

Officer Liz Anderson – Ecologist
Date 12/8/24

Ref: 24/01496/FP
Att: Alex Howard

3 - 5 Newells, Letchworth Garden City, Hertfordshire, SG6 2PH

Erection of one 3 storey building comprising of 15 dwellings with associated access, landscaping and parking following demolition of the existing dwellings and garages..

Consultee comments;

Having read the submitted documents and reviewed the statutory metric there would be no ecological objection to the proposal. The scheme, as proposed, would result in a 37% gain in biodiversity units and as such is compliant with the mandatory requirement for eligible developments to deliver 10% Biodiversity Net Gain (BNG).

The Preliminary Ecological Appraisal (PEA) makes recommendations to prevent disturbance or harm as a result of the construction phase on ecological receptors. It is advised that any Construction Environment Management Plan contains guidance to keep trenches covered at night and avoid works impacting vegetation during the bird nesting season of March to September inclusive.

Potential impacts from lighting are also considered to mitigate this a low-impact lighting scheme is advised. Wording is suggested below;

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.

In addition the PEA also recognises the value of on plot ecological enhancements beyond mandatory BNG in line with North Herts policy NE4 a condition securing this could be used as follows;

No above ground works shall take place until a scheme for ecological enhancements

has been submitted to an approved in writing by the local planning authority. The scheme shall be informed by the December 2023 Preliminary Ecological Appraisal and measures within the scheme shall be implemented as approved and retained thereafter in perpetuity.

Reason: To ensure that the development delivers ecological enhancements in accordance with Policy NE4 of the North Herts Local Plan (2022)

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.

Biodiversity Net Gain

*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.