

Ecology Matters Raised During Consultations & Further Mitigation Measures

North-East Of Great Ashby Stevenage Hertfordshire(GA2)

April 2026

1.0 Introduction

- 1.1 This note sets out matters arising from a virtual meeting held on 21 April 2026 in respect of the following planning application (ref: 25/03080/HYA) at the above Site between North Hertfordshire District Council (NHDC), the applicant, Picture Estates Limited, and their consultants:

"Hybrid application for a residential-led development comprising residential (Use Class C3), educational use (Use Class F1), a community hub (Use Class F2) with associated new internal roads, access, parking, cycling infrastructure, landscaping and other associated infrastructure. Full application comprises the construction of vehicle access and an active travel link via Mendip Way, with associated landscaping and drainage works. The outline application, for which all matters are reserved except means of access, comprises the erection of up to 640 dwellings (Use Class C3), a site for a primary school, further land reserved for educational use (Use Class F1), a site for a community hub (Use Class F2), with associated infrastructure."

- 1.2 The meeting was held to discuss ecology and biodiversity matters raised in recent consultations from Hertfordshire Wildlife Monitors, Herpetofauna Consultants International Limited (Tom Langton), the Badger Trust and Hertfordshire & Middlesex Wildlife Trust.
- 1.3 Each main matter raised in the meeting are set out in turn below along with commentary provided from the Applicant and their consultant team. The intention of this note is as a record of the meeting held and to allow for relevant responses to be provided from the Applicant.
- 1.4 A significant proportion of comments relate to badgers and effects upon local populations. For the avoidance of doubt, consideration of badgers in the context of planning applications relate principally to legislative protections which arise from both animal welfare and persecution of this species. Badgers are not of greater conservation concern than many other common mammals and in respect of assessing effects of development proportionately, should not attract significant weight in comparison to, for example, ancient woodland. Ecological assessment prepared of the proposed development were

therefore rightly focussed upon those interests at the Site deserving of significant ecological inputs, protections and enhancements.

2.0 Road Infrastructure & Habitat Connectivity

- 2.1 A key matter discussed related the road infrastructure design and 'bus loop' around Nine Acre Spring (woodland) in respect of habitat connectivity, as well as elsewhere within the Site.
- 2.2 As discussed during the meeting the principle of the proposed design has been subject to extensive discussion with relevant highways and design consultees and represents an agreed design position to serve the development proposed. These designs have included measures to minimise road widths in key locations to allow for maximum habitat connectivity for mobile species within the Site, such as bats and invertebrates. Furthermore, woodland habitats themselves are being extended through the provision of woodland buffer habitat of scrub/woodland planting, with a large SuDS feature/open space (1.3ha) provided contiguous with Nine Acre Spring.
- 2.3 As set out in more detail below, further provision of tunnel features has been proposed to minimise Road Traffic Accidents (RTAs) in respect of badger.
- 2.4 Overall, therefore, whilst the effect of the proposed development upon habitat connectivity within the Site is acknowledged as set out within the ES chapter, design of the scheme has sought to minimise effects as far as possible. Furthermore, wider landscape connectivity such as along the northern boundary between wider woodlands beyond the scheme, has been incorporated within the scheme design to further reinforce local ecological networks.

3.0 Effects Upon Badgers & Proposed Mitigation

- 3.1 A range of comments were raised in respect of the adequacy of badger mitigation and displacement effects upon badger populations. As set out within the Environmental Statement section 9.228 to 9.237 it is acknowledged in the absence of mitigation the construction and operation of the scheme could result in legal infringements on badger (although *not significant adverse effects* in respect of ecological value) as follows:
 - Loss of a single outlier sett (18)
 - Possible minor impacts to retained setts 1-4, 15-17 and 21 (i.e. disturbance during construction or damage to small area of setts).
 - Direct harm to badgers entering construction zones
 - Road Traffic Accidents (RTAs)
- 3.2 In addition to the above it was acknowledged in the ES chapter that occupation of housing, and the local population, could potentially

come into conflict with badgers, which could indirectly result in legal infringements. This is likely the case for almost any residential development in proximity to the open countryside.

