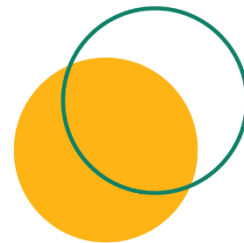




Balancing Growth with Green



Preliminary Roost Assessment



Philip Gomes
Fen Farm, Rabley Heath Road, Welwyn, Hertfordshire, AL6 9UA

December 2024

Project Information

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Disclaimer

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Summary

Purpose	• ACP Consultants Ltd. was instructed by the client (Philip Gomes) to conduct a Preliminary Bat Roost Assessment to accompany the planning application at Fen Farm, Rabley Heath Road, Welwyn, Hertfordshire, AL6 9UA. • Proposed work involves demolition of the existing outbuildings and stables.
Work Undertaken	• A Preliminary Roost Assessment (PRA) has been undertaken including a Defra (2024) based desktop study and a site visit conducted in November 2024.
Potential Constraints	• Due to the low number of Granted European Protected Species Licences for bats within 2 kilometres of the site, the high levels of internal light ingress/lack of voids in the buildings to be demolished and the absence of any evidence suggesting bat presence (such as droppings), no constraints have been identified and no further surveys have been recommended.
Conclusions	• The proposed development is not considered to conflict with any national, regional or local planning policies and will not have any significant or adverse impacts on protected species and their habitats. • This report is valid for a period of 18 months from the survey date.

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1 Introduction

1.1 Overview

Philip Gomes ('the client') is seeking consent for a proposed development at Fen Farm, Rabley Heath Road, Welwyn, Hertfordshire, AL6 9UA (hereafter referred to as the 'proposed development site'), which is within North Hertfordshire Council.

The proposal involves demolition of the existing stables and outbuildings and the construction of a new residential dwelling.

ACP Consultants Ltd. was instructed by the client to conduct a Preliminary Bat Roost Assessment to accompany the planning application to North Hertfordshire Council, seeking consent to undertake the proposed work. The purpose of the Preliminary Roost Assessment is to determine the presence of roosting bats and identify the need for any further surveys, where necessary. If necessary, appropriate mitigation measures are to be identified and recommended.

A Preliminary Roost Assessment report has been prepared to determine the presence/likely absence of roosting bats for this proposed development and identify need for any further consideration.

Local Authorities are tasked with determining new development and local planning applications against a wide range of social, economic, and environmental criteria. The purpose of this report is to assess whether the development proposal is compliant with the relevant local policies in terms of ecological impact as a result of the proposed residential development.

This assessment has been carried out in accordance with good practice guidelines, including the National Planning Policy Framework (2023) and applicable local supplementary guidance. Planning policy is located in Appendix D.

The remainder of this report is presented in the following order:

- Section 2: Methodology.
- Section 3: Results and Evaluation.
- Section 4: Recommendations for Further Survey, Mitigation and Enhancement.
- Section 5: Conclusions.

1.2 Objectives

- To gain an understanding of the importance of the defined survey area for bats.
- To identify potential bat roosts provided by buildings within the site.
- To determine the presence/likely absence of roosting bats within suitable features.
- Identify bat species and numbers present; and
- To determine levels of bat foraging and commuting activity within habitat potentially affected by the proposed development.

2 Methodology

To achieve the objectives outlined in Section 1.2, a desktop study was completed followed by a site visit undertaken by David Stanley and Ayan Chakravartty.

2.1 Desktop Study

The desk study was undertaken by referring to the following data sources:

- Defra (2024). Multi-Agency Geographic Information for the Countryside (MAGIC)

Satellite mapping, Ordnance survey, road map, habitat, and designated site data from Defra (2024) was used to assess the value of the surrounding habitat for bats in the area at a landscape scale (5km), including any potentially important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. The features and habitats immediately surrounding the site (local area) were also assessed at a finer scale as these influence the likely presence of bats within the survey site. Defra was also used to determine if any Granted European Protected Species Applications for bats are present with 2km of the site.

2.2 Preliminary Roost Assessment

On the 26th of November 2024, an inspection of the site was undertaken during daylight hours to determine the suitability for bats. This was to establish, if possible, whether bats are using the buildings or have been using the buildings in the past. An assessment of the buildings was undertaken in accordance with the latest published best practice guidance (Collins, 2023).

