological designation is Oughtonhead Common LNR, which is located approximately 0.8 km northwest of the site (Oughtonhead Lane SSSI is located approximately 0.65km north of the site, but is designated for geological reasons). No non-statutory ecological designations (LWSSs) are located within or adjacent to the site. Accordingly, all identified ecological designations, are sufficiently well-separated from the site such that they are unlikely to be adversely affected by the proposals.
- v) **Habitats.** Similarly in line with the previously permitted position, the site is dominated by species-poor grassland, with a small number of scattered trees and scrub. Accordingly, the majority of the areas proposed for development are formed by habitats of low ecological value, albeit raised value is present in the form of the boundary hedgerows and vegetation, whilst existing offsite woodland (priority habitat) is located immediately south of the site (included within the wider survey area), all of which will be retained under the proposals, with buffers incorporated into the development and suitable protection measures recommended and compensation provided for any losses. Accordingly, the (priority) woodland habitat in particular will be safeguarded.
- vi) **Protected Species.** Largely unchanged from the previously permitted position, the proposed development areas within the site generally offer limited opportunities for protected species and no evidence of any such species was recorded during the survey work. Some minor potential has been identified in relation to common mammals, nesting birds, Dormouse, common reptiles, Roman Snail and foraging bats (particularly relating to the retained woodland habitat and a single Hawthorn tree with a potential roosting feature) and accordingly, appropriate measures are recommended to safeguard these faunal species/groups where appropriate.
- vii) **Enhancements.** The proposals continue to present the opportunity to secure a number of ecological enhancement measures at the site, along with additional faunal enhancements including nesting habitats for birds and roosting opportunities for bats.
- viii) **Summary.** In summary, in line with the previously permitted scheme, the current proposals continue to minimise impacts and subject to the continued implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals would result in significant harm to ecological receptors.

1 Introduction

1.1 Background & Proposals

- 1.1.1 Aspect Ecology is advising Hill Residential Ltd in regard to ecological matters in respect of proposed development of the site, located north of south of Gray's Lane in Hitchin, centred at grid reference TL 174 290 (see Plan 5083/ECO1).
- 1.1.2 The site is the subject of an extant planning permission (ref: 22/03092/FP) granted by North Herts Council in March 2024 for residential development, including the construction 47 new dwellings and associated access roads, infrastructure and landscaping. The permitted application was informed by ecological survey and assessment work, as set out within a previous version of this report (most recently dated November 2022).
- 1.1.3 As part of the previous work, the site was surveyed in November 2016, June 2018 and September 2020 in order to inform the development proposals.
- 1.1.4 Subsequently, it is understood that Hill Residential wish to make changes to the approved development (as shown by Appendix 5083/1) and these are to be subject to a S73 application. To inform the s73 application and ensure that the proposals continue to be informed by up to date ecological information, further survey work and assessment has been undertaken in May 2025 to update the position at the site. The updated ecological work includes updated Phase 1 habitat and faunal survey work (consistent with the previously permitted proposals), the results of which are included in this report.

1.2 Site Overview

- 1.2.1 The site is located south of Gray's Lane, at the west of the existing settlement of Hitchin in the North Hertfordshire District. The eastern site boundary is marked by Crow Furlong, beyond which is existing residential development within Hitchin. The southern site boundary is located adjacent to an area of woodland (which is included within the wider survey area), which itself lies adjacent to Pirton Road, with largely arable farmland beyond. The northern site boundary lies adjacent to an extension to Gray's Lane, with a further grassland field beyond. A residential and nursing care home and associated grounds are located immediately west of the site.
- 1.2.2 The site itself is dominated by species-poor grassland and associated boundary features, whilst the adjacent woodland located south of the site is also included within the wider survey area. The site is allocated for residential development in the adopted local plan under policy HT6.

1.3 Purpose of the Report

- 1.3.1 This report provides an updated assessment in relation to the current (s73) proposals in order to update the previously permitted information. The information set out documents the methods and findings of the updated baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, and subsequently provides an appraisal of the likely ecological effects of the proposals. The importance of the habitats and species present is evaluated. Where necessary, avoidance, mitigation and compensation measures are recommended in

relation to the current proposals so as to safeguard any significant existing ecological interest within the site and where appropriate, opportunities for ecological enhancement are proposed with reference to national conservation priorities and local Biodiversity Action Plans (BAPs).

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings Hertfordshire Environmental Records Centre (HERC) was previously contacted in 2018, with data requested on the basis of a search radius of 2km. Further information was obtained from HERC during May 2025 on the same basis in order to provide updated consideration.
- 2.1.2 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database¹, which uses data provided by Natural England, from within a search area extending to 25km from the site. The MAGIC database was also searched to identify the known presence of any Priority Habitats within or adjacent the site. In addition, a number of sources including North Hertfordshire District Green Infrastructure Plan and the 'data.gov.uk' website (which includes mapping of Local Wildlife Sites within North Hertfordshire) have been reviewed in order to obtain information in regard to non-statutory ecological designations in the vicinity of the site.
- 2.1.3 In addition, the Woodland Trust database² was searched for any records of ancient, veteran or notable trees within or adjacent to the site.
- 2.1.4 Where information has been obtained from the above sources, this is reproduced at on Plan 5083/ECO2, where appropriate.

2.2 Habitat Survey

- 2.2.1 The site was previously surveyed in November 2016, June 2018 and September 2020, with further survey work undertaken in May 2025 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 2.2.2 The site was surveyed based on standard Phase 1 Habitat Survey methodology³, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal⁴ to record details on the actual or potential presence of any notable or protected species or habitats.
- 2.2.3 Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified. The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) Checklist.

¹ Multi-Agency Geographic Information for the Countryside (MAGIC), at <https://magic.defra.gov.uk/>

² Woodland Trust Ancient Tree Inventory, at <https://ati.woodlandtrust.org.uk/>

³ Joint Nature Conservation Committee (2010) 'Handbook for Phase 1 habitat survey: A technique for environmental audit.'

⁴ Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) 'Guidelines for Preliminary Ecological Appraisal.'

Grassland

- 2.2.4 In addition, the grassland habitat within the north of the site was subject to further specific examination during May 2018 in regard to the species present. The site was searched throughout in order to identify the plant species present throughout the sward, whilst in addition a total of 10 quadrats were sampled and a detailed species list for each produced.

2.3 Faunal Surveys

- 2.3.1 General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Particular attention was also paid to the potential presence of any protected, rare or notable species and specific appraisal and inspection survey work was undertaken in regard to bats.

Bats^{5,6}

Visual Inspection Surveys

- 2.3.2 **Trees.** Trees were assessed for their potential to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. The risk category for roosting bats for each tree was rated based on relevant guidance from BS 8596:2015⁷ as either:

- Known or Confirmed Roost;
- High/medium Risk;
- Low Risk; or
- Negligible/no Risk.

- 2.3.3 Any potential roost features identified were also inspected for any signs indicating possible use by bats, e.g. staining, scratch marks, bat droppings, etc.

Dormouse

- 2.3.4 English Nature's (now Natural England's) publication 'The Dormouse Conservation Handbook, Second Edition' provides advice on recommended survey methods to determine the presence of Dormouse at a site. The handbook states that the best way to establish Dormouse presence at a site is by searching for gnawed Hazel nuts (as Dormice leave distinct marks when opening Hazel nuts).
- 2.3.5 The woodland habitat includes considerable Hazel, such that abundant Hazel nuts are evident on the ground beneath individual Hazel stands. Accordingly, an initial search for Hazel nuts was undertaken at the site in May 2018, whereby several hundred Hazel nuts taken from the woodland floor beneath individual stools were examined to establish if any showed the characteristic Dormouse gnaw marks in order to provide an indication of the presence or likely absence of this species at the site.

⁵ Based on: English Nature (2004) 'Bat Mitigation Guidelines'

⁶ Bat Conservation Trust (2012) 'Bat Surveys – Good Practice Guidelines'

⁷ Based on: British Standard 8596:2015: Surveying for Bats in Trees and Woodland – Guide

- 2.3.6 A further nut search was undertaken during the September 2020 survey work, whereby the ground beneath a number of larger coppice stools was searched for nuts showing evidence of Dormouse.

Roman Snail

- 2.3.7 Comments received from Hertfordshire Ecology (see Appendix 5083/2) indicated reports by local residents of Roman Snail within the woodland at the site and accordingly a specific survey was undertaken in regard to this species. No formal published guidelines are available in regard to Roman Snail survey methodology, albeit the snails are most active and evident in warm, humid weather, whilst the presence of dead shells is often evident within sites occupied by this species. A systematic search of suitable vegetation and other areas within the woodland and field margins at the site for Roman Snails and old shells or other evidence was undertaken during September 2020 by an experienced surveyor during humid weather conditions including brief light rain showers.