3.3 In additional to the above, and as discussed during the virtual meeting it is accepted that the change in use of the site from intensive agriculture to residential uses will precipitate a change in badger behaviour. It is however reasonable to predict that badger populations persist at the Site, as they have adapted in many more urbanised areas across the country. An alternative possibility would be that one or more of the badger setts at the Site are vacated during or after construction. Whilst regrettable, in the context of their conservation status legal considerations such impact does not weigh significantly in ecological terms when compared to loss of ancient woodland. It is important to reiterate here that significant ancient woodland loss was originally approved as part of Site allocation, for which ecological advice has resulted in critical safeguarding of this habitat.

3.4 The Applicant has committed to a range of mitigation measures are proposed to be secured, as agreed and included within the ES chapter secured through relevant planning conditions, namely:

- Derogation (mitigation) licence **for the closure of sett 18 which cannot be avoided will be obtained** from Natural England prior to commencement of any relevant works
- Where necessary, a licence for works within proximity of retained setts 1-4, 15-17 and 21. For the avoidance of doubt, these setts will not be closed based upon the outline designs, and the need for any such licensing require detailed infrastructure designs which cannot be reasonably prepared at this stage.
- Establishing the safest possible designs of roads at the following identified crossing points within the Site (with further details below) following direct discussions with local badger group:
 - **Site entrance between woodlands W4 (New Spring), W6 and W8 (Brooches Wood); Hedgerow H12**
 - **Hedgerow H10 and land between W9 (Nine Acre Wood) and woodlands W7 (Brooches Wood) and W10**
 - **Between W8 (Longdell) and W9 (Nine Acre wood)**
 - **Between W4 (New Spring) and woodland W3**
 - **Between woodland W5 and hedgerow H7, and along H7**
- Best practice safeguards during construction would also be applied:
 - Pre-construction badger survey and monitoring
 - Covering any open excavations with wooden boards, or fitting them with appropriate escape ramps, in order to prevent badgers falling into them

- Monitoring of site for any new sett excavation during prolonged remediation, construction or landscaping works.
- Night time working within 50m of retained setts will not be undertaken unless in exceptional circumstances to prevent noise disturbance and night time illumination near to setts.

3.5 Further consideration of public conflict with badgers are set out below.

4.0 Mammal Tunnels & Fencing

- 4.1 As discussed during the virtual meeting, and as set out above, concern has been raised with regard to the details of designing the safest possible road-crossings, particularly in respect of mammal tunnels and fencing. Further information has been set out below, which would be formally submitted and prepared to discharge relevant planning conditions.
- 4.2 Images below illustrate the principles of design features and potential options selected on a case-by-case basis across the Site, including tunnel material/shape, safety features, fencing/wall options, and screening planting. The images should not be taken as complete designs and commentary has been set out with each image accordingly.
- 4.3 Appropriate sizing, construction and deployment will be required, including careful safety considerations in close consultation with highway engineers and other design professionals. Maintenance of any such features would be proposed in consultation with appropriate professionals.
- 4.4 In respect of public interaction with tunnel features, detailed design will ensure, through dense thorny shrub planting and fencing, that no clear public access is made available to tunnel entrances. Early establishment of such planting and fencing will be undertaken, and where appropriate or required baiting of tunnel entrances and tunnels will be undertaken to attract badgers into and through these structures.



Photograph 1.

Sandbag wall/entrance option with concrete tunnel



Photograph 2

Potential pipe option, with fencing. Would require additional planting/cover and guide walls.

5.0 Badger Settl Closures & Natural England

5.1 Particular concern has been raised as to the closure of setts, at the Site, with suggestion of main sett closure and the absence of artificial sett provision. As set out above, and for the complete avoidance of any doubt:

- [REDACTED] under a derogation (mitigation) licence obtained from Natural England prior to commencement of relevant works.
- [REDACTED]
- Only where absolutely necessary, and subject to final detailed designs there is a small chance of works being undertaken close to [REDACTED]. This may require a licence from Natural England to be undertaken lawfully. However, these setts will not be closed and therefore **no artificial sett construction is required.**

5.2 It is understood that the Construction Environmental Management Plan (CEMP) submitted with the application refers to wider closures/temporary closures of badger setts. The CEMP will be updated accordingly to confirm the above situation of only a single sett closure confirmed, all remaining setts retained and subject to licensing works only where absolutely necessary.

5.3 It is acknowledged that during the construction period, and subject to any changes in badger activity, there remains the potential for new setts to be dug at any time. Therefore, any badger mitigation approach will

need to adapt, based upon update survey work, as required during construction.