All accessible parts of the buildings were inspected internally and externally, to look for bats and signs of the presence of bats, including:

- Droppings.
- Feeding remains including moth and butterfly wings.
- Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
- Scratch marks on walls and timber.
- Squeaking or chattering calls.

The assessment outside the building included inspection of all walls, windows, windowsills, and tiles, including a search for any crevices under tiles, missing mortar, gaps in the ridge or gable end of the roofs, crevices in render and brickwork, gaps tiles and any other potential bat roost opportunities.

Table 1: Guidelines for assessing the proposed development site for bats (from Collins, 2023).

Suitability	Roosting habitats in structures	Potential flightpaths and foraging habitats	Number of activity survey visits required
None	<i>No habitat features on site likely to be used by any roosting bats at any time of year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).</i>	<i>No habitat features on site likely to be used by any commuting or foraging bats at any time of year (i.e. no habitats that provide continuous lines of shade/protection</i>	None

Suitability	Roosting habitats in structures	Potential flightpaths and foraging habitats	Number of activity survey visits required
		<i>for flight-lines or generate/shelter insect populations available to foraging bats).</i>	
Negligible	<i>No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.</i>	<i>No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.</i>	None
Low	<i>A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by a larger number of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site but could be used by individual hibernating bats).</i>	<i>Habitat that could be used by small numbers of bats as flight-paths such as gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.</i> <i>Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</i>	One
Moderate	<i>A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to</i>	<i>Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub</i>	Two

Suitability	Roosting habitats in structures	Potential flightpaths and foraging habitats	Number of activity survey visits required
	<i>support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).</i>	<i>or linked back gardens Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</i>	
High	<i>A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.</i>	<i>Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.</i>	Three

2.3 Limitations

The results of the survey and assessment work undertaken by ACP Consultants Ltd. are representative at the time of surveying.

Any third party and external data sources used may vary due to the quality and scale, the supporting information used to define locations/boundaries and sensitivity of the data itself. ACP Consultants Ltd. cannot take responsibility for the accuracy of external data sources and as such discrepancies and inaccuracies may occur. Any distances, locations or dimensions appearing in the report should be considered as estimates.

It should be noted that whilst every effort has been made to describe the features on site in the context of their suitability for roosting bats, this does not provide a complete characterisation of the site. This survey provides a preliminary view of the likelihood of bats being present. This is based on suitability of the habitats on site and in the local area, the ecology and biology of bats as currently understood, and the known distribution of bats as recovered during the desk study.

A thorough inspection of the building, including cavities, cannot be conducted without specialist access equipment, meaning only accessible areas have been surveyed. Therefore, a negative result does not definitively prove the absence of protected species. The absence of bats can only be fully confirmed with bat activity/emergence surveys.

We encourage the client and authorised users of the report to remove any information containing records of protected species locations within the report prior to publishing in the public domain to prevent human interference.

3 Results and Evaluation

3.1 Overview

The following section sets out the existing conditions in relation to ecology for the proposed development. Relevant ecological information is available from several sources including local, regional, and national ecological reports and websites. For the purpose of this assessment, some data has been obtained from Defra provided geographical sources¹.

3.2 Designated Sites and Existing Landscape

Details of any statutory designated sites within a 5km radius of the proposed development including their reasons for notification, are provided in Table 2 below.

Table 2: Designated sites within a 5km radius of the survey site.

Site Name	Designation	Distance from Site	Area
Knebworth Woods	SSSI	2.9km north	128.84Ha
Sherrardspark Wood	SSSI	3.9km south	74.31Ha

Defra (2024) has been used to undertake a review of the proposed site and surrounding area. The site is situated in a rural, farmland area located in Welwyn, Hertfordshire. The landscape within the immediate vicinity of the site comprises of farmland and other residential dwellings. A small area of trees is also situated to the north-east of the site. There are areas of scattered woodland within 2km listed in Table 3 below. These areas could provide suitable bat foraging and commuting habitat for bats.

