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Ecological Surveys • Habitat Management • Arboricultural Surveys • Vegetation Clearance

**Land Opposite Heath Farm,  
Briary Lane, Royston:**

**An Assessment of Likely Ecological Impacts  
Of Proposed Development**

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## DOCUMENT CONTROL SHEET

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## **Contents**

<b>1.0 Introduction</b>	<b>3</b>
<b>2.0 Methodology</b>	<b>4</b>
<b>3.0 Site and Habitat Descriptions</b>	<b>5</b>
<b>4.0 Fauna</b>	<b>7</b>
<b>5.0 Ecological Designations</b>	<b>9</b>
<b>6.0 SUMMARY AND CONCLUSION</b>	<b>11</b>

## 1.0 Introduction

- 1.1 Greenwillows Associates Ltd. has been commissioned to conduct an appraisal of likely ecological impacts of proposed development on land opposite Heath Farm, Briary Lane, Royston (application reference 20/00744/OP). The outline proposals are for residential development of 99 units and the demolition of one existing onsite building. The area of proposed development is referred to as ‘the site’ within this report.
- 1.2 The purpose of this report is to provide an independent assessment of the likely impacts the proposed scheme might have upon ecological designations and notable and/or protected species and habitats.
- 1.3 The report reviews the Ecological Appraisal accompanying the planning application in the light of a site inspection undertaken by Greenwillows Associates and information obtained from other sources. It assesses the potential for significant effects to arise on ecological receptors and makes recommendations both for further survey and assessment by the developer’s ecologists. It also assesses the information provided in relation to current planning policy.

## 2.0 Methodology

- 2.1 The assessment is based upon a site visit to view the site from the boundary and a review of ecological evidence provided by the developer's ecological consultants, together with information obtained from online sources and from local residents/naturalists.
- 2.2 A site visit was undertaken by the author of this report Ian Johnson and Steve Parnwell BA (Hons) MCIEEM FLS FRSA on 2<sup>nd</sup> July 2020. No access on to the site was available, but viewing points were available on all boundaries and binoculars were used to assist with the habitat assessment across the site and with identification of plant species within the site. The whole of the western and southern boundaries were walked along the adjoining Public Rights of Way (PROWs), although viewing points were restricted to a small number of locations. Observations from the north and the east were made from the gardens of some neighbouring properties. The weather was sunny and dry throughout the survey.
- 2.3 The North Hertfordshire Online Planning Register at [https://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc\\_class\\_code=DC&case\\_number=20/00744/OP](https://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc_class_code=DC&case_number=20/00744/OP) was searched for documents submitted in relation to this application. The only document found relating directly to ecology was the Ecological Appraisal<sup>1</sup>. This document refers to future bat and reptile surveys that would be required. However, no reports relating to these were available (29<sup>th</sup> July 2020).
- 2.4 Online information was consulted, including the Multi-Agency Geographic Information for the Countryside (MAGIC) website (<https://magic.defra.gov.uk/>) and the National Biodiversity Atlas (<https://nbnatlas.org/>). Local residents and naturalists also supplied a variety of wildlife records relating to the site and adjoining habitats.

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<sup>1</sup> Land off Echo Hill, Royston: Ecological Appraisal FPCR, February 2020

### 3.0 Site and Habitat Descriptions

- 3.1 The site is situated on the southwestern edge of Royston at NGR: TL 35376 39964. Existing development within Royston lies to the north and east, arable farmland lies to the south, while Therfield Heath SSSI lies a short distance away to the west. The PROW on the southern boundary of the site is also designated as a Local Wildlife Site (LWS)
- 3.2 The site comprises two fields that were formerly in arable production, although it is understood that they have not been cropped for some years. The former tilled area is bound by broad grass margins and hedgerows. The site also includes, on its northern boundary, a single residential dwelling. Public Rights of Way adjoin the southern and western boundaries of the site.
- 3.3 The grass margins to the former arable areas appear, from a review of online aerial photography, to have been established between 2008 and 2012. The margin along the northern boundary is approximately 25m-30m wide, while the remaining margins are estimated to be between 6m and 9m wide.
- 3.4 The Ecological Appraisal identifies the northern margin as comprising poor semi-improved grassland. This broadly accords with our findings, but we recorded additional species not recorded in the Ecological Appraisal, including knapweed *Centaurea nigra* and field scabious *Knautia arvensis*.
- 3.5 The remaining margins are described by the developer's consultant ecologists as semi-improved grassland, dominated by greater knapweed *Centaurea scabiosa* and Timothy grass *Phleum pratense*, with a mixture of coarse grasses and a range of flowering herbs largely typical of calcareous grasslands. Again, this broadly accords with our observations, although the margins were noted to be very flower-rich, with a good diversity of species apparent, even at a distance. Species of note additional to those recorded in the Ecological Appraisal which we observed within the margins include hoary plantain *Plantago media* and meadow vetchling *Lathyrus pratensis*. Chicory *Cichorium intybus* was also noted on the edge of the former cropped area.
- 3.6 The adjoining Public Right of Ways (PROWs) support species-rich calcareous grassland, including a number of less common species such as lesser meadow-rue *Thalictrum minus* and knotted hedge parsley *Torilis nodosa* (R.Munden, pers comm) which could potentially have colonised the adjoining field margin.