- 5.4 Questions were also raised regarding whether Natural England would licence sett closure works and whether any consultation has been conducted. Natural England do not refuse the licensing of sett closures in the context development except where works proposed are themselves inappropriate, cause animal welfare or other legal concerns. Natural England have not been consulted in this context and typically would not consider the closure of a single outlier sett, or the small-scale disturbance of other setts, to be of significant concern for licensing.
- 5.5 Any licensing will be conducted in accordance with Natural England's current guidance and approach set out in standing advice: <https://www.gov.uk/guidance/badgers-protection-surveys-and-licences>

6.0 Baiting Marking & Analysis of Badger Territories

- 6.1 It was raised by several consultees that badger bait marking should have been conducted to provide detailed analysis of badger territories.
- 6.2 To provide absolute clarity, there are two principal justifications reasons to conduct badger bait marking exercises in respect of development, which are as follows:
- Where linear infrastructure development is proposed (e.g. major roads) that will permanently separate or split a badger territory, in order to provide appropriate mitigation for badger, clans effected, principally in relation to animal welfare, OR;
 - Where a main sett will be closed and an artificial sett required, and the location of that sett needs to be located within the same territory area, and this cannot be established through other survey means.
- 6.3 Given the above, that the scheme does not comprise major linear infrastructure permanently separating badger territories, or where an artificial sett location needs to be determined, there is no reasonable justification for conducting a bait marking exercise at the Site.
- 6.4 It should be noted in government guidance regarding badgers, badger baiting marking is not specifically highlighted as required for the purposes of this form of development <https://www.gov.uk/guidance/badgers-advice-for-making-planning-decisions>

7.0 Provision of Orchard

- 7.1 Concern was raised on the location of an orchard in an inappropriate location for known badger activity to the northwest of the Site as shown on relevant illustrative designs.
- 7.2 For the avoidance of doubt, the orchard to the northwest of the Site was located here for its wider biodiversity benefit and for public benefit as a community orchard, rather than for badgers.

7.3

8.0 Badger Conflict

- 8.1 As acknowledged within the ES chapter, there is potential for future conflicts to arise between new residents and badgers, for example where badgers' access residential gardens for foraging. It is not possible to predict where badgers will forage following development of the Site, however the following important considerations should be given:

- Badgers forage preferentially in grassland for earthworms as well as in woodland and scrub/hedgerow habitats in comparison to arable habitats, which currently dominate this site. The proposed development provides a very significant increase in all of these habitats within open spaces away from private gardens comprising:
 - **Grassland** increasing from 3.85ha to 19.03ha, a **15.18ha increase** or 394%
 - **Woodland** increasing from 10.73ha to 11.36ha, a **0.63ha increase** or 6%
 - **Scrub** increasing from 0.39ha to 6.02ha, a **5.63ha increase** or 1444%
 - **Hedgerow** increasing from 2.67km to 4.31km, a **1.64km increase** or 61%
- The above 'grassland' category includes 0.28ha of orchard (included in UKHab classification within grassland grouping) with one such orchard close to known badger sets.
- Badgers are known to be susceptible to drought at the Site, and local badger groups provide supplementary water for the current population in the summer months. The proposed scheme includes the provision of wildlife ponds (0.16ha) and Sustainable Drainage Systems (SuDS) features (2.79ha) including to attenuate water.

- 8.2 Based on the above it is clear that the proposed scheme, including significant areas of open space with far improved foraging and watering features, will provide substantial opportunities for badgers and will likely compensate for the loss of extensive but poor forage within current arable habitats.

- 8.3 Overall, therefore, a significant effort is made to encourage badgers away from private residential gardens where conflict would otherwise arise. Should the authority disagree with this position, additional options may be considered including subterranean barriers installed on boundary fence lines of private gardens close to known badger setts. Nonetheless this matter would be dealt with at the detailed design stage through relevant condition and is not a matter for the outline application stage.

9.0 Residents Group

- 9.1 Consultees raised the imposition of a condition to secure the creation of a local resident's group in respect of wildlife and related matters. Whilst such groups where formed do benefit the delivery and ongoing protection of wildlife and habitats within development, it is understood that their creation, funding or role/responsibility cannot be formally agreed ahead of planning consent. As with all planning conditions, these must meet the tests of necessity, enforceability, precision, or reasonableness as set out in national policy, and it is considered unlikely that such a condition would meet all these criteria.