Table 3: Priority habitats within 2km of the site

Habitat	Distance from site
Broadleaved Woodland	0.28km east
Broadleaved Woodland	0.47km north
Broadleaved Woodland	0.47km south-east
Broadleaved Woodland	0.55km south
Broadleaved Woodland	0.56km south-west
Young Trees	0.62km south-west
Broadleaved Woodland	0.63km south-east
Broadleaved Woodland	0.65km south-east
Broadleaved Woodland	0.78km north-east
Broadleaved Woodland	0.82km south-east
Broadleaved Woodland	0.9km south-west
Young Trees	0.9km south-west
Broadleaved Woodland	0.94km north
Broadleaved Woodland	1km south-east
Broadleaved Woodland	1.1km south-east
Broadleaved Woodland	1.1km south
Broadleaved Woodland	1.2km east
Broadleaved Woodland	1.2km south-east
Broadleaved Woodland	1.2km south-east
Broadleaved Woodland	1.25km north-east
Broadleaved Woodland/Ancient Woodland	1.3km north-east
Young Trees	1.3km south-east
Broadleaved Woodland	1.4km south-east

¹Figure 3.1 Area surrounding potential development site (highlighted in red) (Source: Defra).
Defra (2024). Multi-Agency Geographic Information for the Countryside (MAGIC)

Habitat	Distance from site
Broadleaved Woodland	1.4km south-east
Broadleaved Woodland/Ancient Woodland	1.4km north-east
Broadleaved Woodland	1.4km north-west
Broadleaved Woodland	1.4km south-east
Broadleaved Woodland	1.4km west
Broadleaved Woodland	1.5km west
Broadleaved Woodland	1.5km north-east
Broadleaved Woodland	1.6km north-west
Broadleaved Woodland	1.7km north-west
Broadleaved Woodland	1.7km south-east
Broadleaved Woodland	1.7km west
Broadleaved Woodland	1.9km north-west
Broadleaved Woodland	1.9km north
Conifer Woodland	2km
Broadleaved Woodland/Ancient Woodland	2km

3.3 Data Search and Historical Records

Defra (2024) was used to provide bat records for within 2km of the site. This was primarily due to the nature of the proposed development. Results of bat records within a 2km buffer can be seen below in Table 4.

Table 4: Bat records within a 2km buffer

Bat Record	Distance from Site	Start and End Date	Bat Species Present
Granted European Protected Species Applications (England)	1km north-west	14/12/2017-07/12/2022	<i>Plecotus auritus</i>

3.4 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 5.

Table 5: Summary of conditions during survey

Abiotic Factor	Survey 1
Survey Type	Preliminary Bat Roost Assessment
Date Completed	26.11.2024
Temperature °C	9°C
Precipitation	0
Weather Conditions	Overcast, moderate wind

3.5 Site Features

The results of the Preliminary Bat Roost Assessment are summarised in Table 7 below and the location of the buildings are shown in Appendix A and B. Photograph references (Appendix B) relate to the building descriptions below.

Table 7: Site features and descriptions linking to photos in Appendix B.

Building Reference	Internal or external	Description (if applicable)	Suitability for Bats	Use by birds	Bat Signs, Access Points and Features
A	External	B1	Negligible	None recorded	N/A
B	Internal	B1	Negligible	None recorded	N/A
C	Internal	B1	Negligible	None recorded	N/A
D	External	B2	Negligible	None recorded	N/A
E	Internal	B2	Negligible	None recorded	N/A
F	Internal	B2	Negligible	None recorded	N/A
G	External	B3	Negligible	None recorded	N/A
H	Internal	B3	Negligible	None recorded	N/A
I	External	B4	Negligible	None recorded	N/A
J	Internal	B4	Negligible	None recorded	N/A
K	Internal	B4	Negligible	None recorded	N/A
L	External	B5	Negligible	None recorded	N/A
M	External	B6	Negligible	None recorded	N/A
N	External	B6	Negligible	None recorded	Loose soffit board - negligible due to internal building context (Building Reference P)

