



Phase I Habitat and Protected Species Scoping  
Survey at  
Site on Mead Lane,  
Hertford  
For  
BRB (Residuary) Ltd

**July 2011**

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London  
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### Notice to Interested Parties

To achieve the study objectives stated in this report, we were required to base our conclusions on the best information available during the period of the investigation and within the limits prescribed by our client in the agreement.

No investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information. Thus, we cannot guarantee that the investigations completely defined the degree or extent of e.g. species abundances or habitat management efficacy described in the report.

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<b>Project manager:</b>	Nancy Coe	
<b>Author(s)/Surveyor:</b>	Jamie Glossop	
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<b>Checked by:</b>	Sophie Smith	04/07/11
<b>Authorised by:</b>	Matthew Fasham	05/07/11

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## **0 EXECUTIVE SUMMARY**

RPS was commissioned by BRB (Residuary) Ltd to undertake a Phase 1 Habitat Survey and protected species scoping survey for a site on Mead Lane, Hertford.

The surveys were carried out on 21<sup>st</sup> June 2011, in addition to a desk-based review of existing ecological data.

The study area is located in Hertford adjacent to the north of Hertford East Railway Station. It is irregular in shape and occupies an area of approximately 1 ha. The site is bounded by Mead Lane to the north, railways and further scrub to the east, railways to the south and Mill Road to the west. The study area is located within an area of mixed land uses, with railways, industrial buildings and residential properties.

The subject site is considered to be of some potential ecological importance and there are some issues which would need to be considered before any development were to take place on site.

### **Desk Study & Survey Findings**

#### *Designated Sites*

There are no statutory designated sites within 2 km of the site. However, there are 32 non-statutory designated sites within 2 km, the closest being the Thornton Street Allotments Local Wildlife Site located 200 m to the west. Due to the subject site's distance from this non-statutory site it is not considered likely that any development works would impact it significantly.

#### *Habitats*

Broad habitats mapped on site comprised dense scrub, scattered scrub, unimproved neutral grassland, semi-natural broad-leaved woodland and introduced shrub. No UK BAP or Hertford BAP (LBAP) habitats were found on the site.

### *Species*

#### Plants

Wall Cotoneaster was recorded on site. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (and as amended), and as such it is illegal to plant this species or allow it to grow in the wild. It should therefore be controlled as part of any development works.

#### Reptiles

It is considered that the site contains suitable habitat for reptiles, and a survey is therefore recommended. Reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) (see Appendix A).

#### Birds

Suitable habitat in the form of trees and scrub was present with potential to support breeding birds. All birds, their nests and eggs are afforded protection under Part 1 of the Wildlife and Countryside Act 1981, as updated by the Countryside and Rights of Way Act 2000. A survey of vegetation for active nests should therefore be carried out if vegetation clearance occurs during the bird breeding season.

#### Bats

Bats are not considered likely to be roosting on site but may potentially use the site for foraging. A bat activity survey is therefore recommended.

All British bat species are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981(as amended) and are included on Schedule 2 of the Conservation of Habitats and Species Regulations 2010 as European Protected Species (see Appendix A).

#### Badgers

Suitable habitat for Badgers occurred on site, but no evidence of Badger activity was found. Badgers will readily excavate new setts in suitable habitat, and it is therefore recommended that a repeat badger survey is undertaken if works do not commence within one year of the date of this survey. Badgers are protected under the Protection of Badgers Act 1992 (see Appendix A).

Hedgehogs

Hedgehogs are a UK BAP species as there is concern over their decline in numbers. Suitable habitat to support this species was noted on site. Therefore it is recommended that vegetation be checked carefully prior to removal to ensure no harm is caused to hedgehogs.

**0.2 Summary of Recommended Further Actions**

RPS quotes for the following work can be provided on request:

Item	Survey Time
Control of Wall Cotoneaster	N/A
Reptile Survey	March to September
Bird Nest Inspection	March to the end of August
Bat activity survey	Mid May to early September (optimum time June to August)
Repeat Badger Survey	Only required if development work does not commence within 1 year of this survey.
Hedgehog check	Prior to removal vegetation should be checked for the presence of hedgehogs.

