

Officer Liz Anderson – Ecologist
Date 27/02/2025

Ref: 24/00279/FP
Att: Thomas Howe

Land At Corner Of Protea Way And, Pixmore Avenue, Letchworth Garden City
Erection of commercial buildings (flexible B2 and B8) including access, parking, landscaping and associated works.

Consultee comments;

Having read the submitted documents there would be no ecological objection to the proposal. The provision of ecological information supporting the application is welcomed. Whilst it is disappointing to see the complete loss of biodiversity value from the site it is understood that it is located in an employment zone. Hence the proposal to offset the mandatory 10% BNG requirement through the purchase of off-site units would be acceptable under the BNG hierarchy.

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.