Building Reference	Internal or external	Description (if applicable)	Suitability for Bats	Use by birds	Bat Signs, Access Points and Features
O	External	B6	Negligible	None recorded	Raised ridge tiles - negligible due to internal building context (Building Reference P)
P	Internal	B6	Negligible	Old/disused bird nest present	N/A
Q	Internal	B6	Negligible	None recorded	Gaps - negligible due to building context (Building Reference P)
R	External	B7	Negligible	None recorded	N/A
S	External	B7	Negligible	None recorded	Loose soffit board - negligible due to internal building context (Building Reference T)
T	Internal	B7	Negligible	None recorded	N/A

3.5.1 B1

The main stable (B1) present on site is a large structure consisted of a corrugated iron roof with rendered exterior walls and wood panelled and brick internal walls (Building Reference A, B, & C). There are no interior loft voids (Building Reference B & C). Overall, the stable was in a relatively good condition with no gaps between the roofing sheets or exterior walls, a high level of internal light ingress, and no evidence of bat presence, such as droppings (Building Reference A, B, & C).

3.5.2 B2

The second stable (B2) present comprises wooden exterior walls and corrugated iron roofing (Building References D). The corrugated iron roofing showed some gaps which could create voids for bats to enter and roost (Building Reference D), however, the stable interior showed high levels of natural lighting (Building Reference E & F). Due to the high level of internal light ingress and low levels of bat records in the area, the roofing gaps are considered unlikely to support bat presence.

3.5.3 B3

The third stable (B3) present directly beside the second stable (B2) comprised corrugated iron roofing and wooden panelled external walls (Building Reference G). The roofing has some gaps that could provide gaps for bats to enter and roost (Building Reference G), however, the low levels of bat records within 2km of the site and also lack of evidence for bat presence (droppings) negate this likelihood. Additionally, the internal context of the building shows high levels of natural lighting and good condition roofing (no voids or gaps), further reducing the likelihood of roosting bats (Building Reference H)

3.5.4 B4

The first pigeon-pen shed present on the site (B4) comprises well-sealed external wooden panelled walls and interlocking roof tiles (Building Reference I). Internally, there are no gaps or voids in the roofing or walls that could allow bats to enter and roost (Building Reference J). Furthermore, there is a high level of natural and artificial lighting internally, reducing the likelihood of roosting bats (Building Reference J & K).

3.5.5 B5

There was one shipping container present on the site (B5). The shipping container was in good condition and well-sealed (Building Reference L).

3.5.6 B6

The main shed on site (B6) comprises interlocked tile roofing and well-sealed wood panel exterior walls (Building Reference M). Within the roofing of the shed, there were gaps within the tiles and loose soffit panelling (Building Reference N, O, & Q) which could create potential access points. However, due to the internal context of the building (high levels of natural light as shown in Building Reference P) and the low levels of bat records within 2km of the proposed site, the likelihood of bat presence is negligible. There was evidence of an old/disused bird nest within the shed so recommendations for building/demolition outside of breeding season are necessary.

3.5.7 B7

The second pigeon-pen shed (B7) comprised well-sealed, external wooden panel walls and interlocking roof tiling (Building Reference R). There were some gaps present in the tiles which could create potential access points that could be utilised by bats (Building Reference S). However, the internal roofing is well-sealed and reduces the likelihood of bats being present (Building Reference T). Furthermore, the building has a high usage level and high internal light levels, further reducing the likelihood of bats being present (Building Reference T).

3.5.8 Results

From our external and internal inspection of the buildings on site, the suitability for bat roosts is negligible. Whilst factors such as the nature of proposals (demolitions) and the presence of potential access points (Building References D, N, & S) are aspects that normally require further considerations, the absence of any bat evidence across the buildings, high levels of internal light and the low level of bat records within 2km (Table 4) mean that the risk of potential bat activity on-site is negligible.

Best practice guidance states that the 'negligible' category can still be used when potential roosting attributes are present but other attributes (such as internal building context and low records of bat presence within 2km of the proposed site) mean it is unlikely that bats will be present.

4 Recommendations for Further Survey, Mitigation and Enhancement

Due to the negligible suitability and risk of proposals harming bats or their roosts (as explained in Section 3), no further surveys are required.

However, it is understood that regulations will be followed during the external alterations and demolition phases as explained below and in Appendix E.

Precautionary methods of work will be required. This precautionary method of work will encompass the following:

- Works to remove the timbers, and works to remove walls are undertaken with care, by hand.
- During such works, timbers must be checked for the presence of bats and for signs of bats (droppings).
- If bats or signs of bats are found during works, works must stop, and an ecologist contacted for advice.