## 1 INTRODUCTION

RPS was commissioned by **BRB (Residuary) Ltd** to undertake a Phase 1 Habitat survey and protected species scoping survey for the site at **Mead Lane, Hertford**. RPS understands that the site is proposed for redevelopment into a mixed land use development with some soft landscaping and garden areas.

The surveys were carried out on 21<sup>st</sup> June 2011, together with a desk-based review of existing ecological data.

## 2 METHODS

### Desk study

A desk study was carried out to identify designated sites within 2km of the site, and to obtain records of habitats and species that are considered important for nature conservation in an international, national, or local context within 2km of the site.

The desk study comprised:

- i. use of the Natural England 'Nature on the Map' website to identify existing statutory and non-statutory sites of nature conservation interest within 2 km of the site;
- ii. consultation with Hertfordshire Biological Records Centre (HBRC) in order to obtain species records and designated site records for the study area and a 2 km search radius over the last 10 years; and
- iii. A review of 1:25,000 scale Ordnance Survey maps to look for ponds and other water bodies within 500m of the study area.

### Surveys

#### ***Phase 1 Habitat Survey***

A Phase 1 Habitat Survey was undertaken by RPS Ecologist Jamie Glossop on 21<sup>st</sup> June 2011. The method followed the standard Phase 1 methodology as defined in the Phase 1 Habitat Survey Manual (JNCC, 2003). In summary, this comprised a walkover at the survey area and recording the broad habitat types and boundary features present. Where possible, dominant plant species observed within each habitat type were recorded.

#### ***Ecological Scoping Survey***

An ecological scoping survey was undertaken by RPS Ecologist Jamie Glossop on 21<sup>st</sup> June 2011. The study area was assessed for evidence of or potential to support

legally protected or notable animal species/groups (e.g. reptiles), and other species of importance for nature conservation.

### 3 RESULTS

#### Desk Study

##### *Designated Sites*

##### Statutory Sites

Information provided by HBRC and Natural England shows that there are no statutory designated sites within 2km of the site.

##### Non-Statutory Sites

Information provided by HBRC and Natural England shows that there are no recorded non-statutory designated sites on site but 32 within a 2 km search radius. The closest site is Thornton Street Allotments Local Wildlife Site, located 200 m to the west. Summary details of these sites are provided in Appendix B.

#### **Water Features**

Ordnance survey mapping (Landranger 1:50,000 scale) indicates that the New River / River Lee Navigation is the closest surface watercourse and is located approximately 10 m northwest of the subject site. Further watercourses within 500m include the River Lee 200m northwest and the River Beane 330m northwest. Current mapping does not indicate any ponds to be located within 500m of the site.

#### **Species**

There are records of two plant species within 2km of the site over the last 10 years as seen in the table below:

Common Name	Scientific Name	Status	Approx. Distance and Direction from Site (m)	Most Recent Date Recorded
Common Rock-rose	<i>Helianthemum nummula</i>	-	1400m east	2004
River Water-dropwort	<i>Oenanthe fluviatilis</i>	Hertfordshire BAP	1800m northwest	2008

##### *Invertebrates*

There are over 1500 records of moths and butterflies within 2 km of the site, the majority of which are UKBAP or LBAP species.

The closest record is of the Small Heath Butterfly *Coenonympha pamphilus*, recorded approximately 500m northeast in 1997, whereas the majority were recorded approximately 1250m north (which mapping indicates is an area of open fields on

Bengeo Street to the north of Bengeo Primary School) throughout the last 10 years or longer.

