



# **ELMAW Consulting**

## ***Consultant Ecologists & Wildlife Managers***

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**Picture SRL's Consultant Ecologist's response to comments made by the Saving North Herts Green Belt and representative for Herts and Middlesex Badger Group and Herts Wildlife Monitors and Wildlife Welfare Group entitled 'Hearing Statement on the modifications for the NHDC Local Plan', - GA2 biodiversity, dated 27<sup>th</sup> February 2020**

### Background

The comments made by the aforementioned groups in the Hearing Statement make specific reference to conclusions reached by Picture SRL, through their consulting Ecologists ELMAW Consulting, and refer specifically to their report *Ecological Evaluation Site GA2-Land North-East of Great Ashby, Stevenage, Hertfordshire*, December 2017.

With regard to the groups' comments that this report is both '*incomplete and incorrect*' with regard to biodiversity and specifically badgers, Picture SRL would like to confirm that the ecological studies carried out of GA2 were carried out in 2016 and 2017 and were generally time-constrained as stated in *Limitations and Constraints* (10.3.1), which stated that the badger mapping exercise was completed in 2017 and '*represents a snap-shot in time of badger activity within GA2 site. It should therefore be acknowledged that the status of the extant badger population within the site could change at any time and should not be relied upon beyond the current 2017 season*'.

With regard to the current status of Badger Setts A and B and comments made by the group in their Hearing Statement, it is noted that the current status of the local badger population has been assessed and reported by a Bedfordshire mammal recorder and not by the Hertfordshire mammal recorder or a badger surveyor from the Herts and Middlesex Badger Group.

ELMAW Consulting has re-assessed Setts A and B on the 12<sup>th</sup> February 2020. Sett B was confirmed as comprising of at least six entrance holes, all actively used, suggesting the possible development of a main sett, confirming the groups' current observations of this sett. In 2017, Sett B was found to consist of a single entrance hole and was attributed to

being an outlier sett, indicating that the status of the sett has changed (as acknowledged could happen in section 10.3.1 of the aforementioned report). In the aforementioned report, Sett A was found to be an outlier sett comprising of three entrance holes, two used and one inactive.

In February 2020, Sett A appears to have also changed status, with just two obvious entrance holes, one unused and one partially used. This sett is now considered likely to be an annex sett of Sett B, if Sett B be proved to be a main breeding sett.

Therefore, rather than the reported badger data being incomplete and incorrect as stated by the group, it is suggested by ELMAW Consulting that the activity of the badgers and specifically the usage and type of Setts A and B have changed status in the intervening years, since 2017. The status of badger setts will often change over a period of time, influenced by many factors such as disturbance, population size increase and decrease and changes in the age and sex of the population demographic.

As to statement by the group that *'Natural England will only give a licence to close a sett unless an artificial sett has been set up accordingly'....* - this statement is not wholly correct, there is no suggestion from Natural England in their standing advice that Natural England would not give a licence unless an artificial sett is provided. Under the Protection of Badgers Act 1992 there is a provision to damage and destroy badger setts but only under the licensing provision of the Act and which is granted by Natural England. As published by the government's standing advice to local planning authorities in *Badgers - Surveys and Mitigation for Development Projects - GOV.UK*, it states that when excluding badgers from a sett *'make sure of alternative setts nearby that badgers can relocate to'* and ***'if required, build artificial setts as early as possible and before excluding badgers from the original sett - ensure that badgers have found the artificial setts....'***

Picture SRL would like to confirm that it acknowledges that the proposed access road will, in all likelihood, affect two badger setts, Setts A and B, but acknowledges that Natural England, through its licensing provision, does permit the closure of badger setts for development under The Protection of Badgers Act 1992, as stated in the aforementioned standing advice to local planning authorities. We also acknowledged the importance of maintaining the welfare of the local badger population which we considered in sections 13.2.10 - 13.2.15 of the aforementioned Ecological Evaluation report.