2.4 Survey Constraints/Limitations

- 2.4.1 All of the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The Phase 1 habitat survey work undertaken included surveys undertaken during the optimal seasonal period for botanical work (including the most recent work undertaken during May 2025), whilst the nature of the habitats within the site allowed for the habitat types to be identified and for a robust assessment of the intrinsic ecological interest of the site to be made, particularly given the previously available ecological survey information in regard to the site.
- 2.4.2 Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.
- 2.4.3 Any further, specific consideration of individual constraints relating to individual species or issues is set out below, within the body of the text as appropriate.

2.5 Principles of Ecological Evaluation

- 2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)⁸, which involves identifying 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). For full details refer to Appendix 5083/3.

⁸ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Chartered Institute of Ecology and Environmental Management, Winchester

2.6 National Policy Approach to Biodiversity in the Planning System

2.6.1 The National Planning Policy Framework (NPPF)⁹ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005¹⁰.

2.6.2 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss¹¹, as set out at Paragraph 187, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs'

2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 193:

'When determining planning applications, local planning authorities should apply the following principles:

- a) *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;*
- b) *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;*
- c) *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*
- d) *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.'*

⁹ Ministry of Housing, Communities & Local Government (2024) National Planning Policy Framework

¹⁰ ODPM (2006) Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice

¹¹ DEFRA (2011) Biodiversity 2020: A strategy for England's wildlife and ecosystem services

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019¹², which sets out the following step-wise process:

- **Avoidance** – avoiding adverse effects through good design;
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

2.6.5 The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the type and scale of the proposed development (BS 42020:2019, section 5.5).

2.7 Local Policy

2.7.1 Adopted planning policy at the local level of relevance to ecological considerations at the site, is set out within the North Hertfordshire District Council Local Plan 2011-2031, which was adopted by The Council on Tuesday 8 November 2022 and replaces the previously saved policies of the District Plan Second Review and Alterations. An update to the local plan is in progress since January 2024 and will cover the period 2025-2045 however this has not been adopted therefore the North Hertfordshire District Council Local Plan 2011-2031 is still the current Local Policy document.

2.7.2 The adopted Local Plan 2011-2031, includes 4 policies which relate directly to nature conservation matters (NE4: Designated biodiversity and geological sites; NE6: New and improved open space; ; NE8: Sustainable drainage systems and SP12: Green infrastructure, biodiversity and landscape).

2.7.3 Policy NE4 relates to protection, enhancement and management of biodiversity and biodiversity net gains, including requirements for applications to include submission of ecological survey work, details of appropriate avoidance, mitigation and enhancement measures and integration of buffers of complementary habitats (including 12m complimentary habitat provided around wildlife sites, trees and hedgerows).

2.7.4 Policy NE6 sets out that *"Planning permission will be granted for development proposals that make provision for new and/or improved open space which...*

...c. Incorporate any necessary open space buffer(s) where necessary for landscape, visual, ecological or air quality reasons"

2.7.5 Policy NE8 relates to sustainable drainage systems, setting out that *"Planning permission for development will be granted provided that:*

a) The most appropriate sustainable drainage solution is used taking into account technical, viability and design issues to reduce the risk of

¹² British Standards Institution (2013) Biodiversity – Code of practice for planning and development, BS 42020:2019

surface water flooding, enhance biodiversity, water quality and provide amenity benefits;...”

2.7.6 Policy SP12 relates to the accommodation of significant growth during the plan period whilst ensuring protection and enhancement of the natural environment, including in particular in relation to biodiversity and ecological designations, habitats and species.

2.7.7 In addition, the application site is allocated for residential development under policy HT6 within the adopted Local Plan 2011-2031, which lists a number of specific criteria associated with any proposed development of the site, including that any such development should:

‘- consider and mitigate against any adverse impacts upon adjoining priority habitat (deciduous woodland);

- *Consider and mitigate against potential adverse cumulative impacts of sites in this area on Oughtonhead Lane SSSI’*

3 Ecological Designations

3.1 Statutory Designations

Description

- 3.1.1 The statutory designations of ecological importance that occur within the vicinity of the site are shown on Plan 5083/ECO2 and listed at Table 3.1., below.
- 3.1.2 The nearest statutory ecological designation identified to the site is Oughtonhead Common Local Nature Reserve (LNR), which is located approximately 800m north west of the site. Oughtonhead Lane Site of Special Scientific Interest (SSSI) is located in closer proximity at approximately 650m from the site, albeit is designated for geological reasons and accordingly, further consideration in relation to ecological matters is not relevant to the designation.
- 3.1.3 No other identified statutory nature conservation designations are located within 2km of the site, whilst no identified international level ecological designations are located within 15km of the site.
- 3.1.1 Information available on the MAGIC database identifies that the site is located within a single identified "Impact Risk Zone" relating to SSSI's (apparently relating to Oughtonhead Lane SSSI), which identifies potential for residential development of 100 or more units/houses (50 or more houses outside of existing settlements/urban areas) to impact upon a SSSI.

Evaluation

- 3.1.2 The site itself is not subject to any statutory ecological designations. The nearest ecological designation to the site (Oughtonhead Common LNR – in common with Oughtonhead Lane SSSI) is physically separated from the site, such that any proposals at the site would be unlikely to result in any direct adverse effects on the designation, whilst similarly the distance separating the site from the designations (particularly given the scale and nature of the proposals) is such that the designations would be unlikely to be subject to any additional light-spill or other pollution arising from the site itself as a result of the proposals.
- 3.1.3 The proposals are for 47 new dwellings (unchanged from the permitted scheme), which is therefore well below the threshold figure associated with the identified Impact Risk Zone at the site (whilst in any event, as set out above, Oughtonhead Lane SSSI is designated for geological reasons and accordingly, further consideration of the designation in relation to ecological factors is considered unwarranted).
- 3.1.4 Overall therefore, all statutory ecological designations in the surrounding area are well separated from the site by existing development and given the nature and scale of the proposals, such designations are considered unlikely to be adversely affected.

3.2 Non-statutory Designations

Description

- 3.2.1 The non-statutory designations of nature conservation interest that occur within the vicinity of the site are shown on Plan 5083/ECO2 and listed at Table 3.1., below. The

site does not contain any identified non-statutory designations of nature conservation interest. The nearest current Local Wildlife Site (LWS) to the site is The Willows (Hitchin) LWS, which is located approximately 450m south of the site at its closest point.

- 3.2.2 A former, deselected Wildlife Site (Pirton Road Allotments) is located approximately 150m south of the site, beyond the offsite woodland and Pirton Road. It is understood that the allotments were previously designated due to the presence of a reptile population, but were deselected in 2011 and accordingly, do not appear to represent a current consideration in regard to the site. In any event the allotments are located entirely outside of the site, beyond Pirton Road, and would be further separated from the proposed development areas by the intervening woodland areas which will be unaffected by the proposals.
- 3.2.3 All other identified non-statutory ecological designations are well-separated from the site including by existing developed areas.

Evaluation

- 3.2.4 In line with the previously permitted information, the site itself is not subject to any non-statutory nature conservation designations.
- 3.2.5 The closest current LWS to the site (The Willows (Hitchin)) is removed and separated from the site, including by existing residential development within the west of Hitchin, such that it is unlikely to be affected by the proposed development at the site.
- 3.2.6 All other identified current non-statutory ecological designations in the surrounding area are well separated from the site, including by existing development and roads. Given the nature and scale of the proposals, all identified non-statutory ecological designations are therefore considered unlikely to be affected.

3.3 Ancient Woodland, Notable Trees and Other Features

Description

- 3.3.1 There are no areas of ancient woodland or notable trees within or adjacent to the site. No identified ancient woodland is present within 2km of the site, the nearest identified ancient woodland being situated approximately 2.8km south west of the site, in the form of West/Goodleys Woods.

Evaluation

- 3.3.2 On the basis of the available information, it is unlikely that any ancient woodland or other notable habitats will be affected by the proposals.

3.4 Summary

- 3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and is separated from all such designations. Accordingly, particularly given the nature and location of the site and the extent of the proposals, it is unlikely that any such designations in the surrounding area would be adversely affected by the proposals.

Table 3.1: Statutory and non-statutory ecological designations identified within the vicinity of the site.