### Amphibians

There are three records of Great Crested Newts (*Triturus cristatus*) and two records of Common Toads (*Bufo bufo*) within 2 km of the study area. The details of these records are listed in the table below:

Common Name	Approx. Distance and Direction from Site (m)	Date Recorded
Common Toad	900m east	2002
Common Toad	1450m west	2002
Common Toad	1900m south	2001
Great Crested Newt	2000m south	2001
Great Crested Newt	2000m south	2001

### Reptiles

There are 24 records of reptile species within 2km of the site. These include Slow-worms (*Anguis fragilis*), Common Lizards (*Zootoca vivipara*), Grass Snakes (*Natrix natrix*) and one record of Adder (*Vipera berus*). The details of these records are provided in the table below:

Common Name	Approx. Distance and Direction from Site (m)	Date Recorded
Adder	700m east	2008
Slow-worm	800m east	2008
Slow-worm	900m east	2002
Slow-worm	900m east	2002
Slow-worm	1000m northeast	2004
Common Lizard	1000m east	2003
Common Lizard	1000m southwest	2006
Grass Snake	1000m south	2001
Grass Snake	1000m southeast	2007
Grass Snake	1000m northeast	2001
Slow-worm	1100m east	2004
Slow-worm	1100m east	2005
Slow-worm	1100m northeast	2007
Grass Snake	1100m northeast	2005
Common Lizard	1100m northeast	2007
Grass Snake	1100m southeast	2002
Slow-worm	1200m southwest	2002
Slow-worm	1300m southwest	2008 x 14
Grass Snake	1400m northeast	2002
Slow-worm	1500m west	2002
Slow-worm	1800m southwest	2003
Slow-worm	1900m southwest	2003
Slow-worm	1900m southwest	2010
Grass Snake	1900m south	2001

### Birds

The table below lists the bird species recorded within 2 km of the site in the last ten years that are on Schedule 1 of the Wildlife and Countryside Act, 1981, National BAP and LBAP priority species, species within Annexe 1 of the Birds Directive and

whether they are listed as a Bird of Conservation Concern (Eaton *et al.*, 2009), and therefore whether they are of Red or Amber list status.

Common Name	Scientific Name	Status	Approx. Distance and Direction from Site (m)	Most recent record
Green Woodpecker	<i>Picus viridis</i>	Amber list	400m northeast	2010
Water Rail	<i>Rallus aquaticus</i>	Green list	400m southeast	2004
Song Thrush	<i>Turdus philomelos</i>	Red List LBAP Priority	400m northeast	2010
Grey Wagtail	<i>Motacilla cinerea</i>	Amber list	500m north	2002
Common Kingfisher	<i>Alcedo atthis</i>	Amber list Wildlife & Countryside Act Sch 1 Part1	700m northeast	2006
Common Snipe	<i>Gallinago gallinago</i>	Amber list Wildlife & Countryside Act Sch 3 Part3	800m southwest	2004
Song Thrush	<i>Turdus philomelos</i>	-	800m northeast	2010
Spotted Flycatcher	<i>Muscicapa striata</i>	Red List	900m southwest	2004
Blue Tit	<i>Cyanistes caeruleus</i>	-	1000m northeast	2010
Great Spotted Woodpecker	<i>Dendrocopos major</i>	-	1000m northeast	2010
Robin	<i>Erithacus rubecula</i>	-	1000m northeast	2010
Grasshopper Warbler	<i>Locustella naevia</i>	Red List	1000m northeast	2010
Great Tit	<i>Parus major</i>	-	1000m northeast	2010
Green Woodpecker	<i>Picus viridis</i>	Amber list	1000m northeast	2010
Nuthatch	<i>Sitta europea</i>	-	1000m northeast	2010
Wren	<i>Troglodytes troglodytes</i>	-	1000m northeast	2010
Little Egret	<i>Egretta garzetta</i>	Amber list	1300m northwest	2010

### Mammals

### Bats

There are 13 records of bats within a 2 km radius of the site. No records of bat roosts were provided.