5 Conclusions

This report provides an assessment and evaluation of a Preliminary Bat Roost Survey of the following potential key impacts associated with the proposed development at Fen Farm, Rabley Heath Road, Welwyn, Hertfordshire, AL6 9UA. The aims of the report are:

- To gain an understanding of the importance of the defined survey area for bats.
- To identify potential bat roosts provided by buildings within the site.
- To determine the presence/likely absence of roosting bats within suitable features.
- Identify bat species and numbers present.
- To determine levels of bat foraging and commuting activity within habitat potentially affected by the proposed development.

Due to the lack of evidence of bat presence and high levels of internal light ingress, the suitability of bat roosts being present on-site is negligible. Whilst certain attributes that could be utilised by bats exist, other attributes mean it is unlikely that they will do so as explained in Section 3.

The proposed work is considered unlikely to cause disturbance that would significantly affect the ability for bats to survive, breed, reproduce, nurture young and hibernate if bat roost(s) are found within the building. Therefore, no further surveys have been recommended.

Appendices

Appendix A: Existing Plans

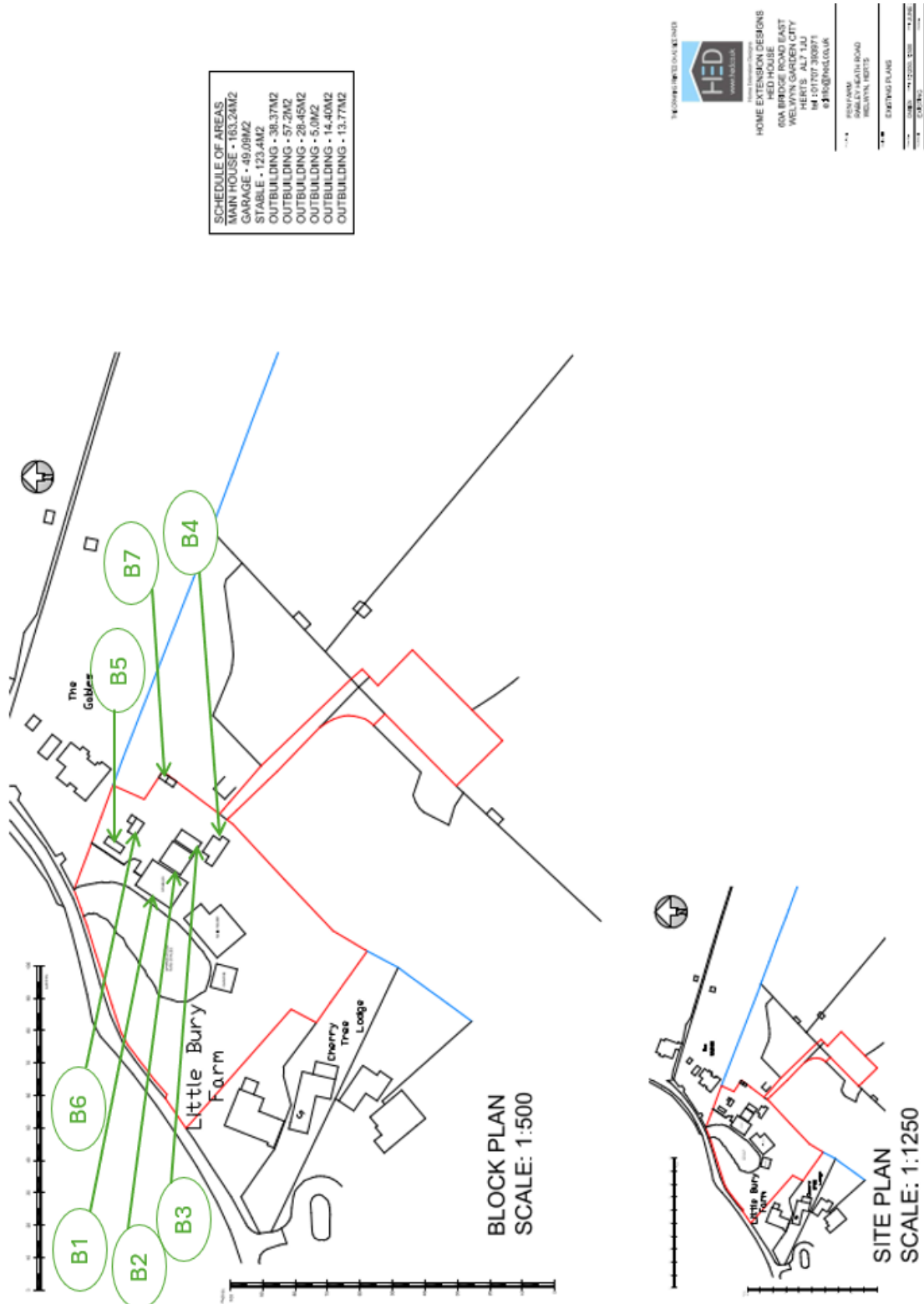
Appendix B: Site Photographs

Appendix C: Proposed Plans

Appendix D: Planning Policy & Legislation

Appendix E: Bat Legislation

Appendix A: Existing Plans



Appendix B: Site Photographs

Building Reference	Photograph
