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Contact: Bernie Fleming
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Date: 27 March 2025

Dear Melissa,

[24/02531/DOC](#)

Details reserved by condition 4 (Landscape and Ecological Management Plan) of planning permission reference no 21/02624/FP granted 27.06.2022

Land North of The Depot at 1A High Street, Graveley, Hertfordshire SG4 7LE

ECOLOGICAL IMPLICATIONS

Overall Recommendation

- ☒ Further information is required before Condition 4 can be discharged

Summary of Advice

- The LEMP fails to satisfy several requirements set out in Condition 4 and cannot be discharged at present

Supporting documents

I have made particular use of the following documents in providing this advice:

- Landscape Environmental Management Plan (LEMP): RevA, fpcr, October 2024
- A range of documents for the original application: 21/02624/FP

Comments

Thank you for your email of 7 November 2024 which refers, and for consulting Herts LEADS (Ecology); I apologise for the inordinate delay with this reply especially as I recommend that further work is required.

We were not able to comment on the original application in 2021 but when advising the Council on other applications in this area we have noted that the Hertfordshire Environmental Record Centre (HERC) has no records of notable habitats or species either within this red line boundary or on land immediately adjacent. I consider those circumstances are unlikely to have changed in the meantime and, therefore, we are dealing with a site of modest ecological value although certain features are protected to varying degrees in policy and law.

This opinion is supported by the ecological appraisals carried out for this development which, though dating back to 2021, I consider remain valid.

However, this means we did not request this condition or influence its wording; I take it purely at face value.

This application was accompanied only by the proposed LEMP.

Condition 4 is set out in full in Appendix 1.

Whilst reference to Appendix 1 is necessary, I consider Condition 4 can be summarised as requiring the installation of bird and bat boxes, and clear prescriptions for management and monitoring activities over a thirty-year period to include the delivery of a biodiversity net gain (both on- and off-site).

Unfortunately, I do not consider the LEMP satisfies neither these broad aims nor the detail provided in Appendix 1. Reasons for this opinion are set out below, first focusing on the LEMP in general and then scrutinising its relationship to Condition 4.

LEMP

Grassland management

s4.21 of the LEMP indicates that in the second *and subsequent years*, the created sward will be cut to a height of 300mm once every two years. At first glance this seems rather high and too infrequent unless it is designed to establish the sward in the first five years where it might be justifiable. However, this flags up the lack of a specific regime for years six to thirty which I will return to later.

Furthermore, the letters of 3 December 2021 and 5 April 2022, from fpcr to HMWT (21/02624/FP) add further confusion. Firstly, it indicates, in Table 2, that Criterion 2 for grasslands (which requires 20% of a sward to be above and 20% below a height of 70mm which would otherwise conflict with the 300mm cut, will not be a targeted measure. This is fine as it would still allow the desired condition to be met by reliance on three other criteria.

However, on p4 of the letter (under 'Other Neutral Grassland'), it refers to a cutting regime that would deliver the heights required by Criterion 2 (which wouldn't fit with the 300mm target).

In other words, there is an obvious lack of consistency which I struggle to follow.

Accordingly, **it will be necessary to clarify the grassland management regime in a revised edition of the LEMP.**

In addition, to take account of the different management regimes and monitoring needs that can arise as the habitat progresses from establishment to more mature phases,

Accordingly, **the future management regime/schedule for years 6 to 30 should be provided in a revised edition of the LEMP.** At present, the position as described in the LEMP is too vague.

This is important because it could have a significant impact on the delivery of a biodiversity net gain which I will return to below.

Additional Measures for Faunal Species

S4.4.1 states (emphasis added): '*the following measures are also recommended.*'

From this, it can only be concluded that the implementation of these measures cannot be guaranteed. Given their relevance to the maintenance of the existing, if modest faunal populations, I cannot see how this optional approach can be reconciled with the wording of Objectives 1 & 2 of the LEMP.

Again, **the status of the Additional Measures for Faunal Species must be clarified** in a revised edition of the LEMP.

Condition 4

Items (d & e): Biodiversity net gain

The original application (21/02624/FP) was submitted and determined well before the delivery of a net gain or meeting the 10% figure became mandatory in February 2024.

Therefore, **it is up to the Council to decide if it considers it is justified in seeking a 10% net gain.** If so, evidence of how this will be achieved/delivered must be presented in the LEMP including how this will be achieved off-site.

At present, this is inadequate. For instance, Condition 4 requires the delivery of a biodiversity net gain of 0.83 habitat units by the creation/management of a range of habitats both on and off-site.

Further, the application form makes clear that full and not partial discharge of this condition is requested yet I cannot find any reference in the LEMP to biodiversity net gain, the number of units or related needs such as a habitat map and so on.

Accordingly, **if the Council remains committed to securing the net gain predicted, far more information must be provided** in a future edition of the LEMP. At present, Condition 4 has not been satisfied.