Common Name	Scientific Name	Approx. Distance and Direction from Site (m)	Date Recorded
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	1000m south	2007
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	1000m southeast	2007
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	1000m south	2008
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	1000m east	2001
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	1000m northwest	2004
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	1000m south	2005
Brown Long Eared Bat	<i>Plecotus auritus</i>	1000m south	2005
Brown Long Eared Bat	<i>Plecotus auritus</i>	2000m southwest	2004
Brown Long Eared Bat	<i>Plecotus auritus</i>	2000m southwest	2004
Brown Long Eared Bat	<i>Plecotus auritus</i>	2000m southwest	2002
Brown Long Eared Bat	<i>Plecotus auritus</i>	2000m southwest	2001
Brown Long Eared Bat	<i>Plecotus auritus</i>	2000m southwest	2002
Brown Long Eared Bat	<i>Plecotus auritus</i>	2000m southwest	2004

*Badgers*

There are seven records of Badgers (*Meles meles*) within 2 km of the site as detailed below;

Approx. Distance and Direction from Site (m)	Date Recorded
900m south	2005
1000m southeast	2002
100m northwest	2002
2000m southwest	2004
2000m southwest	2006
2000m southwest	2002
2000m southwest	2008

*Otter*

There is one record of an Otter (*Lutra lutra*) within 2km of the site. This was recorded approximately 900m to the southwest.

*Hedgehogs*

There is one record of a hedgehog (*Erinaceus europaeus*) approximately 1600m to the west of the site recorded in 2002.

**Phase 1 habitat survey**

The survey results are presented in the form of a map with the habitat types and boundary features marked (Appendix C). Habitat descriptions are defined by broad habitat types (JNCC, 2003).

Woodland*Broad-leaved semi-natural woodland*

Across the site were areas of broad-leaved semi-natural woodland. Species recorded included abundant Sycamore *Acer pseudoplatanus* and Hawthorn *Crataegus monogyna* with frequent Ash *Fraxinus excelsior* and Apple *Malus pumila*. The ground flora was species-poor and comprised frequent Garlic Mustard *Alliaria petiolata*, Bramble *Rubus fruticosus* agg., Ivy *Hedera helix* and occasional Gooseberry *Ribes uva-crispa*.

Scrub*Dense Scrub*

The site also contained areas of dense scrub which included frequent Hawthorn and dense stands of Bramble.

#### *Scattered scrub*

Along the edges of the areas of woodland and dense scrub were scattered areas of scrub. Species recorded included frequent Hawthorn.

#### Grassland

##### *Neutral grassland*

Along the southern boundary and amongst the woodland at the north of the site were areas of unimproved neutral grassland. Species recorded included dominant Red Fescue *Festuca rubra* and abundant False Oat-grass *Arrhenatherum elatius*. Frequent species included Perforate St. Johns Wort *Hypericum perforatum*, Creeping Cinquefoil *Potentilla repens*, Yarrow *Achillea millefolium* and Ribwort Plantain *Plantago lanceolata*. Bladder Campion *Silene vulgaris* was also recorded as occasional.

#### Miscellaneous

##### *Introduced shrub*

Frequent Butterfly Bush *Buddleia davidii* was recorded as part of the scattered scrub on site. A single Wall Cotoneaster *Cotoneaster horizontalis* was recorded on site as were scattered plants of an unidentified Cotoneaster *Cotoneaster* sp.

### **Ecological scoping survey**

#### *Invertebrates*

The site contained no significant areas of dead wood, bare ground or ponds typically associated with the rarer invertebrate species. The site did however, contain habitat which would support common invertebrate species.

#### *Amphibians*

The site contained no ponds which could be used as breeding ponds by amphibians. However, suitable terrestrial foraging habitat was recorded on site which could support amphibians (woodland, scrub and grassland).

#### *Reptiles*

The site contained areas of grassland and scrub. It is also connected to the wider area by a disused railway line which runs through the site. It is considered that common reptile species such as Slow-worm and Common lizard could be present on site.

*Birds*

The site contained a number of trees, grassland and scrub which could be used by common breeding birds for nesting and foraging.

*Mammals*

*Bats*

No features which could be used by roosting bats were recorded on site. However, the habitats recorded on site could support foraging bats.

*Badgers*

No evidence of Badger activity was recorded on site although suitable habitat was present.

Hedgehogs

No evidence of hedgehog activity was noted on site during the walkover, although suitable habitat was present.