A	 A photograph showing the exterior of a white building. A large, weathered wooden door is partially open, revealing a dark interior. To the right of the door is a small window. The building is surrounded by a fence and some outdoor equipment like a blue bucket and a broom.
B	 A photograph showing the interior of a building. The ceiling is made of corrugated metal and wooden beams. Sunlight is streaming in from a window on the right, creating a bright area. The walls are made of brick.

Building Reference	Photograph
C	
D	

Building Reference	Photograph
E	 A photograph showing the interior of a wooden roof structure. A blue metal ladder is leaning against the left side of the roof. The roof is made of dark, weathered wooden beams and planks. Light is coming from a window or opening in the distance.
F	 A photograph showing the interior of a cluttered wooden structure, possibly a barn or shed. The floor is covered with straw or hay. There are various items scattered around, including a blue plastic container, a white bucket, and some wooden planks. The structure is made of dark wooden beams and planks. Light is coming from a window or opening in the distance.

Building Reference	Photograph
G	
H	

Building Reference	Photograph
I	 A photograph showing the exterior of a building with a dark tiled roof. A sign above the entrance reads "THE LOFT". The entrance is a large glass door with a metal frame. To the right of the door is a window with a green frame and a small wooden bench in front of it. The sky is clear blue.
J	 A close-up photograph of a metal mesh screen, likely a roosting site, covering a wooden structure. The mesh is made of a diamond-shaped pattern of metal wires. The wooden structure behind it is made of horizontal planks.