Acknowledging the ever-evolving status of the local badger population, it is the intention of Picture SRL, through their ecological consultants, to carry out an ecological impact of

the proposed development at the appropriate application stage. Should it become necessary to displace badgers from Setts A and/or B, then this would be undertaken by ELMAW Consulting under the conditions and stated methodologies of a Natural England licence which, if required, would involve the building of an artificial badger sett. There is sufficient space within any of the woodlands that Picture SRL, the owners, are retaining within the GA2 project, to provide sufficient and licensable receptor artificial badger setts, if required.

Since 2000, ELMAW Consulting has completed 35 badger impact assessments including, over a 17-year period between 2002 and 2019, 12 Natural England, (and formerly English Nature) and Department of Environment, Food and Rural Affairs (DEFRA) licenses to disturb and interfere with, both temporarily and permanently, badger setts, including the building of artificial setts to facilitate development. It is considered commonplace to obtain development licenses to ensure badgers are not harmed in the construction of and post development use of housing developments throughout the UK. Natural England provides written guidance to developers on what steps can be taken to ensure badgers are not detrimentally affected by development, particularly where badger setts are considered to be directly affected by construction. Natural England's published Interim Guidance Document Revised 12/11, Badgers and Development a Guide to Best Practice and Licensing states; *'Badgers are also affected by development and the purpose of this note is to provide guidance on how development can be carried out within the law and in a way that minimises the detrimental impact on this animal. The guidance also explains what development activities might require a licence and provides information on how to obtain a licence from Natural England'*.

It is on the basis of the aforementioned Natural England's published guidelines on how to avoid the detrimental impacts on local badger populations that Picture SRL would responsibly address the needs of the local badger population in the assessment of ecological impacts of the proposed development. This approach, as stated in the 2017 Ecological Evaluation would include the use of measures to dissuade members of the public from disturbing the woodlands in which the badger setts are found, increasing badger feeding and foraging habitat, creating road underpasses and, if required, as discussed above, the provision of artificial badger setts.

The group also stated concern over bats within the local area and roads and state that *'studies have shown bats have been driven away by roads in areas of bat flight'*. Picture SRL are aware that some major new road schemes in the UK have resulted in a negative impact on commuting bats. However, the development proposals do not include the

building of major roads that could potentially result in significant negative impacts on the local bat population but would consider the development proposals to only include minor access roads into a residential estate. Nevertheless, we do however acknowledge the potential for negative impacts on feeding, foraging and dispersing bats and, as such, state in the aforementioned 2017 Ecological Evaluation that we will take steps to mitigate this potential through a number of measures. As stated in paragraph 13.2.8, to avoid potential negative outcomes, *'retaining these hedgerows within dark corridors and avoiding the use of street lighting at the hedgerow and road intersections will ensure that bats can continue to use the hedgerows at night'*. By adopting a sensitive street lighting strategy, the creation of dark corridors alongside bat flight line hedgerows and the retention of bat flight line habitat connectivity between woodlands and the hedgerow network, ELMAW Consulting are confident that the local bat population will not be significantly negatively impacted by the development.

With regard to the groups' concern over the impact of the development on ancient woodland and hedgerows and maintenance of connectivity, we would draw attention to section 13.2.2 through to section 13.2.8, where we state that we would design sensitively to avoid significant impacts on designated sites of nature conservation importance, create and retain 15m wide buffers to ancient woodlands and buffer woodland edges with ecotones, vegetated SUDs, swales and dark corridors. To avoid significant impacts on hedgerows, the development avoids the removal of large sections of hedgerows, existing farm machinery track gaps through hedgerows would be used for new access roads and dark corridors will be created around hedgerows through the sensitive design of a street lighting strategy.

The development design acknowledges the importance of managing the GA2 woodlands as well as not isolating the woodlands within the development and, as such, as stated in Paragraphs 13.2.23 - 13.2.24, it is intended to engage with the Wildlife Sites project as well as the Countryside Management Service. This will ensure access into the site's woodlands are managed and controlled for the benefit of wildlife and enhancement of biodiversity and the majority of the site's woodlands will retain habitat connectivity through the retention of the hedgerow network and with development not fully enclosing these woodlands, the potential for isolation is greatly reduced.