## 4 EVALUATION

### Designated sites

There are 32 designated sites within 2 km of the site. The closest is the non-statutory designated site known as Thornton Street Allotments Local Wildlife Site (LWS). The LWS is designated for its “importance for protected species” (no further details were provided by HBRC). The LWS is approximately 200m west of the site and is separated by an industrial building, road and the River Lee. Given the distance and lack of habitat connectivity, it is not considered that development of the site would not have a significant effect on this LWS.

The next nearest LWS is 500m southwest. It is not considered that the development of the site would result in adverse effects on this or any of the other designated sites listed in Appendix B.

### Habitats

#### *Semi-natural broad-leaved woodland*

It is not considered that the area of woodland qualifies as the UKBAP Priority Habitat or the Hertfordshire Priority Habitat ‘Lowland deciduous woodland’ as it covered a small area and included abundant non-native Sycamore.

#### *Unimproved neutral grassland*

The grassland on site was species-poor and does not fulfil the criteria to qualify as Priority Habitat under either the UKBAP or Hertfordshire LBAP.

None of the other habitats recorded on site are considered to be of conservation value in their own right.

### Species

#### *Plants*

No plant species of conservation interest were recorded on site.

Wall Cotoneaster was recorded as an individual plant on the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to plant or otherwise cause it to grow in the wild.

### *Invertebrates*

The site is considered likely to support an assemblage of common invertebrate species only. Therefore invertebrates are not considered to pose a constraint to the development.

### *Amphibians*

Suitable terrestrial habitat was recorded on site which could support an amphibian population. However, the closest recorded amphibian species is 900 m east (Common Toad) and the closest Great Crested Newt record is 2 km south. In addition, the closest surface watercourse appears to be the New River / River Lee Navigation which is a man made river located approximately 10 m to the northwest. Aerial photography indicates that this is a flowing watercourse of a significant size and depth as the area closest to the site appears to be in use as a docking area for boats. Aerial photography also indicates that there is no marginal vegetation. Therefore, this stretch of the watercourse is unlikely to support breeding Great Crested Newts or Common Toads and they are considered unlikely to use the subject site. Amphibians are therefore not considered to pose a constraint to the development.

### *Reptiles*

It is considered that suitable habitat is present that could support a population of reptiles. Reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) (see Appendix 1). A reptile survey is therefore recommended.

### *Birds*

Suitable habitat for breeding birds, in the form of scrub, trees and shrub, was present on site. All birds, their nests and eggs are afforded protection under Part 1 of the Wildlife and Countryside Act 1981. Given the size of the site, it is not considered likely that the site would support an assemblage of conservation importance. However, the nests of all wild birds are protected whilst in use or being built, and it is therefore important that vegetation clearance is carried out at a time of year, or in such a manner, to avoid impacts on breeding birds.

### *Mammals*

#### *Bats*

Bats are not considered to be roosting on site but may potentially be foraging on site. There is also habitat connectivity with the wider area via the railway line, and the site

could provide a commuting route for bats roosting elsewhere in the local area. A bat survey to determine patterns of activity is therefore recommended.

All British bat species are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and are included on Schedule 2 of the Conservation of Habitats and Species Regulations 2010 as European Protected Species (see Appendix 1).

#### Badgers

No evidence of Badger activity was recorded on site, so they do not currently present a constraint to the development. However, suitable habitat is present, and records of Badger were obtained from the surrounding area, the closest being 900m to the south. Badgers will readily excavate new setts in suitable habitat and may therefore potentially colonise the site in future. It is therefore recommended that a repeat survey is carried out if development does not commence within 1 year of the date of this survey.

Badgers are protected under the Protection of Badgers Act 1992 (see Appendix A).

#### *Hedgehogs*

There is one record of a hedgehog within 2km of the site. This was recorded in 2002 approximately 1600m west. Hedgehogs are a UK BAP species and suitable habitat to support this species was noted onsite. Therefore it is recommended that vegetation be checked carefully prior to removal to ensure no harm is caused to hedgehogs.

