

Officer Liz Anderson – Ecologist

Date 09/06/25

Ref: 25/01281/FP

Att: Tom Rea

The Old Water Tower, Mangrove Road, Cockernhoe, Luton, Hertfordshire, LU2 8QD

Erection of two bungalows including cycle store; landscaping and parking following demolition of existing outbuildings. Alterations to existing vehicular access.

Consultee comments;

Thank you for consulting me, having read through the submitted documents I would have no objection to the proposal. The May 2025 Preliminary Ecological Appraisal (PEA) did not find any protected species interest associated with the site.

The February 2025 Statutory Biodiversity Metric records the site as having a baseline value 0.58 Habitat Units and 0.62 Hedgerow Units. However, there is a discrepancy over the post development units whereby the BNG report states 0.54 Habitat Units and 0.86 Hedgerow Units and yet the Statutory Metric submitted with the application shows 0.65 post development habitat units. There are also some differences in the area of each habitat, see below. Regardless of this, units created within the site which are not publicly accessible would only count towards no net loss and not the 10% BNG target. 5.1 of the May 2025 Biodiversity Net Gain report acknowledges that off-site units will be needed to meet requirements which can be addressed as part of the Biodiversity Gain Plan.

Urban	Developed land; sealed surface	0.1439
Urban	Vegetated garden	0.1177
Grassland	Modified grassland	0.0172
Individual trees	Rural tree	0.0204

Habitat	Area (ha)	Targeted condition	Strategic Significance	Biodiversity Unit
Urban – developed land; sealed surface including buildings (retained and created)	0.1633	N/A	Area not in local strategy	0.00
Vegetated garden (retained and created)	0.1101	N/A	Area not in local strategy	0.21
Retained tree	0.0163	Good	Area not in local strategy	0.20
Retained tree	0.0163	Moderate	Area not in local strategy	0.13
Total				0.54

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 tubes and bird boxes. These are also recommended in part 4.10 of the PEA which is welcomed, as such the following condition is advised;

Ecological Enhancements

No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in buildings/structures, 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 North Herts Local Plan policy NE4.

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.