Building Reference	Photograph
K	
L	

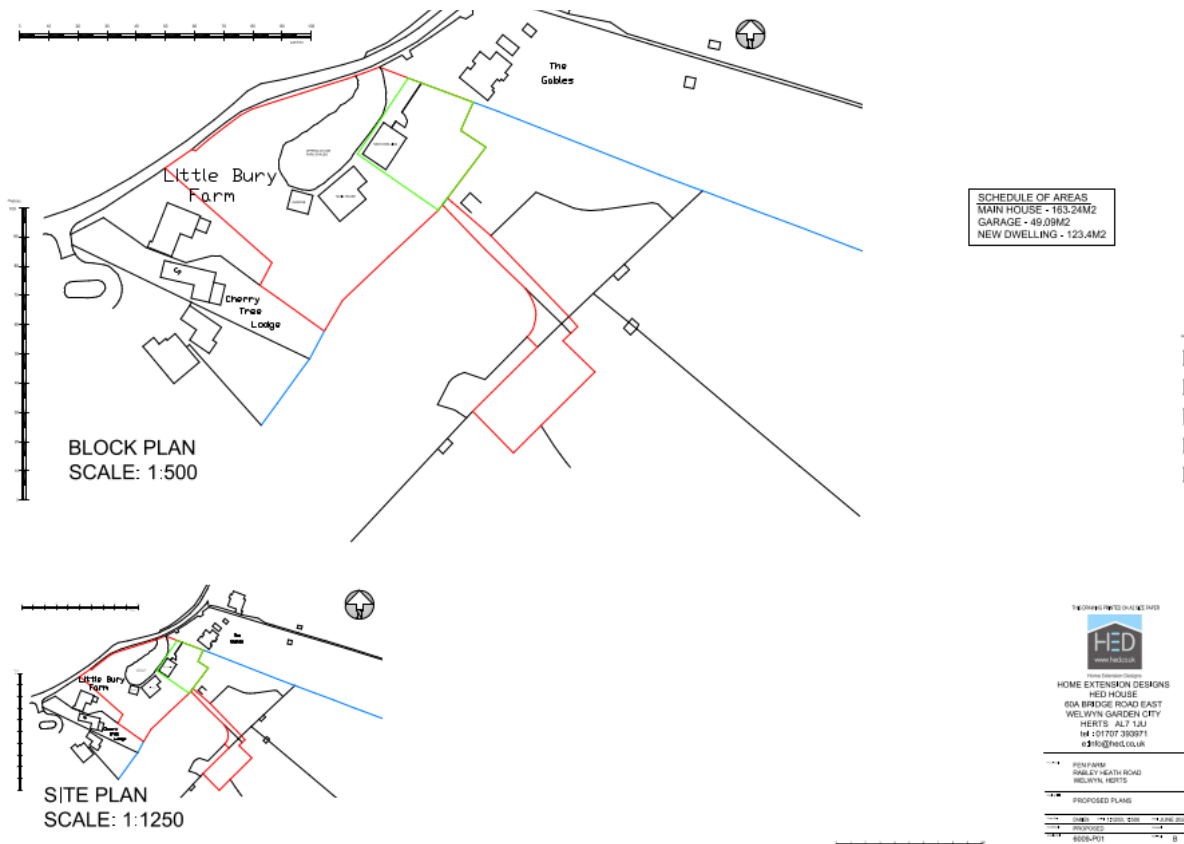
Building Reference	Photograph
M	
N	

Building Reference	Photograph
O	
P	

Building Reference	Photograph
Q	
R	

Building Reference	Photograph
S	
T	

Appendix C: Proposed Plans



Appendix D: Planning Policy & Legislation

This section summarises the relevant National and Local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

National Policy

National Planning Policy (December 2023)

The principal national planning policy guidance with respect to the potential development is the National Planning Policy Framework (NPPF). The most recent update of the NPPF was published in December 2023 by the Department for Communities and Local Government (DCLG). This guidance sets out the Government's planning policies for England and how they are expected to be applied. Three dimensions to sustainable development have been identified in the NPPF: economic, social, and environmental.

The NPPF Section 180 states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Section 181 states that:

"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

Section 182 states that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads⁶³. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

Section 183 states that:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Section 185 states that:

“To protect and enhance biodiversity and geodiversity, plans should:

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

Section 186 states that:

“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.”*

Section 188 states that:

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

Relevant National Planning Practice Guidance (NPPG, 2016)

NPPG is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The guidance note on 'Natural Environment' explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. This has been referred to when preparing this report. It states that:

"Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. Guidance on the law affecting Habitats Sites, protected species and SSSIs.

Natural England has issued standing advice on protected species. A protected species mitigation licence from Natural England may be required before any work can start."

The PPG also states that:

"Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required.

Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.

As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application."

Biodiversity net gain is mentioned in the PPG and states that:

"The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006."

Species and Habitats Legislation

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates all various amendments made to The Conservation (Natural Habitats & c.) Regulations 1994, in respect of England and Wales. The 1994 Regulations transposed the EC Habitats Directive 1992 (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law.

Annexes I and II of the Habitats Directive list (respectively) habitats and species for which member states are required to establish and monitor SACs. The EC Birds Directive provides a similar network of sites (SPAs) for all rare or vulnerable species listed in Annex I and all regularly occurring migratory species, with particular focus on wetlands of international importance.

Together with SACs, SPAs form a network of pan-European protected areas known as 'NATURA 2000' sites.

The Habitats Regulations also make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade on the animals listed in Schedule 2, or pick, cut, uproot, destroy or trade in the plants listed in Schedule 4.

This legislation was amended in January 2021: The main changes to the 2017 Regulations are:

- “the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the ‘network objectives’)
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission’s functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.”