## **5 IMPLICATIONS OF DEVELOPMENT PROPOSALS**

- 5.1 No significant impacts on designated sites are expected from the development of the site.
- 5.2 No UK or local BAP habitats were recorded on site and the habitats present are not considered a constraint on the proposed development.
- 5.3 No plant species of conservation importance were recorded on site.
- 5.4 Wall Cotoneaster was recorded on site, and should be controlled to prevent it from spreading beyond the site boundary.
- 5.5 The site is likely to support an assemblage of common invertebrate species. Consideration should be given to retaining or replanting the woodland and grassland habitats on site to provide suitable habitat for invertebrates and maintain connectivity. Appropriate site design could also include provision of dead wood piles.
- 5.6 It is considered unlikely that Great Crested Newts or Common Toads are present on site, and no further survey work is considered necessary.
- 5.7 The site contained areas of potential reptile habitat, and a reptile survey is therefore recommended.
- 5.8 Reptile surveys involve the placement of artificial refugia in areas of suitable habitat. Surveys can be carried out during March – September, with the optimum months being April, May and September. A minimum of seven checks of the refugia are required to determine presence / absence of reptiles.
- 5.9 Reptiles are legally protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). Therefore mitigation measures must be undertaken if reptile species are likely to be killed or injured during the proposed development. These measures may include habitat manipulation and/or translocation of reptiles to a suitable receptor site, either on or off site. Careful preparation of receptor sites is vital to the survival of translocated reptiles. With appropriate site design, this could be accommodated on site.
- 5.10 Suitable habitat to support low numbers of breeding birds was recorded on site.
- 5.11 Mitigation design could include retention of woodland, scrub and grassland habitats or replacement of suitable nesting habitat such as the provision of nest boxes on any

- buildings or suitable trees and/or the replanting of grassland and woodland elsewhere on site.
- 5.12 Removal of vegetation on the site to accommodate the new development is likely to impact on breeding birds. Vegetation clearance should therefore be undertaken outside of the breeding bird season (March to August).
- 5.13 If vegetation removal is carried out during the bird breeding season, a nesting bird check must first be carried out by a suitably qualified ecologist. If the site is declared free of nesting birds, then vegetation must be removed within 48 hours. If birds are found to be nesting, then a buffer zone must be demarked around the vegetation with the nest, and removal cannot be carried out until the chicks have fledged.
- 5.14 The site was not considered to have potential for roosting bats. However, the site has potential to provide foraging or commuting habitat for bats. It is therefore recommended that a bat activity survey is carried out to establish levels of foraging and commuting activity across the site. Activity surveys comprise walking transects with bat detectors to record species and activity. Three survey visits are recommended between mid-May to early September, with the optimum period being June to August.
- 5.15 All bat species are legally protected in the UK. If significant commuting and foraging activity are identified, mitigation could include:
- provision of “bat friendly” lighting design on any new buildings;
  - erection of bat boxes on new buildings;
  - maintaining current flight paths and foraging areas such as woodland/ scrub areas; and
  - creation of areas of species-rich grassland, woodland etc to provide additional foraging opportunities.
- 5.16 A repeat survey to search for evidence of Badgers, particularly setts, is recommended if construction does not commence within one year of this survey.
- 5.17 Hedgehogs are a UK BAP species and suitable habitat to support this species was noted onsite. Therefore it is recommended that vegetation be checked carefully prior to removal to ensure no harm is caused to hedgehogs.
- 5.18 Mitigation design could include retention of woodland, scrub and grassland habitats in order to encourage hedgehogs to use the site.

## **6 CONCLUSIONS**

- 6.1 It is not considered that any impacts nearby LWSs would occur given the distance and lack of connectivity.
- 6.2 Habitats recorded on site include dense scrub scrub, scattered scrub, unimproved neutral grassland, semi-natural broad-leaved woodland and introduced shrub. None of these were considered to fall within UKBAP or LBAP priority habitats.
- 6.3 No plant species of conservation interest were recorded on site. The Wall Cotoneaster recorded on site should be controlled.
- 6.4 The following species-specific surveys are recommended to fully evaluate the ecological potential of the site:
- reptile surveys (seven visits during March – September); and
  - bat activity surveys (three visits during mid- May – early September).
- 6.5 A repeat survey to search for evidence of Badgers, particularly setts, is recommended if construction does not commence within one year of this survey.
- 6.6 Vegetation should be checked by hand for hedgehogs prior to removal.