10.0 Additional Matters

- 10.1 Further matters raised during consultation have been set out below.

Full Element – Access Rd

- 10.2 The choice of species of tree proposed within the road corridor were raised. It is confirmed that these were selected in accordance with constraints of overhead powerlines.
- 10.3 Further details of lighting for the access road are provided within the forthcoming resubmission pack and have been subject to ecological review.

Badgers

- 10.4 There was concern raised around whether [REDACTED]
[REDACTED]
[REDACTED]

Bats

- 10.5 Request for updated bat surveys were made during latter stages of the consultation process. The Applicant's view was it is not reasonable to undertake further bat surveys for the following reasons:
- **'In date' bat survey information was provided to NHDC ecologist and Place Services at the start of a protracted pre-application process between 2024 and 2025**, allowing full consideration of survey data and potential impacts of the scheme at the time. Bat survey data was collected in the 2023 season, supplemented by walkover surveys in 2024 and 2025 to confirm conditions remained as previously recorded.

- At the time of submission (January 2026) after the delay effectively caused by the pre-app timescale, the bat survey data, supplemented by walkover surveys in intervening years still provided a fair basis upon which to determine ecological impacts specifically:
 - Which bat species make use of the Site (at least 8)
 - The spatial distribution of bat activity (activity focussed along woodland edges and hedgerows as would be reasonably expected)
 - The relative activity levels of bat activity (predominantly common pipistrelle activity)
 - The importance of bat assemblage (County importance)
- Update bat survey data from 2026 is highly unlikely to alter any of the above parameters, and the resultant impact assessment and mitigation, specifically:
 - Lighting design will still be considering all of the hedgerows, woodland edges and tree lines as the key flight lines, with arable habitat being of lower interest
 - 'Hop-over' features are integrated into the scheme
 - Extensive habitat creation, including woodland buffers, grassland, ponds, orchards drainage features and hedgerows will benefit the bat population at the Site

10.6 Finally, there is no legal reason to update bat activity surveys and any removal of trees within the site which could conceivably support roosting bats would be subject to relevant surveys to ensure lawful felling.

10.7 In summary, the following position is set out with regard to a request for update bat surveys:

(A) it is not reasonable to update bat survey data when it is the authority who have effectively determined the length of pre-application and determination period;

(B) updated bat surveys in 2026 are highly unlikely to effect previous conclusions made

(C) updated data is highly unlikely to meaningfully change mitigations proposed

Overhead Lines & BNG

10.8 Concerns were raised with regard to securing habitats for the purposes of Biodiversity Net Gain (BNG) within the Site under overhead pylons and whether these should be included in any biodiversity metric calculation. It is understood that the freehold of the land sits entirely with the Applicant's control and the easement deed relating to the overhead lines grants the electricity company the right to undertake cutting, felling, and coppicing of trees and vegetation that interfere with the statutory safety distance requirements from the lines, subject to three days' notice being given to the landowner.

- 10.9 The maintenance of open spaces and landscaping areas, and their contribution towards BNG requirements, will be specifically controlled under the Landscape Management Plan and other applicable documents to be approved by the authority at the relevant stage. These obligations will transfer to the management company responsible for maintaining these areas on behalf of the future residents.
- 10.10 The guidelines set out within the aforementioned and approved plans will include specific provisions to ensure that trees and shrubs are maintained at an appropriate minimum distance from the overhead lines. Given that these obligations will form part of the developer's responsibilities, and subsequently those of the management company.
- 10.11 In addition, the precise positioning of the new planting will be carefully determined during the next stages of the design process to ensure adequate access routes for maintenance vehicles and equipment, without adversely affecting the green spaces or habitats within those areas.
- 10.12 Consequently, there should not be a reason why areas within overhead cable easements should be deducted from those identified for BNG net gain.

Draft HMMP

- 10.13 Monitoring intervals were raised with regard to BNG delivered at the Site. The draft Habitat Management & Monitoring Plan (HMMP) has been updated to incorporate the suggested monitoring intervals from the Ecology Officer. It should be noted the document submitted is only a draft HMMP, and a final document will be completed within the detailed stages of the application including to support the discharge of the general Biodiversity Gain Condition.