

Officer Liz Anderson – Ecologist
Date 02/07/25

Ref: 25/01412/FP
Att: Thomas Howe

18 - 19 Bancroft, Hitchin, Hertfordshire, SG5 1JQ

Erection of five apartments, five town houses and two commercial units including parking, landscaping and alterations to access following demolition of existing commercial building and infrastructure.

Consultee comments;

Thank you for consulting me, having read through the submitted documents I would have no objection to the proposal. The July 2024 Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) did not find any protected species interest associated with the site. Blue tits were noted to be nesting in buddleia on site so an informative should be added to any permission advising development works would need to avoid the bird nesting season of March to August inclusive.

The March 2025 Statutory Biodiversity Metric records the site as having a baseline value 0.01 Habitat Units due to a small area of shrubs. Post development habitat units are expected to be 0.18 giving a significant net gain of 2197%. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development which need to be secured for 30 years. In this case the use of a Landscape Ecological Management Plan (LEMP) is advised.

Landscape Ecological Management Plan

The development shall not commence until a Landscape Ecological Management Plan (LEMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including.

- (a) a non-technical summary;*
- (b) the roles and responsibilities of the people or organisation(s) delivering the LEMP;*
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*

Reason: To ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and the NPPF

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 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 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.

a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990, policies SWDP 21 (xii) and SWDP22 of the South Worcestershire Development Plan, and the National Planning Policy Framework.