## 7 REFERENCES

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JNCC (2006). UK Biodiversity Action Plan. Available online at <http://www.ukbap.org.uk>.

Natural England, Nature on the Map:

<http://www.natureonthemap.naturalengland.org.uk/>

Hertford Biodiversity Action Plan: <http://www.hef.org.uk/nature/index.htm>

## 8 APPENDICES

### APPENDIX A – RELEVANT LEGISLATION AND POLICIES FOR PROTECTED SPECIES AND SPECIES OF CONSERVATION IMPORTANCE

**Key Principles of Planning Policy Statement 9** (Taken from PPS9: Biological and Geological Conservation (August 2005) ODPM).

Regional planning bodies and local planning authorities should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

(i) Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics, local authorities should assess the potential to sustain and enhance those resources.

(ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

(iii) Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology, and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources.

(iv) Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

(v) Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted.

(vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In

the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

### **Reptiles**

All British reptile species are listed on ***Schedule 5 of the Wildlife and Countryside Act 1981, as updated by the Countryside and Rights of Way Act 2000.***

Adder, Grass Snake, Slow-worm and Common Lizard receive partial protection under part of Section 9(1) and all of Section 9(5). As such it is an offence to:

- intentionally kill or injure any individual; and
- sell, offer for sale, possess or transport for the purpose of sale or publish advertisements to buy or sell individual reptiles.

All British reptiles are listed as being of principal importance for the conservation of biodiversity in England, in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Planning Policy Statement 9 (PPS9) states that Local Authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. In addition, Planning Authorities should refuse development where harm to the species or their habitats would result, unless the need for, and benefits of, the development clearly outweigh that harm.

### **Birds**

All birds, their nests and eggs are afforded protection under Part 1 of the ***Wildlife and Countryside Act 1981, as updated by the Countryside and Rights of Way Act 2000.*** It is an offence to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; and
- intentionally take or destroy the egg of any wild bird.

Special penalties are available for offences related to bird species listed on Schedule 1 of the Act, for which there are additional offences of disturbing these birds at their nests, or their dependent young.

A number of bird species are listed as being of principal importance for the conservation of biodiversity in England, in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006

### **Bats**

All British bat species are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as updated by the Countryside and Rights of Way Act 2000. All British bats are also included on Schedule 2 of The Conservation (Natural Habitats, &c.) Regulations 2010 as European Protected Species. These pieces of legislation make it an offence to:

- intentionally or recklessly kill, injure or capture bats;
- deliberately or recklessly disturb bats (whether in a roost or not); and
- damage, destroy or obstruct access to bat roosts.

A roost is defined as 'any structure or place which [a bat] uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present at the time of survey.

The following bat species are listed as being of principal importance for the conservation of biodiversity in England, in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006: Barbastelle bat *Barbastella Barbastellus*, Bechstein's bat *Myotis bechsteinii*, Noctule bat *Nyctalus noctula*, Soprano Pipistrelle bat *Pipistrellus pygmaeus*, Brown Long-eared bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum*, and Lesser Horseshoe Bat *Rhinolophus hipposideros*. Planning Policy Statement 9 (PPS9) states that Local Authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. In addition, Planning Authorities should refuse development where harm to the species or their habitats would result, unless the need for, and benefits of, the development clearly outweigh that harm.

### **Badgers**

Badgers and their setts are protected under various legislation, drawn together under the Protection of Badgers Act 1992, This makes it a criminal offence to:

- wilfully kill, injure, take, possess, or cruelly ill-treat a Badger, or to attempt to,
- to interfere with a sett by damaging or destroying it,
- to obstruct access to, or any entrance of, a Badger sett;
- to disturb a Badger when it is occupying a sett.

