

Officer Liz Anderson – Ecologist
Date 05/12/24

Ref: 24/02606/FP
Att: Anne McDonald

Land West of Tuthill House, Kelshall Tops, Therfield, Herts

Erection of three detached dwellings (1 x 5-bed, and 2 x 3-bed) with associated infrastructure and landscaping.

Consultee comments;

Having read the submitted documents there would be no ecological objection to the proposal subject to conditions.

The November 2024 Ecological Assessment Report (EAR) describes the habitat on site as predominantly concrete yard with sparse vegetation limited to scattered tall herbs and scrub. It acknowledges that the proposed development could potentially affect local populations of bats, breeding birds and badgers and make recommendation for appropriate mitigation and enhancement measures.

The revised Biodiversity Metric has been supplied and this provides detail on the site's baseline Biodiversity value being 1.18 habitat units and 0.51 hedgerow units. The proposal is expected to deliver habitats and hedgerow gains of 117% and 167% respectively. The Planning Statement acknowledges the scheme will deliver significant gains as a result of the proposal and due to the distinctiveness of habitats on site and the high percentage of gains to be delivered it will be necessary to secure these via a **s106 agreement, a Habitat Management and Monitoring Plan** will also need to be provided.

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 the November EAR.

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

Biodiversity Method Statement

No development shall take place (including any ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall be informed by the November 2024 Ecological Assessment Report and include the following:

- a) Review of site potential and constraints.*
- b) Details of any necessary working methods to prevent harm to wildlife.*
- c) Type and source of materials to be used where appropriate.*
- d) Persons responsible for implementing the works.*

Ecological Enhancements

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, as informed by the November 2024 Ecological Assessment Report, has been submitted to and approved in writing by the local planning authority.

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.