Designation Name	Designation	Approximate Distance and Direction from Site
<i>Statutory Designations</i>		
Oughtonhead Lane	SSSI (Geological)	0.65km N
Oughtonhead Common	LNR	0.8 km NW
Purnell Meadows	LNR	2.4km E
Wain Wood	SSSI	3.3km S
Knocking Hoe	SSSI/NNR	4.3km W
Deacon Hill	SSSI	4.65km W
<i>Non-statutory Designations</i>		
Pirton Road Allotments	Deselected (2011) LWS	0.05km S
The Willows (Hitchin)	LWS	0.45km S
Oughtonhead Common	LWS	0.8km N
Priory Park Icehouse	LWS	0.97km SE
Charlton Mill Pool	LWS	1.1km S
Windmill Hill	LWS	1.2km SE
Hitchin Road Verge (S. of Pirton)	LWS	1.35km W
Maydencroft Manor Farm Gosmore	LWS	1.6km SE
Westmill Lane, Ickleford	LWS	1.9km N

4 Habitats and Ecological Features

4.1 Background Records

- 4.1.1 No specific records of any protected, rare or notable plant species from within or immediately adjacent to the site are included within the information returned from the Records Centre during 2018 or 2025.
- 4.1.2 A number of records of Priority Species were returned from the search area, many of which were not recorded within or adjacent to the site. However, a number of records contained coarse 1kmx1km grid references and potentially are present on-site including Bluebell, Wild Strawberry, Hoary Plantain, Field Scabious, Chicory. Also the data search returned records of Japanese Knotweed and Himalayan Balsam with coarse 1kmx1km grid references. However, the exact locations of such records are unknown and no evidence for the presence of any of these species within the site was recorded during the survey work undertaken.

4.2 Overview

- 4.2.1 The habitats and ecological features present within the site are described below and evaluated in terms of intrinsic ecological value, such as in relation to the presence of rare plant communities or individual plant species of elevated interest. The likely effects of the proposals on the habitats and ecological features are then assessed. The value of habitats for the fauna they may support is considered separately in section 5 below.
- 4.2.2 The following habitats/ecological features were identified within/adjacent to the site:
- Grassland;
 - Hedgerows, trees and scattered scrub; and
 - Disturbed ground.
- 4.2.3 In addition, as set out above, an area of woodland located offsite, adjacent to the southern site boundary was included within the survey area.
- 4.2.4 The locations of these habitats and features are illustrated on Plan 5083/ECO3 and they are described below.

4.3 Priority Habitats

- 4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Sections 41 and 42 of the NERC Act require the Secretary of State to publish a list of habitats which are of principal importance for conservation in England and Wales, respectively. This list is largely derived from the 'Priority Habitats' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.

- 4.3.2 Of the habitats within the site, lowland mixed deciduous woodland and hedgerows are listed as UK Priority Habitats/Habitats of Principle Importance for nature conservation. This is discussed further in the relevant habitat sections below.

4.4 Grassland

Description

- 4.4.1 The application site is dominated by species-poor grassland. At the time of initial survey in 2016, much of the grassland was recorded to be closely mown (evidently over a sustained period during the year as indicated by the fine, short sward), apparently in connection with a recent event, with a temporary marquee erected at the time. During the 2018 survey, (undertaken during the optimal seasonal period for grassland survey work), the grassland sward was recorded to be taller and unmanaged. A total of ten quadrats were examined in detail within the grassland sward during the May 2018 survey work in order to establish the species present. Species recorded within the quadrats during the survey work are listed at Appendix 5083/4. Subsequently, during the 2020 survey work, the grassland was recorded to be sheep-grazed, with a matted sward supporting a very low number of forbs consistent with the previous species list.
- 4.4.2 Overall the grassland sward was recorded to be consistently dominated by a small number of grass species, in particular Cock's-foot *Dactylis glomerata* and Meadow grass *Poa* sp., with Meadow Foxtail *Alopecurus pratensis*, Yorkshire-fog *Holcus lanatus*, Perennial Rye-grass *Lolium perenne* and occasional Soft Brome *Bromus hordaceus*. Forb species within the grassland sward were recorded to be dominated by species typical of agriculturally improved habitats, including Creeping Buttercup *Ranunculus repens*, Common Mouse-ear *Cerastium fontanum*, Field Bindweed *Convolvulus arvensis*, with Germander Speedwell *Veronica chamaedrys* and Cow Parsley *Anthriscus sylvestris*.
- 4.4.3 In addition, considerable patches of Stinging Nettle *Urtica dioica* were noted in places, particularly at the margins (encroaching from disturbed areas following previous management), whilst a range of ruderal weeds and arable species were recorded to be associated with a number of disturbed areas within the grassland sward at the time of the May 2018 surveys (see below).
- 4.4.4 During the updated 2025 survey work, the grassland was recorded to support a tall sward (with the sward height recorded to be 20-50cm – apparently indicative of a lack of recent management or sheep-grazing, likely associated with the forthcoming progression of the permitted development) with largely the same species-composition as that previously recorded, albeit with additional White Dead-nettle and White Bryony present.

Evaluation

- 4.4.5 The grassland areas within the application site were recorded to support a limited range of common and widespread species typical of agriculturally improved areas, which appears to be in receipt of variable management albeit at times have clearly supported a short sward, albeit with a cessation of recent management following granting of the existing planning permission. On this basis, the grassland is considered to be of relatively low ecological value at the local level and the loss of

the grassland to the proposals is therefore unlikely to be of ecological significance or represent a particular constraint on the proposed development.

4.5 Hedgerows, Trees and Scattered Scrub

Description

4.5.1 Existing hedgerows (H1 to H4) are present at the northern, western and eastern boundaries of the application site, as shown at Plan 5083/ECO3. A summary of the hedgerow characteristics is shown below at Table 4.1.

Table 4.1: Hedgerow descriptions. Dominant woody species underlined.

No.	H	Woody species	Ground flora & climbers	Associated features	Comments (including structure / management)
H1	4-5m	<u>Hawthorn</u> , Elder, Blackthorn, Dog Rose, Hazel, single mature Sycamore standard, Holly	Stinging Nettle, Ivy, Wild Clematis, White Dead-nettle, Hogweed, Cow Parsley, Bramble, Eggleaf Spurge, Rough Chevril, Ground Ivy, Cleavers, Bittersweet, Nightshade, Creeping Thistle, White Bryony	Situated adjacent to public right of way (Bridleway along Gray's Lane)	Mature, dense boundary corridor.
H2	6m+	<u>Blackthorn</u> , Elder Ash, Holly, <i>Rosa</i> sp., Hawthorn, standard Horse Chestnut, Hazel, Ash, Field Maple, Dog Rose	Bramble, Ivy, Cleavers, Common Nettle, Cow Parsley, White Bryony, Rough Chevril, Barren Brome	None	Tall boundary hedge/tree line.
H3	3-6m	Hawthorn, Elm Holly, Prunus sp.	Stinging Nettle, Bramble, Ivy, Cleavers, Cow Parsley, Ground Ivy, Hedge Bindweed, Broadleaved Dock, White Bryony, Barren Brome, Cranesbill sp., Green Alkanet, Spanish Bluebell, Lords and Ladies	Situated adjacent to public right of way (Crow Furlong)	Field boundary adjacent to Crow Furlong. No standard trees.
H4 (Offsite)	4-5m	<u>Hawthorn</u> , Blackthorn, Hazel	Wild Clematis, Stinging Nettle, Ivy, Cow Parsley, Garlic Mustard, Barren Brome, Dandelion	Situated adjacent to north of existing public right of way (Bridleway along Gray's Lane)	Section of Hawthorn along residential boundary was recently box cut. The section previously contained within the line boundary was recorded to have been removed by the time of the 2025 survey work, likely associated with provision of access associated with the offsite development to the north.

- 4.5.2 In addition, the site includes a small number of trees and scattered scrub, including Ash *Fraxinus excelsior*, Crab Apple *Malus sylvestris*, Elder *Sambucus nigra*, Hawthorn *Crataegus monogyna*, Pear *Pyrus* sp. and a single mature Ash located within the east.
- 4.5.3 Additional areas of dense Blackthorn scrub were noted within the east of the site (encroaching from hedgerow H3) during the initial (2016) survey work, however by the time of the May 2018 surveys these were recorded to have been removed as part of the ongoing general maintenance of the site, being replaced by bare, recolonising ground with chipped material and during the 2020 and 2025 surveys these areas had become re-vegetated, dominated largely by Stinging Nettle.

