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Contact: Bernie Fleming
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Date: 28 March 2025

Dear Tom,

[24/02624/RM](#)

Reserved Matters application for approval of appearance, landscaping, layout and scale for outline application 22/02942/OP granted 18.09.2024 for 10 dwellings

Land At Heath Road, Breachwood Green, Hertfordshire SG4 8P

ECOLOGICAL IMPLICATIONS

Overall Recommendation

Summary of Advice

- The application for reserved matters (landscaping) can be approved

Supporting documents

I have made particular use of the following documents in providing this advice:

Submitted with this application:

- Design & Access Statement, bhd, November 2024 (or DAS)
- Landscape Proposals Dwg No. HRBG 01, 12 November 2024
- Site Layout (amended) Rev. K, bhd, 25 March 2025

Submitted with the original application (22/02942/OP):

- Preliminary Ecological Appraisal, ELMAW, September 2022 (or PEA)
- Planning Statement, Sworders, November 2022
- Site Layout (amended) Rev. J, bhd, 15 January 2024

Comments

Preamble

Thank you for your letter of 3 December 2024 which refers, and for consulting Herts LEADS (Ecology); I apologise for the long delay with this reply.

This letter only addresses matters of landscaping though strays into how this may influence the future discharge of Condition 16 which, in addition to addressing ecological mitigation measures, also requires the delivery of a biodiversity net gain (if only in the supporting 'Reason').

Context

We weren't able to comment on the original application and so had no influence on the reserved matters and/or conditions.

The Hertfordshire Environmental Record Centre (HERC) has no records of notable habitats or species either within the proposed development site or on land nearby that could reasonably be considered at risk from the proposed development. Together, this suggests a site of relatively modest ecological interest.

This opinion was supported by the PEA, submitted with the original application, which, in not so many words, appeared to conclude that harmful impacts on biodiversity could be avoided by a range of mitigation measures; in principle I have no reason to disagree with that outcome.

Of note is that both the Planning Statement and PEA (which accompanied the original, outline application) made clear that a biodiversity net gain of 11.7% and 23.7% in habitat and hedgerow units, respectively, would be delivered. Further, a 'BNG Area' was indicated on the Site Layout Plan (Rev. J) submitted. This is important as there is a strong relationship between landscaping proposals in general and the delivery of a net gain.

Current landscaping proposals

Returning to the current application, approval is sought for landscaping proposals which, as indicated above, can be expected to play a significant role in the delivery of a net gain.

Limited landscaping information is provided in support of the reserved matters application, comprising a single map with broad proposals marked and a brief schedule of works extending over a five-year period. Although net gain is not mentioned in any text, a the 'BNG Area' is marked on the (further) amended Site Layout Plan (Rev. K).

Taken at face value, and if net gain can be put to one side, **for a modestly sized area supporting little ecological interest, the landscaping proposals**, though equally modest (given the small areas set aside for anything resembling semi-natural habitats and a focus on ornamental varieties of trees) **can be considered acceptable** if rather underwhelming.

Accordingly, I consider the application for reserved matters can be approved.

Future discharge of Condition 16: Biodiversity net gain

The following does not affect my recommendation above and are offered on a without prejudice basis.

Instead, the following simply seeks to assist both the applicant and Council by providing advice on the future application to discharge Condition 16 and deliver a biodiversity net gain. The other elements of Condition 16 are not affected by what follows.

Fundamentally, given that the original outline application was determined before February 2024, the delivery of a net gain cannot be considered mandatory. That said, it was determined after the adoption of the North Herts Developer Contributions SPD which did make net gain a requirement.

Given that the proposed development is not captured by the mandatory requirement to deliver a net gain, and that the net gain predicted in the PEA is modest, there may be grounds to consider the net gain as 'non-significant'. This would avoid the need for a complex set of documents and a legal agreement to secure its delivery over a period of thirty years.

However, the level of evidence provided to support the approval of the landscaping measures, which would embrace the same features as those the net gain would be dependent on, would need to be much more compelling.

Therefore, I suggest the documents provided to discharge the net gain element of Condition 16 could include a robust Landscape and Ecology Management Plan (LEMP). This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored following the completion of the capital works required to create them.

Although not necessary to extend over the full thirty-year period, I consider the five-year period identified in the Landscaping Proposals to be inadequate and, therefore, the habitats created and managed should be managed for a period of at least fifteen years.

The LEMP may also provide a suitable 'vehicle' to also provide the mitigation measures and other recommendations also sought by Condition 16.

The LEMP would still require submission to and approval by the Council before any development could begin

Again, I stress this advice is offered on a without prejudice basis as circumstances may change before any consultation on Condition 16 begins.

Yours sincerely,

Bernie Fleming

Ecology Advisor, Hertfordshire LEADS

Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.