

Officer Liz Anderson – Ecologist
Date 12/9/24

Ref: 24/01444/FP
Att: Alex Howard

Land Between Huntsridge And Ashwell House, Ashwell

Erection of 14 dwellings (including affordable housing) including creation of access from Ashwell Street, footpath link to Lucas Lane, public open space and soft and hard landscaping, biodiversity enhancement and, associated infrastructure on land north of Ashwell Street, Ashwell.

Updated consultee comments;

Comments were made previously but an amendment to the red line boundary is noted which now excludes hedgerow H2 from the BNG calculation with the effect that the overall % BNG to be achieved from the development proposal falls slightly but is still well in excess of the mandatory 10%. As such earlier comments remain and are updated below;

The June 2024 update Ecological Impact Assessment (EclA) identifies the site as semi-improved grassland with scrub surrounded by hedgerows and a line of trees to the south along Ashwell Street. It makes recommendation for appropriate protection measures for retained trees and hedgerows and advises precautionary mitigation measures to avoid adverse effects on nesting birds, bats, hedgehog, reptiles and amphibians.

A separate Biodiversity Statement has been supplied and this provides detail on the site's baseline Biodiversity value being 3.52 habitat biodiversity units and 1.05 hedgerow biodiversity units. The proposal is expected to deliver habitats to a value of 5.97 habitat biodiversity units and 1.51 hedgerow biodiversity. Meeting the statutory Biodiversity Net Gain requirement on site with gains of 69.78% and 43.7% respectively.

In addition to mandatory BNG the North Herts Local Plan also advises development should consider the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee bricks. These are also recommended in part 7 of the June '24 EclA together with hedgehog holes in fences to maintain permeability throughout the site for wildlife.

The Ashwell Neighbourhood Plan recognises Ashwell Street as a wildlife corridor and the current layout proposed is an improvement on earlier iterations, providing a greater buffer to the tree line, in accordance with North Herts Local Plan policy NE4, with the welcomed introduction of orchard habitat. Never-the-less the EclA does suggest that bats would likely use the site for foraging and commuting and as such a lighting strategy to address potential impacts to light sensitive bats is recommended.

Taking the above points into account the following conditions are advised;

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 June 2024 Ecological Impact Assessment 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.

Ecological Enhancements

No development shall take place until an Ecological Enhancement Plan (EES) 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.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

Lighting

Prior to occupation, 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 where lighting is 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.

Reason: To ensure that works do not result in adverse impacts to protected species. (Section 15 of the NPPF)

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.