Evaluation

- 4.5.4 The hedgerows and associated vegetation provide substantial, dense corridors around the site boundaries, which are likely to qualify as a Priority Habitat based on the standard definition¹³, which includes all hedgerows (>20m long and <5m wide) consisting predominantly (≥80%) of at least one native woody species. It has been estimated that approximately 84% of countryside hedgerows in GB qualify as a Priority Habitat under this definition.¹³
- 4.5.5 The hedgerows are also likely to be of some value for faunal species, providing a nesting and foraging resource and potential corridors for movement.
- 4.5.6 The current proposals continue to incorporate the retention of the majority of the existing hedgerows at the site in line with the permitted position, (with the only exception being 70m loss to hedgerows H3 and H4 required in order to facilitate the required access at the north eastern corner of the site), whilst it is recommended that a number of safeguarding measures are put in place to protect the hedgerows and other vegetation at the site during the construction period are set out in Section 6.

4.6 Disturbed Ground

Description

- 4.6.1 At the time of the May 2018 survey work, a number of recently disturbed areas were noted within the body of the site. The disturbed ground appeared to have arisen following recent management works including removal of encroaching Bramble and scrub (the chipped remains of which were noted to be spread across the ground), along with apparent former trenches.
- 4.6.2 These habitats were clearly transient in nature (and indeed were not evident by the time of the 2020 survey) and were recorded (in 2018) to support a range of common weed species including Stinging Nettle, White Campion, Creeping Buttercup, Spear Thistle *Cirsium vulgare*, Germander Speedwell, Broad-leaved Dock and Annual Meadow-grass *Poa annua*. In addition, frequent Henbane *Hyoscyamus niger* was recorded within the disturbed areas during the 2018 survey work.
- 4.6.3 During the updated survey work in May 2025, these areas were recorded to be largely recolonised (as described during 2020 survey work) by the surrounding grassland vegetation and as such only one small area of bare ground remained to the

¹³ Based on: Biodiversity Reporting and Information Group (2011) 'UK Biodiversity Action Plan (BAP) Priority Habitat Descriptions', ed. Ant Maddock

south of the site which contained recolonising vegetation such as Creeping Thistle, Speedwell sp., Ground Ivy and *Poa* sp.

Evaluation

- 4.6.4 The disturbed, recolonising ground at the site in 2018 clearly represented a transient, ephemeral habitat resulting from short term management/sampling works rather than any long-term resource and does not appear to be typical of the long-term management of the site. In any event, the majority of species recorded within these areas were noted to comprise common ruderal weeds typical of disturbed waste ground. The presence of the archaeophyte Henbane recorded during the 2018 surveys provided some local interest at that time, albeit this species favours disturbed, waste ground on sandy soils, and its presence is typically reflective of human activities and recent introduction (whilst no suitable disturbance or available habitat were present by the time of the 2020 and 2025 survey work). Accordingly, this habitat is considered to offer no more than low ecological value in the context of the site and its loss to the proposal would be of no importance in its own right, such that it does not appear to provide a potential constraint on the current proposals or require further consideration (whilst in any event this species was not recorded to be present during 2020 or 2025).

4.7 Offsite Woodland

Description

- 4.7.1 The southern part of the survey area, located offsite immediately adjacent to the southern boundary of the application site, is formed by woodland covering an area of approximately 2ha, apparently forming a lapsed coppice with sparse canopy containing few, well-spaced mature trees over a generally dense understory/scrub layer.
- 4.7.2 Canopy trees, where present, include Ash *Fraxinus excelsior* (particularly towards the western margin) with Oak *Quercus robur* and occasional Sycamore *Acer pseudoplatanus* and Norway Maple *Acer platanoides*. In addition, a single large mature Lime *Tilia* sp. is present at the northern edge of the woodland. A very small number of Pear and Apple *Malus* sp. are present within the extreme west of the woodland (in places overgrown with Bramble and scrub).
- 4.7.3 The majority of the woodland area is dominated by mature Hazel *Corylus avellana*, Hawthorn *Crataegus monogyna* and Elder *Sambucus nigra* which were recorded to be generally tall and outgrown, forming a dense, closed sub-canopy to a height of approximately 10m, albeit more open beneath. The ground flora was recorded to be dominated by Stinging Nettle with bramble and areas of bare ground due to the dense shading of the understorey, albeit more occasional scattered Garlic Mustard *Alliaria petiolata*, Lords and Ladies *Arum maculatum* and Ground-ivy *Glechoma hederacea* are present. A small number of non-native species and dumped garden waste were recorded within the woodland margins, particularly at the east associated with Crow Furlong (likely arising from the adjacent residential properties along Crow Furlong), with species including Snowberry *Symphoricarpos* sp., *Kerria japonica*, *Iris* sp., Butterfly-bush *Buddleja davidii* and Cherry Laurel *Prunus laurocerasus*.

- 4.7.4 At the time of the 2018 survey in particular, recent management works within the woodland area were evident, with a number of tracks and disturbed areas noted and considerable brash piles present. Secure stock-proof fencing marks the northern boundary of the woodland with the adjacent grassland field.
- 4.7.5 Updated survey work in May 2025 identified that the species present and the woodland composition remained largely as previously described. However, there were minimal areas of bare ground restricted to the base of trees as there were no recent signs of management. Ground flora remains dominated by dense Common Nettle and Cleavers, with Cow Parsley and Forget-me-not *Myosotis* sp. in addition to the occasional other species consistent with the previously recorded position.

Evaluation

- 4.7.6 The woodland present clearly provides considerable cover and mature vegetation, which therefore likely provides some considerable ecological value in the context of the site, including in particular a likely substantial foraging resource for faunal species including frequent Hazel (with large numbers of Hazel nuts noted throughout). However, the woodland area supports a limited range of woody species, with poor structure and extremely limited ground flora.
- 4.7.7 In line with comments received from Hertfordshire Ecology, it is noted that historic Ordnance Survey mapping identifies the woodland at the site as an orchard (indeed available OS mapping dating from 1923 to 1976 appear to show the presence of orchard at the site, albeit by the time of the 1980 map, this is identified as woodland, and is largely absent from the 1899 mapping, suggesting a relatively short timeframe for any such habitat). The presence of a very small number of Pear and Apple trees has been noted within the west of the wood, which could represent remnants of former orchard planting, albeit these are few and sparsely scattered such that they are no more frequent than would be anticipated through casual colonisation of such woodland areas in any event, whilst the habitat does not appear to currently support the characteristics of existing orchard habitat.
- 4.7.8 The existing woodland area is located outside of the current site boundary in its entirety, with no public access provided from the development (or elsewhere), whilst a buffer of 12m was incorporated into the permitted development scheme (which is understood to remain present under the current scheme), which will be composed of new wildlife habitats (including attenuation features), removing potential for encroachment into the woodland areas and complementing the woodland habitat (including in line with the latest Revised Schedule of Further Proposed Modifications to the North Hertfordshire Local Plan 2011-2031 May 2021 FM100).
- 4.7.9 Accordingly, subject to the continued incorporation of the proposed buffer zone and implementation of safeguards (including in respect of lighting and construction works, as set out in Chapter 6), the offsite woodland will remain unaffected.
- 4.7.10 The implementation of such measures will ensure that any potential adverse impacts on the woodland habitat (identified as priority habitat, including within the North Hertfordshire planning policy documents) are appropriately mitigated and as such would appear to accord with the specific requirements of the allocation of the site for development under policy HT6 and in line with the existing permitted position.

4.8 Habitat Evaluation Summary

- 4.8.1 On the basis of the above, the following habitats within and adjacent to the site are considered to form important ecological features:

Table 4.1. Evaluation summary of habitats forming important ecological features.

Habitat	Level of Importance
Hedgerows	Local
Woodland	Local

- 4.8.2 Other habitats present within the site include grassland, scattered scrub and disturbed ground. However, these habitats do not form important ecological features.

5 Faunal Use Of The Site

5.1 Overview

- 5.1.1 During the survey work, general observations were made of any faunal use of the site with specific attention paid to the potential presence of protected or notable species. In addition, specific inspection survey work and appraisal was undertaken in respect of bats.

5.2 Priority Species

- 5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Sections 41 and 42 of the NERC Act require the Secretary of State to publish a list of species which are of principal importance for conservation in England and Wales, respectively. This list is largely derived from the 'Priority Species' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority species under the subsequent country-level biodiversity strategies.
- 5.2.2 Where potential for the presence of Priority Species was recorded within the site, this is discussed below in relation to the relevant species group.