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979)

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979) aims to ensure conservation and protection of all wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to afford special protection to the most vulnerable or threatened species (including migratory species).

The Wildlife and Countryside Act 1981 (as amended) (WCA 1981)

The WCA is the primary UK mechanism for statutory site designation (Sites of Special Scientific Interest [SSSIs]) and the protection of individual species listed under Schedule 1,2,5 and 8 of the Act, each subject to varying levels of protection.

The Countryside and Rights of Way Act 2000

This legislation strengthens the provision of the 1981 WCA (as amended), both in respect of statutory sites such as SSSIs and protected species. It also places a statutory obligation on Local Authorities and other public bodies to further conservation of biodiversity in the exercise of their functions, thus providing a statutory basis to the Biodiversity Action Plan (BAP) process, which began in 1994. Section 74 of the Act lists the habitat types and species of principal importance in England. The UK Biodiversity action Plan has now been superseded by the ‘UK Post-2010 Biodiversity Framework’ (July 2012), however, many of the species and habitats in the UK and local BAPs have not been updated and are still considered relevant to date.

A Bill to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes is currently in second reading in the House of Commons (November 2022).

Local Planning Policy North Hertfordshire Local Plan (2011-2031)

North Hertfordshire Local Plan (2011-2031)

“This Local Plan seeks to address the key issues facing North Hertfordshire and will set a strategic vision and spatial strategy for the District over the period 2011 to 2031.”

Policy SP12: Green Infrastructure, landscape, and biodiversity

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

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

Policy NE4: Biodiversity and geological sites

“Planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12.

All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible.

Applicants should, having regard to the status of any affected site(s) or feature(s):

- a) *Submit an ecological survey that is commensurate to the scale and location of the development and the likely impact on biodiversity, the legal protection or other status of the site;*
- b) *Demonstrate that adverse effects can be avoided and / or satisfactorily minimised having regard to the hierarchy of protection below: i*
 - i. *locating on an alternative site with a less harmful impact;*
 - ii. *providing adequate mitigation measures; or*
 - iii. *as a last resort compensated for.*

The acceptability of approach(es) to avoidance, mitigation and compensation will be commensurate with the status of the asset(s) likely to be affected by the application; Compensation is unlikely to be an appropriate solution for proposals affecting nationally or internationally designated sites other than in the most exceptional circumstances.

- c) *Include appropriate measures to manage construction impacts by demonstrating how existing wildlife habitats supporting protected or priority species will be retained, safeguarded and managed during construction;*
- d) *Integrate appropriate buffers of complimentary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. 12 metres of complimentary habitat should be provided around wildlife sites (locally designated sites and above), trees and hedgerows. It may be*

necessary to exceed this distance for fragile habitats such as ancient woodland or to provide appropriate root protection for mature trees; and

- e) *Provide a long-term management and monitoring plan including mitigation measures as necessary.*

Local Geological Sites are ratified by the Herts & Middlesex Wildlife Trust (HMWT) and are afforded the same protection as Local Wildlife Sites.”

Appendix E: Bat Legislation

All bat species, their breeding sites and resting places are fully protected by law - they're European protected species.

You may be able to get a licence from Natural England if you cannot avoid disturbing them or damaging their habitats, or if you want to survey or conserve them.

What you must not do

You're breaking the law if you do certain things including:

- *deliberately capture, injure or kill bats*
- *damage or destroy a breeding or resting place*
- *obstruct access to their resting or sheltering places*
- *possess, sell, control or transport live or dead bats, or parts of them*
- *intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection*

Either or both of the following could happen if you're found guilty of any offences:

- *you could be sent to prison for up to 6 months*
- *you could get an unlimited fine*

Activities that can harm bats

Activities that can affect bats include:

- *renovating, converting or demolishing a building*
- *cutting down or removing branches from a mature tree*
- *repairing or replacing a roof*
- *repointing brickwork*
- *insulating or converting a loft*
- *installing lighting in a roost, or outside if it lights up the entrance to the roost*
- *removing 'commuting habitats' like hedgerows, watercourses or woodland*
- *changing or removing bats' foraging areas*
- *using insecticides or treating timber*

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>