This legislation effectively prevents development on a site, occupied by badgers without mitigation being agreed and carried out prior to construction works.

**APPENDIX B – Non- statutory designated sites**

All of the sites below are designated as Local Wildlife Sites.

Site Name	Grid Reference	Reason for Notification	Approx. Distance and Direction from Site
Thornton Street Allotments	TL 327129	Important for protected species.	200m west
All Saints Churchyard	TL 328124	Includes rough neutral grassland, mature planted trees and bordering walls.	500m southwest
River Beane and River Lea confluence	TH 330135	Network of watercourses including strips of marginal vegetation, large trees and otter, water vole and a range of birds have been identified along the watercourses.	500m north
Cromwell Road Allotments	TL 340133	Important for protected species.	800m east
Valley Close Area	TL 3212	Building and environs important for protected species.	800m south
West Street Allotments	TL 321121	Important for protected species.	1000m southwest
Beane Marsh	TL 352142	Part of an extensive area of common land on the flood plain of the River Lea including old hay meadows, grazing pasture, and drainage ditches.	1050m west
Hertingfordbury Park, Lower Pastures	TL 313121	Series of low lying neutral grasslands with springs and marshy and fen conditions providing a rare habitat in the area.	1200m southwest
Leahoe Meadow, County Hall Grounds	TL 321120	Supports a range of grasses.	1200m southwest
Balls Park	TL 335117	Old parkland which supports semi improved neutral to acid grassland. Grass snakes and Great Crested Newts recorded in the area.	1400m southeast

Site Name	Grid Reference	Reason for Notification	Approx. Distance and Direction from Site
Riversmeet	TL 3112	Building and environs important for protected species.	1200m southwest
Mimram Road Ditch and Wasteground	TL 3112	Records of water vole, grass snakes and Slow-worms on waste ground.	1300m southwest
Jenningsbury Ponds	TL 3411	Ponds and environs important for protected species.	1600m southeast
Goldings Meadows and Woods	TL 313138	Comprises meadows, ancient woodland and watercourses.	1600m northwest
Horns Mill Road Allotments	TL 321120	Site important for protected species.	1600m southwest
Hertfords Mimram Meadows	TL 318121	Area of unimproved acid/neutral grassland supporting diverse range of flora. The stretch of river here is important for otter and water vole and grass snakes have also been recorded.	1600m southwest
North Road Allotments	TL316134	Site important for protected species.	1700m west
Ware Lines Quarry	TL 3413	Site important for protected species.	1750m northeast
Willowmead	TL 315122	Drier areas support common woodland species and river edge supports marginal vegetation.	1750m southwest
Great Mole Wood	TL 318140	Ancient semi natural oak and hornbeam woodland.	1800m northwest
Mangrove Lane Pond	TL 3311	Site and environs important for protected species.	1800m southeast
North Road Cemetery	TL 313133	Includes semi improved neutral grassland with a good mix of grasses and herbs.	1850m northwest

Site Name	Grid Reference	Reason for Notification	Approx. Distance and Direction from Site
Waterford Marsh	TL 316146	Support neutral grassland and the river supports species rich, abundant marginal and submerged aquatic vegetation.	1850m northwest
Pond in grassland west of Balls Park	TL 3311	Ponds and environs important for protected species.	1950m south
Ware Park	TL 3414	Building and environs important for protected species.	1850m northeast
Waterford Heath	TL 318146	Old gravel pit supporting a mosaic of habitats and a diverse flora.	1900m northwest
Terrace Wood	TL 316116	Ancient semi natural woodland with oak and hornbeam, and coppice Elm, Sycamore and Ash.	1950m southwest
Little Stocks Wood	TL 339111	Ancient semi natural woodland. Surrounded by a ditch with hedge banks.	2000m southeast
Eleven acre Wood	TL 341113	Narrow strip of semi natural ancient woodland.	2000m northwest
Great Stock Wood	TL 341113	Ancient semi natural woodland with ponds supporting smooth newts.	2000m southeast

APPENDIX C – PHASE I HABITAT MAP