5.3 Bats

- 5.3.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation. If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. Several bat species are also S41 Priority Species.
- 5.3.2 **Background Records.** No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the LRC includes records of Brown Long-eared Bat *Plecotus auratus*, Common Pipistrelle *Pipistrellus pipistrellus*, Daubenton's Bat *Myotis daubentonii*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Natterer's Bat *Myotis nattereri*, Barbastelle *Barbastella barbastellus*, Noctule *Nyctalus noctule* and Pipistrelle *Pipistrellus* sp.
- 5.3.3 A number of records for Brown Long-eared Bat, Daubenton's Bat, Pipistrelle sp. and Natterer's Bat were potentially recorded at the site however most records except a single record for Pipistrelle sp. contained coarse 1km x 1km grid references therefore their precise locations are unknown in relation to the site boundary.

5.3.4 Survey results and evaluation.

Roosts

- 5.3.5 The site does not contain any buildings or other structures that could provide potential opportunities for roosting bats. None of the trees within the application site were recorded to support features such as cracks, splits, rot holes or other features that could offer potential opportunities for use by roosting bats during previous survey work undertaken in 2016, 2018 and 2020.
- 5.3.6 The offsite woodland area adjacent to the south of the application site supports few mature trees, with the majority of vegetation dominated by understorey species (predominantly Hazel and Hawthorn), which similarly do not support features offering potential for use by bats. Nonetheless, a number of the trees present were noted to support a covering of Ivy that could conceal potential roosting features, and a single Sycamore within the east of the woodland was noted to support a small cavity at a height of approximately 1.5m above ground level that could provide potential for use by a single or small number of bats. The cavity was thoroughly inspected and no evidence for any use by bats recorded.
- 5.3.7 Updated survey work in May 2025 identified a single Hawthorn tree with a vertical limb split located up to 2m from the ground level on a north-eastern facing limb which forms a potential PRF-M feature that has developed since previous surveys were completed. The trees is marked for removal under the proposals therefore recommended measures are set out at Chapter 6 below and subject to their implementation it is considered that bats will be fully safeguarded under the proposals.

Foraging / Commuting

- 5.3.8 Consistent with the previously permitted information, the area of offsite woodland located south of the site is likely to provide potential opportunities for use by foraging / commuting bats, (albeit limited by the relatively small size of the habitats and location adjacent to existing lit residential areas), particularly in combination with the site boundary vegetation and habitats. The existing woodland is located outside of the application site boundary and will remain unaffected, whilst the field boundary vegetation will be largely retained under the proposals, such that they will continue to provide suitable opportunities for use by foraging and commuting bats in the long term.
- 5.3.9 In order to prevent adverse effects on bat foraging / commuting habitat as result of increased light spill, appropriate recommendations are set out at Chapter 6., below.

5.4 Badger

- 5.4.1 **Legislation:** Badger receives legislative protection under the Protection of Badgers Act 1992 and as such should be assessed as an important ecological feature. The legislation aims to protect this species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain.

- 5.4.2 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. Guidance on the types of activity that should be licensed is laid out in the relevant best practice guidance.^{14, 15}
- 5.4.3 **Survey results and evaluation.** No records were returned from the local record centre. Also, no evidence for any use of the site by Badger was recorded in the form of any setts, latrines, foraging signs, scratching posts, push-throughs or pathways during any of the survey work undertaken, including most recently in 2025. Accordingly, on the basis of the current survey results and available evidence, the site does not appear to be in use by this species, which does not therefore appear to represent a potential constraint on the proposals.

5.5 Dormouse

- 5.5.1 **Legislation.** Dormouse is fully protected under the Wildlife and Countryside Act 1981 (as amended) and is a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). Such legislation affords protection to individuals of the species and their breeding sites and places of rest (see Annex 1 for detailed provisions). Dormouse is also a S41 Priority Species. On this basis, Dormouse is considered to form an important ecological feature.
- 5.5.2 **Background Records:** No records of Dormouse were returned from the desktop study from anywhere within the search area around the site.
- 5.5.3 **Survey Results:** The application site is composed of species-poor grassland that does not provide suitable opportunities for Dormouse.
- 5.5.4 The adjacent offsite woodland area appears potentially suitable in structure and species to support Dormouse, particularly given the abundance of heavily fruiting Hazel, albeit the woodland is small in size (approximately 2.0ha) and considerably removed and separated from any extensive woodland or other suitable habitats for Dormouse, with this species now understood to be largely absent from Hertfordshire (e.g. Appendix 5083/2).
- 5.5.5 No larger, or other area of suitable woodland habitat is located within the vicinity of the site, whilst the site is located immediately adjacent to existing residential development within Hitchin, such that clearly no suitable habitat or movement opportunities for this species are present to the east of the site (whilst existing disturbance, lighting and associated risk of predation from cats likely further reduce any potential for this species to be present).
- 5.5.6 Guidance within "The Dormouse Conservation Handbook" (Bright, P., Morris, P. & Mitchell-Jones, T.) published by Natural England (formerly English Nature) sets out that "*Dormice have been found in small woods (even down to 2.0ha where other suitable habitat is adjacent)*", however in reference to habitat management for Dormouse, the guidance sets out that "*In a small isolated woodland composed entirely of coppice or coppice with standard trees, the area of fruiting age Hazel remaining in any one year should not be less than 10ha.*".

¹⁴ English Nature (2002) 'Badgers and Development'

¹⁵ Natural England (2011) 'Badgers and Development: A Guide to Best Practice and Licensing', Interim Guidance Document

- 5.5.7 The guidance also sets out that whilst woods of less than 20ha can provide good habitat opportunities for Dormouse, given the low densities of populations even within good habitats ...*"if they are not linked to other sites nearby they probably contain too few dormice to sustain a permanently secure population. Even with good habitat, surveys show that woods smaller than 20ha are less likely to contain Dormouse than larger sites"*.
- 5.5.8 In order to provide further confidence in relation to this species, a specific nut search was undertaken of the ground beneath a number of the Hazel stands within the woodland at the site during 2018, with further targeted search undertaken during the 2020 survey. Through detailed study of Hazel nut shells, it can be deduced what species has opened the nut. Only Dormouse opens the shell, leaving a smooth round hole (although gnawed tooth marks can be present around the rim of the shell). Other mouse species and voles can also leave round holes within Hazel nut shells, although instead of a smooth edge, transverse tooth marks are present. Squirrels typically open Hazel nut shells by shattering the shell and do not leave characteristic round holes in the nuts.
- 5.5.9 Considerable numbers (several hundred) of Hazel nuts were examined during the searches. The majority of nuts were recorded to have been opened by Squirrel, with no nuts recorded that had been opened by Dormouse.
- 5.5.10 In any event, the existing woodland is located offsite, outside of the application site boundary such that, even in the unlikely event that Dormouse should be present, the available existing habitat resource would likely remain present in the long term. Similarly, the boundary hedgerows around the site will be retained, such that (subject to suitable safeguards, including in regard to lighting, as set out elsewhere), potential connectivity to offsite areas will remain unaffected.
- 5.5.11 In summary, given the relatively isolated and limited nature of the suitable habitats for Dormouse within and adjacent to the site, it is considered unlikely that Dormouse would be present within the site (supported by the lack of any background records of this species from anywhere within the search area around the site). Further, the habitats within the site which may offer any apparently suitable opportunities for this species should it be present (limited to field boundary hedgerows) will be largely retained and enhanced such that, even in the unlikely event that Dormouse is present, the existing position will remain largely unchanged at the site in terms of potential habitats and connectivity in respect of this species.
- 5.5.12 Nonetheless, Natural England guidance in respect of European protected species such as Dormouse urges that, even where proposals are reasonably unlikely to result in any offence, such that licensing is not required, reasonable precautions should be taken to minimise the effect on European protected species in the unlikely event that they should be found during the course of the activity. As such, it is recommended that any works affecting the existing boundary vegetation incorporate precautionary measures and safeguards aimed at preventing potential harm to small mammal species including Dormouse in the unlikely event this species is present.
- 5.5.13 Further, in the unlikely event that any Dormouse (or evidence of Dormouse, including nests or characteristic gnawed Hazel nuts) should be encountered at the site at any time, works would need to stop immediately and a suitably qualified ecologist contacted immediately in order to provide further advice and consideration.