Item (f): 5/30-year management and monitoring schedule.

The focus of the LEMP is clearly on the initial five-year period yet the item (f) requires a management and monitoring regime to be set out for the following twenty-five years as well. Yet, I could find no clear indication of this in the LEMP other than occasional references in s4.13, the suggestion in s4.58 that it could be rolled-forward to future years and a reference to an initial regime in s6.1. This needs to be made clearer.

That said, simply rolling over the first five-year schedule may not be appropriate for the reason given above but also because it could introduce an overly burdensome monitoring effort, for example (s5.1), if carried out throughout the thirty-year period.

Furthermore, item (f) also requires a habitat map yet none has been provided. A reference is made (s4.1) to the 'Detailed Landscaping Proposals' though it did not accompany this application. Further, I could not find anything approaching this in the original application. Landscaping drawings were provided under application 24/02532/DOC (which we were not consulted on) but even so, these did not meet the description of a habitat map.

Accordingly, **a habitat map must be provided** in a revised edition of the LEMP. At present, Condition 4 has not been satisfied.

Item (j): bird and bat boxes

Condition 4 requires the provision of nine swift boxes. Normal practice is to position these on (broadly) northern to north-eastern elevations, not southern and eastern as proposed (s4.50) although I note Fig. 1 does show these to the north and east. Given this inconsistency I will rely on '*the supervision of an ecologist*' (s4.51) to ensure the correct locations are chosen during construction.

Furthermore, the LEMP (Fig. 1) specifies nine swift boxes and nine other nest boxes will be installed. Whilst this additional provision would normally be welcomed, I note Condition 4 (item (j)) specifies (emphasis added) '*9 integrated swift and 9 integrated bat boxes*'.

Yet, there is no mention of bat boxes anywhere in the text or on Fig. 1. I presume that the additional nest boxes have been inadvertently confused with the nine bat boxes but this requires attention.

Accordingly, this means item (j) of Condition 4 has not been satisfied and both the text and Fig. 1 will require amendment to show **the correct type boxes and locations. must be clarified** in a revised edition of the LEMP.

Items (g & h): Monitoring

I take these items require the identification of triggers to inform future monitoring and remedial activities (if necessary) yet no clear mention is made of this. Perhaps stressing the importance of this, Condition 4 returns to this subject in the first half of its final paragraph.

I consider these requirements will be difficult to satisfy if '*triggers*' are not identified as at present the language is rather vague despite occasional references to remedial or similar actions. This reinforces my view that something more compelling is required though again, I do not think this need be overly onerous. For instance, whilst trees and shrubs may be replaced up to five years from planting, what will happen if they fail at ten and what

impact will this have on the delivery of a net gain? Perhaps more importantly, though, how will the success or otherwise of the grassland sward be measured?

Accordingly, **the identification of such triggers should be clarified** in a revised edition of the LEMP. These need not be overly prescriptive but needs to be sufficient to demonstrate the delivery of the net gain but at present, Condition 4 has not been satisfied.

Items (I & final paragraph): Responsibilities

s4.56 states that the client will be responsible '*for implementation of the plan*' (item 'i'). I presume this also means the client will also be responsible for the '*legal and funding mechanism(s)*' (final paragraph) given that the LEMP appears to be silent on this matter. That said, as the LEMP will require amendment to satisfy other matters (see above) **it would be wise for the applicant to clarify the legal and funding mechanisms at the same time.**

Conclusion

Given the above, I consider the LEMP is not fit for purpose as it clearly does not satisfy Condition 4. Accordingly, **Condition 4 cannot be discharged** until the shortcomings above are adequately addressed.

Yours sincerely,

Bernie Fleming

Ecology Advisor

Hertfordshire LEADS

Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.

Appendix 1: Condition 4

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of any of the dwellings hereby permitted. The content of the LEMP shall deliver a net gain of 0.83 habitat units from a combination of onsite and offsite measures (as detailed in the approved ecological report and biodiversity metric) to achieve a measurable net gain to biodiversity and include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate creation and management options for achieving the required number of ecological units as detailed in approved metric (including species mixes).
- e) Prescriptions for management actions which must correspond with and directly reference the habitat and condition scores in the approved metric.
- f) Preparation of a 5 year work schedule (including an annual work plan) capable of being rolled forward in perpetuity i.e. 30 years, with habitats clearly marked on plans.
- g) Ongoing monitoring and reporting schedule, with assessment and triggers for remedial measures.
- h) Required actions should habitat areas fail to reach stated condition in the approved metric.
- i) Details of the body or organisation responsible for implementation of the plan.
- j) Details of 9 integrated swift and 9 integrated bat boxes, make, model and location. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP will be implemented in accordance with the approved details with any planting carried out before the end of the first planting season following either the first occupation of any of the dwellings or the completion of the development, whichever is the sooner.

Reason: in the interests of biodiversity and ecology and in accordance with The Environmental Act 2021.