#### Conclusions

- 3.7 The field margins, other than the northern margin, appear to support good quality calcareous grassland. It is recommended that this merits a Phase 2 botanical survey (e.g. to establish the NVC communities present) to adequately assess their importance. The former arable area should also be resurveyed as the description in the Ecological Appraisal of it 'supporting cereal stubbles and ruderal species' does not seem to match its current condition. Only through accurate assessment of habitat condition can the ecological

Briary Lane, Royston  
July 2020

impact of the proposed development be assessed and the scope for achieving biodiversity net gain calculated.

## 4.0 Fauna

### Badger

- 4.1 The Ecological Appraisal reports that no evidence was found of badger presence within the site or wider survey area. However, in July 2020, Greenwillows Associates inspected a recently established badger sett in a residential garden adjoining the eastern boundary of the site.
- 4.2 The badger(s) appears to be accessing the sett from the site boundary. Therefore, the site is likely to be of high value to the badger(s) as a foraging resource and/or as a commuting route.
- 4.3 Natural England guidance<sup>2</sup> states “Development should not be permitted unless it is possible to take steps to ensure the survival of the badgers in their existing range and at the same population status, with provision of adequate alternative habitats if setts **and foraging areas** are destroyed” (our emphasis).
- 4.4 Further survey for and consideration of likely impacts on this protected species is needed. Planning permission should not be granted until a mitigation strategy has been identified.

### Reptiles

- 4.5 A low population of the protected species Common Lizard was recorded within the site in 2017. However, in the absence of cropping, the former arable land now appears to offer suitable habitat for this species and there is scope for this species to have become significantly more numerous since 2017. Indeed, the Non-Technical Summary notes “the site was generally suitable for reptiles due to the dominance of grassland with patches of open ground and hedgerows”.
- 4.6 FPCR state in their report that update surveys will be undertaken during 2020. However, we have seen no evidence that these surveys have been completed and reported to the LPA. Information on protected species should be provided in advance of a permission being granted, so that the impacts are understood and can be taken into consideration.

### Bats

- 4.7 The existing dwelling within the site boundary would be demolished under the current proposals. The Ecological Appraisal identifies the building as providing moderate potential for roosting bats and states that emergence/return surveys will be undertaken in 2020 to identify whether any roosts are present. As far as we are aware, no report of this update bat survey has been submitted; nothing was available on the Online Planning Register on 29<sup>th</sup> July 2020. As with badgers and reptiles, a planning permission should not be granted in the absence of up to date and complete survey data for protected species.
- 4.8 In relation to use of the wider site by foraging and commuting bats, the bat surveys

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<sup>2</sup> Badgers and Development; A Guide to Best Practice and Licensing. Version 12/10

Briary Lane, Royston  
July 2020

undertaken in 2017 recorded barbastelle throughout. Surveys undertaken by the Hertfordshire & Middlesex Bat Group in June and July 2020 (R. Munden, pers comm) recorded barbastelle activity in Royce Grove, a short distance to the east of the site. Probably Leisler's bat was also recorded. The survey report suggests that there may be a maternity roost in the vicinity.

4.9 Acknowledging the presence of barbastelle (a rare species listed on Annex II species of the Habitats Directive) on site, again the Ecological Appraisal refers to the need for further surveys. Once again, these do not appear to have been completed and/or reported, making it inappropriate for permission to be granted at this stage.

#### Breeding Birds

4.10 The Ecological Appraisal lists background records of notable bird species in the vicinity of the site. These species include corn bunting, turtle dove, grey partridge, yellowhammer and skylark. These are all red-listed birds<sup>3</sup> and have undergone serious declines in recent decades. Given these background records, we consider that a breeding bird survey of the site should have been undertaken to identify whether any of these species breed on site, as their presence would be a material consideration for the LPA.

#### Conclusions

4.11 Section 99 of ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted."

4.12 In the absence of results of update surveys for reptiles and bats, which the developer's consultants consider are appropriate, planning permission should not be granted.

4.13 In addition to these groups, given the presence of a badger sett immediately adjacent to the site, we consider that further badger surveys are required. We also consider that breeding bird surveys should be undertaken to inform consideration of the proposals.

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<sup>3</sup> Birds of Conservation Concern 4 Eaton *et al* British Birds 108 Dec 2015

## 5.0 Ecological Designations

5.1 Therfield Heath SSSI, which is also designated as a Local Nature Reserve, supports high quality chalk grassland. The site is very well used by residents of Royston, with an estimated 215,000 person visits per year<sup>4</sup>, particularly for dog walking. Potential impacts relating to public access to the SSSI include:

- Dog fouling, leading to nutrient enrichment and vegetation change
- Trampling of vegetation leading to vegetation loss
- Soil compaction and erosion
- Damage to infrastructure (vandalism)
- Disruption to land management (e.g. dog/livestock issues).

5.2 The Ecological Appraisal considers the potential for recreational effects to arise. It states that Natural England were consulted and indicated that a financial contribution from the developer could be used to contribute towards paying for a warden post, with a suggested contribution of £500 per unit.