5.6 Other Mammals

- 5.6.1 **Legislation.** A number of mammal species, such as Otter *Lutra lutra* and Water Vole *Arvicola terrestris* are subject to detailed legislative protection under specific provision (e.g. the Protection of Badgers Act 1992 in the case of Badger) or through the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (e.g. under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species are S41 Priority Species.
- 5.6.2 **Background Records.** A single old record of Polecat *Mustela putorius* was returned from a grid reference apparently relating to the southern site boundary, dating from 1999 which is identified to form a dead individual on the road (Pirton Road). No other specific records of other mammals from within or adjacent to the site were returned from the desktop study however a number of records had coarse grid references therefore precise locations are unknown. A number of records of Hedgehog *Erinaceus europaeus* (Priority Species) were returned from within the search area around the site, albeit the closest of these is located approximately 850m north east of the site.
- 5.6.3 **Survey results and evaluation.** No evidence of any other protected, rare or notable mammal species was recorded within the site during the current survey work. Other common wild mammal species likely to frequent the site, such as Fox *Vulpes vulpes* and Brown Rat *Rattus norvegicus*, remain common in both a local and national context, and as mentioned above do not receive specific legislative protection in a development context. As such, the loss of potential opportunities for these species to the proposals would be of negligible significance.
- 5.6.4 Similarly, it is likely that other common urban species such as Hedgehog is present within the surrounding area and could enter the site, in particular the vegetated boundary corridors. Hedgehog is included as a species of principal importance under the list produced under Section 41 of the NERC Act, albeit this species remains common and widespread in England, including within urban areas.
- 5.6.5 General construction safeguards set out below at section 6., below will help to prevent any potential harm to individual mammal species within the site, whilst in any event the habitats offering the greatest potential for use by other mammal species (woodland and associated boundary vegetation) will be retained under the proposals.

5.7 Amphibians

- 5.7.1 **Legislation.** All British amphibian species receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also classed as a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, both Great Crested Newt and habitats utilised by this species are afforded protection. Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*.

- 5.7.2 **Background Records.** No specific records of Great Crested Newt from within or adjacent to the site were returned from the desktop study. One records of Great Crested Newt, along with a number of records of Common Toad were returned from the search area surrounding the site, with the closest record of Great Crested Newt located at least 0.5km from the site.
- 5.7.3 **Survey results and evaluation.** No evidence for the presence of any fully protected amphibian species (e.g. Great Crested Newt) was recorded during the general survey work undertaken. The site and wider survey area does not contain any standing water bodies and accordingly does not support any potentially suitable breeding habitats for this species. Furthermore, based on a review of the OS 1:25 000 mapping of the area, along with available aerial photography and associated resources, no ponds or other standing waterbodies appear to be located within 500m of the site (this position appears to remain unchanged in 2025). Amphibians, including Great Crested Newt, can range some distance from their breeding ponds, although typically the majority of activity with regard to this species is centred within 100m of the breeding pond with the maximum routine migratory range usually occurring within 250m of the pond.
- 5.7.4 The habitats within the site appear to provide potentially suitable terrestrial habitats for amphibians (in particular including the woodland and boundary vegetation), however as noted above these appear to be well separated from any potentially suitable breeding sites for fully protected amphibian species. Accordingly, this group does not appear to represent a potential constraint on the proposed development.

5.8 Reptiles

- 5.8.1 **Legislation.** All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended). All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.
- 5.8.2 **Background Records.** Information returned from the desktop study includes a number of records of Grass Snake *Natrix natrix*, Slow Worm *Anguis fragilis* and Common Lizard *Zootoca vivipara* from the search area around the site, the closest of which relates to Slow Worm 90m east of the site.
- 5.8.3 **Survey results and evaluation.** No reptiles were recorded within the site or wider survey area during any of the general survey work undertaken.
- 5.8.4 The application site is dominated by grassland habitat, which was previously (2016) recorded to be largely closely-mown, relatively short sward and considerable disturbance, likely as part of a specific function at that time such that they clearly did not provide any cover or potential for use by reptiles at that time. Similarly, during the 2020 survey work the grassland was noted to be grazed with a limited sward height. Further, the grassland is species-poor and appears to be lacking any particular structural complexity such that it appears unlikely to provide particular long-term opportunities for reptile species. Nonetheless, at the time of the 2018 and 2025 survey, the sward was recorded to be tall, providing potential temporary cover

whilst the presence of the adjacent woodland areas incorporating brash / vegetation piles (following recent management works) that could provide some potential cover for common reptile species should they be present.

- 5.8.5 Accordingly, in order to ensure that any reptiles are safeguarded in the event that they are encountered during activities at the site, a precautionary approach is recommended during clearance of any areas of potential reptile habitat, as detailed at section 6., below.

5.9 Birds

- 5.9.1 **Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and are subject to special penalties.

- 5.9.2 **Conservation status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status¹⁶. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and or experiencing a high/rapid level of population decline (>50% over the past 25 years). A number of birds are also S41 Priority Species.

- 5.9.3 **Background Records.** Information returned from the desktop study included a considerable number of records for bird species in the vicinity of the site, including a number of Red Listed species, albeit none of the records appear to originate from within the site itself.

- 5.9.4 **Survey results and evaluation.** During the course of the survey work undertaken, a number of common bird species were recorded, including Pheasant *Phasianus colchicus*, Wood Pigeon *Columba palumbus*, Stock Dove *Columba oenas*, Great Tit *Parus major*, Blackbird *Turdus merula*, Blue Tit *Cyanistes caeruleus* and Starling *Sturnus vulgaris*, with Swallow *Hirundo rustica* also recorded flying over the site.

- 5.9.5 The woodland and boundary hedgerows/vegetation and trees provide potential nesting and foraging opportunities for a range of common bird species. The grassland areas within the application site are unlikely to be of particular importance to bird species, such that the loss of this habitat to the proposals is unlikely to be of any importance to this group.

- 5.9.6 The woodland remains outside of the site boundary and will be unaffected under the proposals, whilst and the majority of the field boundary vegetation will be retained under the proposals. The inclusion of suitable mitigation measures and appropriate long-term management will ensure that such opportunities remain for bird species in the long term, including UK BAP species such as Song Thrush *Turdus philomelos*. Where suitable vegetation is required for removal, a number of safeguards in respect of nesting birds are proposed, as set out at section 6., below in order to ensure this group is safeguarded and avoid any potential offence in this regard.

¹⁶ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win I. (2021). 'The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain.' British Birds 114, p.p. 723-747.

5.10 Invertebrates

- 5.10.1 Legislation.** A number of invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue Butterfly *Maculinea arion*, Fisher's Estuarine Moth *Gortyna borelii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended). A number of invertebrates are also S41 Priority Species.
- 5.10.2 Background Records.** No specific records of invertebrates were returned from within or immediately adjacent to the site. A number of records of invertebrates, including Priority Species were returned within information received from HERC, albeit there is no evidence from the background records received to suggest any of the records has particular relevance to the site itself. However, records of Large Scabious Mining Bee were located 20m north of the site boundary. Nonetheless, previous correspondence with Hertfordshire Ecology highlighted reports of Roman Snail *Helix pomatia* within the woodland to the south of the site, for which further consideration has therefore been requested.
- 5.10.3 Survey results and evaluation.** The site is likely to offer a range of opportunities for common species of invertebrates, particularly associated with the woodland and denser boundary vegetation. However, the species-poor grassland dominating the proposed development areas within the site is unlikely to support large numbers of invertebrates and no evidence was recorded during the survey work to suggest the presence of a significant invertebrate assemblage or any rare or notable invertebrate species.
- 5.10.4** Specific searches of the woodland habitat and field margins for Roman Snail during September 2020 recorded no evidence for the presence of this species at the site. Nonetheless, particularly given the apparent reported presence of this species within the woodland by a member of the public it is recommended that a precautionary approach be undertaken in regard to this species at the site (see Chapter 6.). The woodland habitats at the site will be retained and managed, including specifically for the benefit of wildlife such that they will continue to provide a potential resource for Roman Snail in the event that this species is present.
- 5.10.5** Overall, the site appears unlikely to represent an important resource for significant invertebrate populations in the local area and on the basis of the evidence available, and subject to the above considerations and associated measures set out at Chapter 6., this group does not appear to represent particular constraint to the proposed development.

6 Ecological Mitigation Measures and Safeguards

6.1 Mitigation

- 6.1.1 Based on the habitats, ecological features and associated fauna identified within / adjacent to the site, it is recommended that the following mitigation measures (**MM1 to MM8**) are implemented under the proposals. These measures remain in line with the previously permitted information, given that the habitats remain largely in line with the previously recorded position. Where required, further, detailed mitigation strategies or method statements could be suitably secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2013).

