

Officer Liz Anderson – Ecologist

Ref: 24/01604/FP

Date 29/11/24

Att: Peter Bull

Temple Dinsley, School Lane, Preston, Hertfordshire, SG4 7RT

Change of use of the Former Princess Helena College and associated land to 69no. private residential dwellings (Use Class C3), including the conversion of the main Grade II* Listed House to 35no. new apartments, the conversion of the retained Teaching Block to provide 8 new apartments, the demolition of the existing sports hall building and science block and replacement with 20no. new houses and 2no. new apartments, the conversion of the Tank House and the Pump House buildings to provide 2no. detached dwellings and the erection of 2no. new dwellings located within the summerhouse plantation.

Consultee comments;

Bats

The Ecology Report details bat surveys undertaken at the site and identifies Summer Plantation as being of County importance for the bat assemblage which includes nationally rare Barbastelles. Mention is made of 'essential lighting' being designed to minimise adverse impacts. However, it is not clear what is 'essential', a new householder may feel that ornamental garden lights are essential. The use of a restrictive covenant to have no additional lighting beyond that specified in the application would help with this to be linked to a lighting strategy.

I am happy that the tree works to facilitate the two dwellings in the plantation will not have an impact on bats but do wonder how the retained monoliths will be protected as by the nature that they are dead a TPO would no longer be relevant.

Given the sensitivities of the bat interest on site I would like to see a bat monitoring programme for the plantation secured for 10 years. This would include a long-term management plan with details of monitoring and remedial actions to be where detrimental impacts are found to have. Submission of an annual report to the LPA to determine levels of bat activity would also be required.

Works to the Main House, demolition of the science block and conversion of the Tank House and Pump House are considered likely to result in the damage or destruction of bat roosts and will require a bat licence from Natural England. Sight of this should be conditioned.

No works are in any circumstances to commence unless the local planning authority has been provided with either:

- a licence issued by Natural England authorizing the specified activity/development to go ahead; or*
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.*

Barn Owl

The Pump House and Tank House as shown in area F on the proposed site plan were found to be of interest for Barn Owl. It will be essential to ensure that nesting barn owl are not disturbed by renovation activity to either building, and that accommodation is made to ensure that barn owl can continue to nest and roost within the Site by the provision of tree and/or building mounted barn owl boxes.

NE4 of the North Herts Local Plan seeks biodiversity enhancement and on plot opportunities should be explored for the new build dwellings in addition to the mitigation for species impacts already discussed.

No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences has been submitted to and approved in writing by the local planning authority. The content shall include the:

- a) purpose and objectives for the proposed works;*
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) extent and location of proposed works shown on appropriate scale maps and plans;*
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e) persons responsible for implementing the works;*
- f) details of initial aftercare and long-term maintenance.*

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Lighting

Given the extensive bat interest across the site impacts from lighting are thought to be the main concern arising from the proposals. Existing buildings on site have, by the nature of being a school, previously been illuminated and as such bats using these buildings are accustomed to the light. However, changes to increase this and the introduction of lighting in previously unlit areas will be detrimental. As such a lighting strategy for the site, including woodland areas, should be conditioned.

A lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall;

a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and;

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Local Wildlife Site

The Ice House is identified as a Local Wildlife Site (LWS) due to its value as a hibernation roost for Daubenton's, Natterer's and Brown Long Eared bats. The location of the eastern car park in the vicinity of the Ice House and any potential impacts on the bats using it is a matter to be given careful

consideration. Policy NE4 of the North Herts Local Plan requires a 12m buffer around Local Wildlife Sites and as such the car park has been pulled away to allow for separation. A fence is to go around the perimeter of this buffer to prevent public access with interpretation for its historical interest to be kept outside of the fence. Additionally the access to the ice house will be secured with a lockable grille to allow bat access but prevent humans or pets from entering.

Further, concern was raised over the potential impact from lighting associated with the use of the car park. A lighting scheme has been provided which demonstrates light spill will avoid the LWS but additional to this a new yew hedge will be planted to screen out headlights as cars enter and exit parking spaces.

As a number of buildings are to be demolished and converted, together with changes to introduce new dwellings to woodland the use of a Construction Environment Management Plan is advised to prevent harm to protected species and avoid unnecessary ecological impacts.

Construction Environmental Management Plan

No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the July 2024 Ecological Appraisal and include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures to avoid or reduce impacts during construction.*
- d) The location and timing of sensitive works to harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Biodiversity Net Gain

The application is subject to a requirement to deliver 10% BNG and a Statutory Metric calculation has been provided with the application which indicates that the scheme would secure a 16.61% gain in habitat units and a 12.81% gain in hedgerow units thereby meeting the statutory requirement. Given the scale of the site, distinctiveness of habitats present and high number of units involved (151.24 habitat units and 19.3 hedgerow units) the gains are considered significant and ongoing management of the habitats on site will be informed by a Habitat Management and Monitoring Plan to be secured via a s106 agreement.

The case officer should note Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been

*granted subject to the condition “(the biodiversity gain condition”) that **development may not begin** unless:*

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Herts Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.