

Officer Liz Anderson – Ecologist
Date 20/10/2025

Ref: 25/02401/OP
Att: Alex Howard

Land On The South Side Of, Cowards Lane, Codicote, Hertfordshire

Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)

Consultee Comments

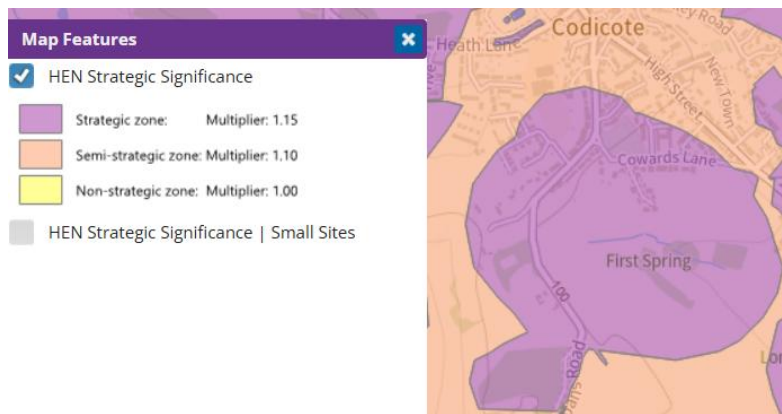
In 2023 North Herts Council declared an ecological emergency to recognise the seriousness of ecological crisis and ensure that nature recovery is a priority for the council. I strongly object to the proposal on the following grounds;

The National Planning Policy Framework is clear that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value.

The site is a designated **Local Wildlife Site** (LWS); Meadow N.W. of First Spring, designated due to its grassland assemblage. North Herts Local Plan Policy NE4 states planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations. North Herts has no international sites so nationally and locally designated sites carry more weight being an essential part of the district's natural heritage.

Policy SP12 states the council will ensure the natural environment is protected and enhanced. It lists designated sites and biodiversity networks as areas for to be protected and enhanced whilst ensuring measurable net gains for biodiversity are secured. The Statutory Metric supporting this application identifies a 4.78 loss of habitat units equating to 48.53% loss of biodiversity as a result of the proposal. However, the metric actually uses the incorrect significance criteria¹ so the loss is really 5.5 habitat units – this is important as the applicant cannot achieve the mandatory 10% BNG on site and would need to seek an offsite solution. In doing so it is essential that the correct number of units are sourced.

The Hertfordshire LNRS is currently only in draft form so until it is published applicants are advised that the Herts Ecological Networks (HEN) Map should be used instead to assess strategic significance as shown below the site is in a strategic zone for nature recovery and it should be protected.

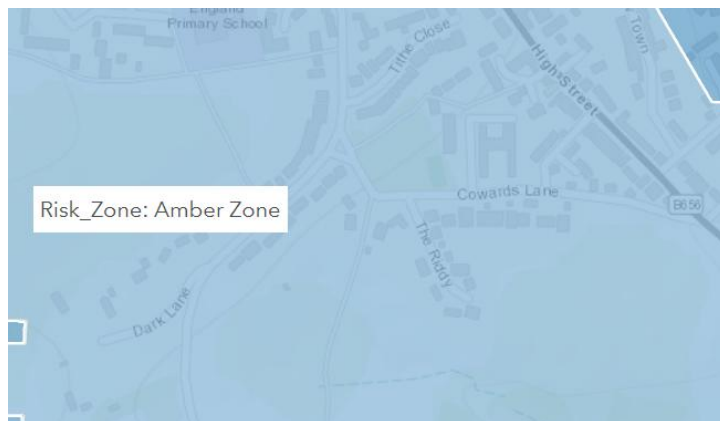


The application claims that the habitat on site does not currently meet the criteria for LWS noting the degraded condition of the habitat. However, the citation for the site states *'The field directly north has Meadow Buttercup (Ranunculus acris) and Common Knapweed (Centaurea nigra) although it is poached and very heavily grazed.'* The site met the designation criteria in 1997 and from a site visit by the NHC ecologist in October, sorrel was identified which can be added to the list as an additional indicator species present. From this visit it was clear that the sward could readily recover. This is acknowledged in the July 2025 Ecological Impact Assessment (EclA) in 2.3.19 'It should be clearly stated however that this does not preclude the possibility that with appropriate restoration works and a significant change in the habitat management which occurs on the site, there would not be the possibility of the restoration of habitat which might more closely align with the reasons for designation. Further the site has not been deregistered from the local LWS register and so should continue to be treated as a designated site.'

The presence of a protected species is a material consideration survey data for bats is not complete with bat surveys still outstanding. The EclA states in 2.5.36 *Hedgerows within and bounding the site form a network of linear features that extend into the wider landscape, which are considered likely to form commuting corridors for bats that may be using the site and within the local areaThe importance of the site for foraging and commuting bats requires a full seasons data on activity levels and behaviour before firm conclusions can be drawn on the importance of the site.'*

Six bat species have been recorded from surveys on the site so far including nationally rare barbastelle 2.5.44 states *'Four additional species were recorded during the static detector surveys that were not recorded during the NBW surveys. This includes rarer species such as barbastelle; the presence of this species, despite low numbers recorded at the time of writing the assessment, is considered significant given their elevated conservation concern.'*

The EclA identifies the potential of the site for GCN interest due to the presence of ponds and suitable terrestrial habitat in the local area. The site is identified as being in an amber risk zone on the Natural England Great Crested Newt District Level Licensing (DLL) scheme which the applicant intends to use to compensate for the loss of suitable terrestrial GCN habitat. However, no Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted that I can see. With DLL the Council needs to see the IACPC countersigned by NE prior to determination to show the applicant has agreed to join the scheme, no signed certificate is provided and therefore we would need full GCN survey data to be provided to fully understand the impact of the proposal on a protected species.



Codicote Neighbourhood Plan objective 14 is to 'ensure development design retains existing hedgerows and established trees, enhances green corridors and wildlife habitats, to increase biodiversity and retain their amenity value.'. This scheme fails to do that.

The EclA acknowledges that the damage of the LWS and its loss of extent is counter to local planning policy. It concludes in 4.1.1 'The proposed development has the potential to cause adverse impacts upon a number of ecological features ranging from District to Site importance. However, avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced as far as possible.'.

Note, the application does not claim to prevent harm or completely mitigate ecological losses, therefore it is not in accordance with NPPF 193. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

Planning balance; 4.80 of the planning statement claims 10% BNG to be a benefit of the scheme but this would surely only apply if it could be delivered on site and it fails to achieve this so cannot be considered a benefit. The aim should be to achieve a 10% increase in biodiversity directly on-site, avoiding the loss of habitats, focussing development areas on low distinctiveness habitats to minimise losses and explore ways to incorporate an uplift in biodiversity.

This proposal fails to demonstrate the mandatory 10% BNG on site, which, for a greenfield site, is unacceptable and would point to the fact that development here is inappropriate. Considering development on LWSs is very rare I would say it was actually significant weight against the scheme rather than limited weight being attributed to such harm, not just to the site but to the ecological resource of the area.

ⁱ Strategic significance is the local significance of the habitat based on its location and habitat type. Where a Local Nature Recovery Strategy (LNRS) has been published this should be used to assign strategic significance.