General Safeguards and Protective Measures

- 6.1.2 **MM1 – General construction safeguards and working practices.** In order to minimise any potential adverse effects on ecological receptors that may be associated with construction activities at the site, a number of additional general safeguarding measures should be implemented, including the following:

- Any storage of any chemicals and hazardous materials within the site should be in line with best practice guidelines, ensuring that they are kept secure and away from the site boundaries and woodland area and cannot be accessed or knocked over by roaming animals;
- Fires should only be lit in secure compounds away from the boundaries and retained woodland and not allowed to remain lit during the night;
- Unsecured food and litter should not be left within the working area overnight;
- Measures such as temporary bunding and run-off to be put in place to prevent run-off leaving the site during construction works, which could then enter the adjacent offsite ditch/drain corridor;
- Any trenches or deep pits within the site that are to be left open overnight will be provided with a means of escape should mammals enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
- Any temporarily exposed open pipes (>150mm outside diameter) should be blanked off at the end of each working day so as to prevent mammals gaining access as may happen when contractors are off-site;
- Any trenches/pits should be inspected each morning to ensure no mammals have become trapped overnight. Should any mammals be found, appropriate measures should be put in place to safeguard individuals;
- The storage of topsoil or other 'soft' building materials in the site should be given careful consideration. Burrowing mammals such as Fox, Badger or Rabbits will readily adopt such mounds. So as to avoid the adoption of any mounds, these should be kept to a minimum and any essential mounds subject to daily inspections with consideration given to temporarily fencing any such mounds to exclude mammals where appropriate;

Woodland

- 6.1.3 **MM2 – Maintenance of Buffer Zone.** It is recommended that the proposed buffer zone adjacent to the woodland be created and managed appropriately in order to complement and enhance the habitats within the offsite woodland, including the provision of new native tree and shrub species. In addition, the

installation/maintenance of suitable boundary fencing along the boundary will prevent access by new residents and thereby avoid any increase in physical disturbance and trampling within the woodland. It is recommended that the boundary fencing be regularly inspected and maintained in order to ensure that this continues to serve this function effectively in the long term.

Hedgerows and Trees

- 6.1.1 **MM3 – Protection fencing.** It is recommended that the retained boundary hedgerows and associated vegetation/trees be protected during construction in line with standard arboricultural best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This will likely involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / hedgerows in combination with similar measures at the boundary of the retained woodland habitat.

Bats/other nocturnal or crepuscular fauna

- 6.1.2 **MM4 – Felling of Trees Supporting Bat Roosting Potential.** A single Hawthorn tree, which will be lost to the proposals, has been identified as providing potential for roosting bats. It is recommended that the Hawthorn tree is inspected prior to felling, with use of an endoscope, to ensure that bats are absent and that no evidence of a roost (e.g. droppings) is present. It is also recommended that the tree is felled on the same day as the inspection. If this is not possible, it is recommended that the potential roosting feature is inspected again immediately prior to felling.
- 6.1.3 Should features remain which cannot be fully investigated (e.g. deep cavities or numerous areas of lifted bark), it is recommended that the tree is subject to an emergence / dawn re-entry survey immediately prior to felling to confirm absence of roosting bats.
- 6.1.4 It is recommended that the felling is completed under a precautionary approach. This would involve measures such as 'soft-felling' of sections of the tree identified as providing bat roosting opportunities (e.g. limbs with splits or holes), by lowering and cushioning these sections to reduce any potential effects caused by hard impact with the ground, followed by leaving the felled sections on the ground for a period of at least 24 hours to allow any bats, should these be present, to escape. This would be undertaken under the supervision of a suitably qualified ecologist.
- 6.1.5 If any evidence for the presence of roosting bats is recorded during recommended inspections, works on that tree would be suspended and consideration would be given to the need to undertake works under a European Protected Species (EPS) development licence, and a licence application would be made to Natural England as required.
- 6.1.6 **MM5 – Sensitive Lighting.** Light-spill (including from temporary construction lighting) onto retained and newly created habitat, in particular the retained woodland habitat forming the south of the site, should be minimised in accordance with good practice guidance¹⁷ to reduce potential impacts on light-sensitive bats (and other

¹⁷ Stone, E.L. (2013) 'Bats and lighting: Overview of current evidence and mitigation guidance.' ILP (2011) 'Guidance notes for the reduction of obtrusive light' Institution of Lighting Professionals, GN01:2011; and Bat Conservation Trust (2014) 'Artificial Lighting and Wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting'.

nocturnal/crepuscular fauna). This should be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

- **Light exclusion zones** – ideally no lighting should be used in areas likely to be used by bats. Light exclusion zones or 'dark corridors' may be used to provide interconnected areas free of artificial illumination to allow bats to move around the site;
- **Variable Lighting Regimes** – VLRs can be employed, which involve switching off/dimming lights for periods during the night, for example when human activity is generally low (e.g. 12.30 – 5.30am). The use of VLRs may be particularly beneficial during the active bat season (April to October). Motion sensors can also be used to limit the time lighting is operational;
- **Light barriers** – new planting (e.g. hedgerows and trees) or fences, walls and buildings can be strategically positioned to reduce light spill (in particular the proposed acoustic fence located along the western site boundary with the woodland area is likely to assist in this regard);
- **Spacing and height of lighting units** – increasing spacing between lighting units will minimise the area illuminated and allow bats to fly in the dark refuges between lights. Reducing the height of lighting will also help decrease the volume of illuminated space and give bats a chance to fly over lighting units (providing the light does not spill above the vertical plane). Low level lighting options should be considered for any parking areas and pedestrian / cycle routes, e.g. bollard lighting, handrail lighting or LED footpath lighting;
- **Light intensity** – light intensity (i.e. lux levels) should be kept as low as possible to reduce the overall amount and spread of illumination. The type of light should also be considered, for example lights with high ultraviolet content (e.g. metal halide or mercury lights) should be avoided or fitted with UV filters;
- **Directionality** – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow.

Reptiles

6.1.7 MM6 – Precautionary mitigation. As set out above, it is recommended that measures be put in place to safeguard reptiles in the unlikely event that they are present within the grassland habitats at the site, particularly should the current lack of grazing and management continue such that the current tall sward is maintained.

6.1.8 As such, it is recommended that a precautionary approach be taken in respect of this species group. Given the low likelihood of the presence of any reptiles (particularly in view of the previously recorded short sward and species-poor nature of the grassland), this would likely include management of staged clearance of tall grassland or other vegetation under suitable methodology in order to minimise risk of harm to any individual reptiles that may be present. In the event that any reptiles are encountered at the site at any time, works should cease immediately and a suitably qualified ecologist (e.g. Aspect Ecology) contacted for further advice.

Invertebrates (Roman Snail)

6.1.9 MM7 – Precautionary Measures. It is recommended that a precautionary approach be taken to site works, and any long term management measures within the retained habitats and boundary hedgerows at the site in order to safeguard and benefit

Roman Snails should this species be present. In particular, habitat works should be undertaken under a suitable method statement with particular regard to this species. The species-poor grazed grassland forming the development site itself is unlikely to be subject to significant use by this species even should it be present within the woodland and accordingly, further measures are unlikely to be required in relation to construction activities within the grassland areas.

Nesting Birds

- 6.1.10 **MM8 – Nesting Birds: Timing of Works.** To avoid a potential offence under the Wildlife & Countryside Act, clearance of suitable vegetation should be avoided during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (likely minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than a few days in advance of vegetation clearance.

6.2 Ecological Enhancements

- 6.2.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. In line with the existing permitted position, the current (s73) proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local wildlife, thereby making a positive contribution towards the broad objectives of national conservation priorities and the local Biodiversity Action Plans (BAPs). The recommendations and enhancements summarised below (consistent with the previously permitted position) are considered appropriate given the context of the site and the scale and nature of the proposals. Through implementation of the following ecological enhancements (**EE1** to **EE4**), the opportunity exists for the proposals to deliver a number of ecological benefits at the site.

Habitat Creation

- 6.2.2 **EE1 – New Planting.** It is recommended that where practicable, new planting within the site be comprised of native species, including trees and shrubs appropriate to the local area, particularly within the woodland buffer areas to effectively extend and enhance the corridor provided by this habitat. Suitable species for inclusion within the planting would include in particular native trees such as Oak, Ash and Field Maple, whilst native shrub species of particular benefit would likely include those consistent with the existing woodland features, largely in the form of Hawthorn, Hazel and Elder.

