

Officer Liz Anderson – Ecologist

Date 05/11/2025

Ref: 25/02401/OP

Att: Alex Howard

Land On The South Side Of, Cowards Lane, Codicote, Hertfordshire

Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)

Updated Consultee Comments

In 2023 North Herts Council declared an ecological emergency to recognise the seriousness of ecological crisis and ensure that nature recovery is a priority for the council. Updated protected species information has been provided but my objection still stands.

The National Planning Policy Framework is clear that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value.

The site is a designated **Local Wildlife Site** (LWS); Meadow N.W. of First Spring, designated due to its grassland assemblage. North Herts Local Plan Policy NE4 states planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations. North Herts has no international sites so I feel our nationally and locally designated sites should carry more weight being an essential part of the district's natural heritage.

Policy SP12 states the council will ensure the natural environment is protected and enhanced. It lists designated sites and biodiversity networks as areas for to be protected and enhanced whilst ensuring measurable net gains for biodiversity are secured. The updated October 2025 Statutory Metric supporting this application has used Herts Ecological Networks (HEN) Map to assess strategic significance the correctly recognises the site being in a strategic zone. The SSM identifies a loss of 5.57 habitat units equating to 50.85% loss of biodiversity as a result of the proposal.

The application claims that the habitat on site does not currently meet the criteria for LWS noting the degraded condition of the habitat. However, the citation for the site states '*The field directly north has Meadow Buttercup (*Ranunculus acris*) and Common Knapweed (*Centaurea nigra*) although it is poached and very heavily grazed.*'. The site met the designation criteria in 1997 and from a site visit by the NHC ecologist in October, sorrel was identified which can be added to the list as an additional indicator species present. From this visit it was clear that the sward could readily recover. This is acknowledged in the July 2025 Ecological Impact Assessment (EcIA) in 2.3.19 'It should be clearly stated however that this does not preclude the possibility that with appropriate restoration works and a significant change in the habitat management which occurs on the site, there would not be the possibility of the restoration of habitat which might more closely align with the reasons for designation. Further the site has not been deregistered from the local LWS register and so should continue to be treated as a designated site.'

Protected species survey data for bats has been completed and finds at least eight bat species recorded as using the site, including the nationally rare barbastelle and Nathusius' pipistrelle. 2.5.44 of the EclA recognises *'the presence of this species, despite low numbers recorded at the time of writing the assessment, is considered significant given their elevated conservation concern.'*

The EclA identifies the potential of the site for GCN interest due to the presence of ponds and suitable terrestrial habitat in the local area. The site is identified as being in an amber risk zone on the Natural England Great Crested Newt District Level Licensing (DLL) scheme which the applicant intends to use to compensate for the loss of suitable terrestrial GCN habitat and the provision of an Impact Assessment and Conservation Payment Certificate (IACPC) is welcomed.

Codicote Neighbourhood Plan objective 14 is to *'... enhance green corridors and wildlife habitats, to increase biodiversity and retain their amenity value.'* This scheme fails to do that.

The EclA acknowledges that the damage of the LWS and its loss of extent is counter to local planning policy. It concludes in 4.1.1 *'The proposed development has the potential to cause adverse impacts upon a number of ecological features ranging from District to Site importance. However, avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced as far as possible.'*

Note, the application does not claim to prevent harm or completely mitigate ecological losses, therefore it is not in accordance with NPPF 193. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Planning balance; 4.80 of the planning statement claims 10% BNG to be a benefit of the scheme but this would surely only apply if it could be delivered on site and it fails to achieve this so cannot be considered a benefit. The aim should be to achieve a 10% increase in biodiversity directly on-site, avoiding the loss of habitats, focussing development areas on low distinctiveness habitats to minimise losses and explore ways to incorporate an uplift in biodiversity.

This proposal fails to demonstrate the mandatory 10% BNG on site, which, for a greenfield site, is unacceptable and would point to the fact that development here is inappropriate. Considering development on LWSs is very rare I would say it was actually significant weight against the scheme rather than limited weight being attributed to such harm, not just to the site but to the ecological resource of the area.

2.2 of the October 2025 EDP Technical note states *'Although the requirement for LWS compensation was not identified within the submitted EclA, this off-site scheme can be secured as part of an outline planning permission through the standard/mandatory biodiversity gain pre-commencement planning condition, together with an additional condition requiring the off-site biodiversity enhancement scheme to specifically address the LWS.'* This is taking the mitigation hierarchy to its third stage of **last resort** but the applicant is missing the point that the mitigation hierarchy has not been adequately addressed by the fact the only reason an alternative site can't be used is because the applicant does not control any other land.

Even if last resort were to be entertained the applicant fails to demonstrate where compensation would be delivered and indeed what that compensation would constitute. The claim that this can be conditioned is not good enough, NHC would need a tangible solution on the table to be given due consideration, leaving it to post decision would not be in line with the biodiversity duty¹. Are we really considering that it is truly sustainable development to allow the loss of existing ecologically significant sites that are part of Hertfordshire's nature network?

¹ public authorities make the conservation and enhancement of biodiversity a core consideration when delivering their functions