5.3 Footprint Ecology's Therfield Heath access study identified that being close to home was the most frequent reason given for visiting Therfield Heath. Section 4.22 of the report states: "Using the top two factors; close to home and scenery/views, we compared interviewee responses by survey point and season (Table 14). During the autumn, when almost all locations were surveyed, the stand out locations with the highest percentage of interviewees stating their main reason as close to home were at survey points 4 (Golf Club) and 5 (Briary Lane), 71% and 78% respectively." From this, it would seem certain that construction of new housing off Briary Lane, within approximately 70m of the SSSI, would inevitably result in a significant number of additional visits to the SSSI.

5.4 The Ecological Appraisal refers to the standards set by requirements for provision of Suitable Alternative Natural Greenspace (SANG) to mitigate impacts from development close to Thames Basin Heaths Special Protection Area (SPA), pointing out that the rate of provision of SANG is 8ha per 1,000 new residents. This is compared with the higher proposed rate of provision at Royston of 5.3ha for an estimated 260 new residents.

5.5 However, this comparison overlooks the 400m zone adjacent to the SPA in which no new development is permitted unless it can be demonstrated that it would not lead to further recreational use of the SPA. In other words, SANG or other greenspace provision would not be effective for developments very close to ecological designations that are inherently attractive to visitors. It is concluded that the proposed greenspace provision within the Briary Lane development is likely to be of very limited effectiveness.

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<sup>4</sup> Panter *et al* (2019) Therfield Visitor Access Study. Unpublished report by Footprint Ecology for Natural England.

5.6 Turning to Natural England's proposed approach, the effectiveness of which is in any case uncertain, a contribution of £500 per unit amounts to £49,500. This could perhaps fund a wardening post for up to two years, after which this mitigation measure would cease to operate. This proposal could only possibly be effective if it were part of a wider scheme which would generate sufficient funds to maintain a warden post in perpetuity. The Ecological Appraisal makes no reference to such a scheme currently operating.

#### Conclusions

5.7 Paragraph 175b of the NPPF states: "development of 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 outweighs 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". It is considered that the current proposals would be likely to have an adverse effect on Therfield Heath SSSI in combination with other (existing) development.

## 6.0 SUMMARY AND CONCLUSION

6.1 Greenwillows Associates has undertaken a site visit and a desktop review of information relevant to the proposed development. A number of areas of concern have been identified. These are summarised below.

### Impacts on Therfield Heath SSSI

6.2 Increased recreational access to the SSSI appears an inevitable result of new residential development in such close proximity to the designation. Being so close to the SSSI, the on-site provision of greenspace is considered likely to have only limited effectiveness in deflecting visits to the designation. Having commissioned a visitor study of Therfield Heath, Natural England clearly has concerns about existing recreational impacts. It is reported that Natural England has proposed a developer contribution of £500 per unit to fund a wardening post. While it is far from certain that a warden post would effectively mitigate recreational impacts anyway, the approach proposed would only work if it were part of a wider strategic scheme that would generate sufficient money to fund a warden in perpetuity. In the absence of an established scheme, it must be assumed that adverse impacts on the SSSI would arise from the proposed development in combination with existing levels of access.

6.3 The NPPF states that development having an adverse impact on a SSSI should not normally be permitted. It also identifies (at paragraph 175a) a mitigation hierarchy of avoidance, mitigation and, as a last resort, compensation. The site at Briary Lane is not an allocated development site in the Local Plan and there is no reason why the equivalent development could not be provided in a less damaging location. For these reasons, it would seem appropriate for the application to be refused on the grounds of avoiding potential adverse impacts on a SSSI.

### Protected Species

6.4 It appears that survey data for protected species is incomplete. This applies to the onsite reptile population; the potential for bat roosts within the onsite building; use of the site by foraging and commuting bats, including the Annex II species Barbastelle; and Badgers, which have been found to be present on the boundary of the site and which may well make significant use of the site. Breeding bird data is also lacking.

6.5 In line with guidance in ODPM Circular 06/2005, all protected species surveys should be completed before permission is granted. This conclusion is supported by various case law decisions and accords with the guidance to LPA's within the British Standards Institute's *Biodiversity - Code of practice for planning and development* publication BS420120; 2013.

### Habitats

6.6 It is considered that the floristic interest of the calcareous grass margins within the site should be investigated through a Phase 2 botanical survey to determine whether they correspond to a priority habitat and whether they support particularly rare or notable

Briary Lane, Royston  
July 2020

species (as is the case for the adjoining PROW). In addition, the habitat description of the former arable provided in the ecological appraisal does not correspond well with the current condition of the bulk of the site. It is recommended that an update survey be undertaken, the results of which would inform calculations of whether biodiversity net gain would be achievable within the site.

### Conclusion

Based on the findings of our review, it is considered that it would be inappropriate for planning permission to be granted in the absence of completed surveys of protected and priority species and more informative vegetation surveys. Further, we consider that, unless there is a strategic mitigation scheme in place for recreational impacts on Therfield Heath SSSI, the application should be refused.