Bats

- 6.2.3 **EE2 - Bat Boxes.** It is recommended that provision of a variety of new/replacement roosting opportunities be provided in respect of this species group. The site is located within the range of Common Pipistrelle and Soprano Pipistrelle, both of which are commonly found in urban and rural areas, and Brown-long eared and Natterer's bats that often make use of areas of woodland. Accordingly, measures should ideally be targeted towards these species (albeit these provisions may be utilised by other bat species should they be present). It is recommended that

roosting opportunities for these species be provided, where architectural design allows, in the form of integrated bat boxes / roost features into new buildings.

Birds

- 6.2.4 **EE3 - Bird Boxes.** It is recommended that a number of bird nesting boxes are erected within the site as part of the proposals, thereby increasing nesting opportunities for birds. Bird boxes could be attached to retained trees or incorporated into the design of new buildings or structures, situated as high up as possible. The precise number and locations of boxes should be determined by a competent ecologist, albeit where possible it is recommended that these be focussed on the site boundaries, where these provide opportunities connectivity with offsite vegetated habitats.

Invertebrates

- 6.2.5 **EE4 – Habitat Piles.** Where possible, deadwood arising from vegetation clearance works and/or ongoing management should be retained within the site (in particular within the buffer areas associated with the offsite woodland) in a number of wood piles. Such features would provide additional opportunities for invertebrates (including Roman Snail should this species be present), small mammals and potentially reptiles and amphibian species should these be present.

7 Conclusions

- 7.1.1 Aspect Ecology has carried out an updated ecological appraisal in respect of the current proposed development, based on the results of an updated desktop study and up to date extended Phase 1 habitat survey, with reference to protected species where appropriate.
- 7.1.2 The work undertaken includes surveys over a number of years, informed by scoping and consultation in relation to the proposed development of the site, (including in relation to the existing permitted position), with updated survey work undertaken most recently in May 2025 and any concerns raised by consultees having been addressed (in line with the permitted position), including in relation to the current proposals and associated information.
- 7.1.3 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, (with in particular Oughtonhead Lane SSSI and Oughtonhead Lane LNR located outside of, and removed from the site) and no such designations within the surrounding area are likely to be adversely affected by the proposals, in accordance with the 3rd criteria of site allocation policy HT6.
- 7.1.4 The extended Phase 1 habitat survey (including most recently in May 2025) has established that the site is formed by species-poor grassland habitats of low to negligible ecological value. Nonetheless, (unchanged from the permitted information) the site is located adjacent to an area of woodland, which provides increased cover and foraging resources for wildlife and thereby provides considerably raised ecological value. The permitted scheme was specifically designed to incorporate suitable buffers to the retained boundary vegetation and offsite woodland, including to prevent encroachment (including in line with the stated requirements of the 2nd criteria of site allocation policy HT6 and the latest Revised Schedule of Further Proposed Modifications to the North Hertfordshire Local Plan 2011-2031 May 2021 FM100), which remain in place under the current (s73) scheme. A number of specific measures and recommendations are set out in order to ensure the suitable protection of the retained habitats and associated fauna (consistent with the permitted information), whilst where possible it is recommended that any new planting at the site incorporate native species for the benefit of local wildlife, in combination with the enhancement and management of the retained features of value.
- 7.1.5 The habitats within the site are likely to support a number of faunal species, albeit specific potential for any significant use by protected, rare or notable faunal species appears limited with the exception of common nesting birds and a single Hawthorn tree which forms a potential bat roosting feature. Nonetheless, recommendations and measures are set out in regard to faunal species where appropriate in order to minimise the risk of harm and to ensure that faunal species are appropriately safeguarded under the proposals, in order to maintain the conservation status of local populations.
- 7.1.6 In conclusion, subject to the implementation of the measures and recommendations set out (in line with the permitted scheme), the proposals will have sought to minimise impacts on biodiversity and it is considered unlikely that the proposals will result in any significant harm to sensitive ecological receptors. Indeed, where

appropriate, opportunities are highlighted (in line with the permitted scheme) to provide a number of ecological enhancement measures as part of the proposals.

Plan 5083/ECO1:

Site Location



Key:



Site Location

aspect ecology

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01295 276066 - info@aspect-ecology.com - www.aspect-ecology.com

Land off Gray's Lane, Hitchin

PROJECT

Site Location

TITLE

5083/ECO1

DRAWING
NO.

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REV.

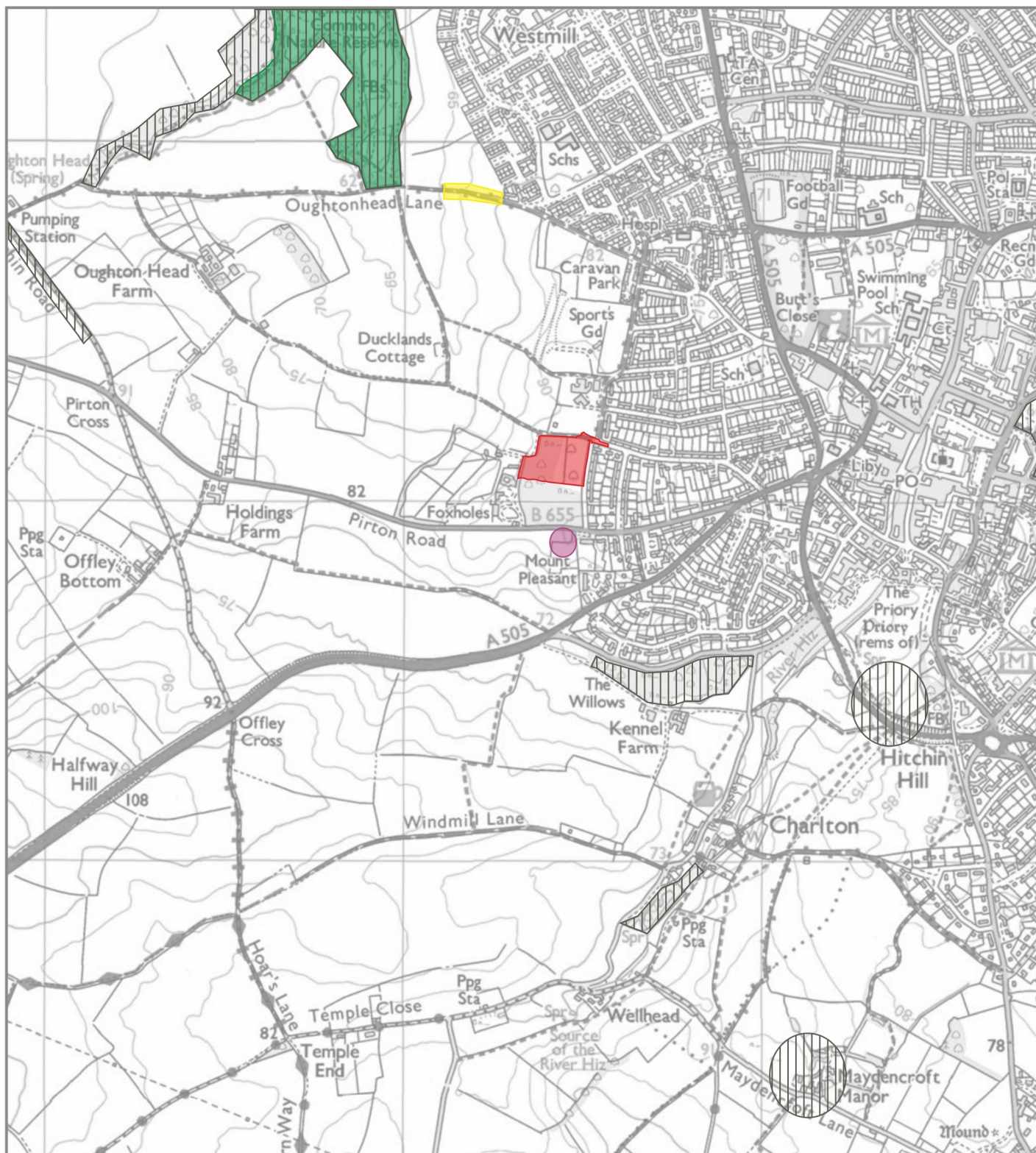
May 2025

DATE



Plan 5083/ECO2:

Ecological Designations



Key:

- Site Location
- Site of Special Scientific Interest (SSSI)
- Local Nature Reserve (LNR)
- Local Wildlife Site (LWS)
- Former (deselected) Wildlife Site (dWS)

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PROJECT

Ecological Designations

TITLE

5083/ECO2

DRAWING NO.

F REV.

May 2025 DATE



Plan 5083/ECO3:

Habitats and Ecological Features